

106TH CONGRESS  
2D SESSION

# H. R. 3244

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## AN ACT

To combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.



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To combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
 5 “Trafficking Victims Protection Act of 2000”.

6        (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes and findings.
- Sec. 3. Definitions.
- Sec. 4. Annual Country Reports on Human Rights Practices.
- Sec. 5. Interagency task force to monitor and combat trafficking.
- Sec. 6. Prevention of trafficking.
- Sec. 7. Protection and assistance for victims of trafficking.
- Sec. 8. Minimum standards for the elimination of trafficking.
- Sec. 9. Assistance to foreign countries to meet minimum standards.
- Sec. 10. Actions against governments failing to meet minimum standards.
- Sec. 11. Actions against significant traffickers.
- Sec. 12. Strengthening protection and punishment of traffickers.
- Sec. 13. Authorization of appropriations.

8 **SEC. 2. PURPOSES AND FINDINGS.**

9        (a) PURPOSES.—The purposes of this Act are to com-  
 10 bat trafficking in persons, a contemporary manifestation  
 11 of slavery whose victims are predominantly women and  
 12 children, to ensure just and effective punishment of traf-  
 13 fickers, and to protect their victims.

14        (b) FINDINGS.—The Congress finds that:

15            (1) Millions of people every year, primarily  
 16 women or children, are trafficked within or across  
 17 international borders. Approximately 50,000 women  
 18 and children are trafficked into the United States  
 19 each year.

1           (2) Many of these persons, of whom the over-  
2           whelming majority are women and children, are traf-  
3           ficked into the international sex trade, often by  
4           means of force, fraud, or coercion. The sex industry  
5           has rapidly expanded over the past several decades.  
6           It involves sexual exploitation of persons, predomi-  
7           nantly women and girls, within activities related to  
8           prostitution, pornography, sex tourism, and other  
9           commercial sexual services. The rapid expansion of  
10          the sex industry and the low status of women in  
11          many parts of the world have contributed to a bur-  
12          geoning of the trafficking industry, of which sex  
13          trafficking by force, fraud, and coercion is a major  
14          component.

15          (3) Trafficking in persons is not limited to sex  
16          trafficking, but often involves forced labor and other  
17          violations of internationally recognized human  
18          rights. The worldwide trafficking of persons is a  
19          growing transnational crime, migration, economics,  
20          labor, public health, and human rights problem that  
21          is significant on nearly every continent.

22          (4) Traffickers primarily target women and  
23          girls, who are disproportionately affected by poverty,  
24          lack of access to education, chronic unemployment,  
25          discrimination, and lack of viable economic opportu-

1 nities in countries of origin. Traffickers lure women  
2 and girls into their networks through false promises  
3 of good working conditions at relatively high pay as  
4 nannies, maids, dancers, factory workers, restaurant  
5 workers, sales clerks, or models. Traffickers also buy  
6 girls from poor families and sell them into prostitu-  
7 tion or into various types of forced or bonded labor.

8 (5) Traffickers often facilitate victims' move-  
9 ment from their home communities to unfamiliar  
10 destinations, away from family and friends, religious  
11 institutions, and other sources of protection and sup-  
12 port, making the victims more vulnerable.

13 (6) Victims are often forced to engage in sex  
14 acts or to perform labor or other services through  
15 physical violence, including rape and other forms of  
16 sexual abuse, torture, starvation, and imprisonment,  
17 through threats of violence, and through other forms  
18 of psychological abuse and coercion.

19 (7) Trafficking is perpetrated increasingly by  
20 organized and sophisticated criminal enterprises.  
21 Trafficking in persons is the fastest growing source  
22 of profits for organized criminal enterprises world-  
23 wide. Profits from the trafficking industry con-  
24 tribute to the expansion of organized criminal activ-  
25 ity in the United States and around the world. Traf-

1       ficking often is aided by official corruption in coun-  
2       tries of origin, transit, and destination, thereby  
3       threatening the rule of law.

4           (8) Traffickers often make representations to  
5       their victims that physical harm may occur to them  
6       or to others should the victim escape or attempt to  
7       escape. Such representations can have the same co-  
8       ercive effects on victims as specific threats to inflict  
9       such harm.

10          (9) Sex trafficking, when it involves the invol-  
11       untary participation of another person in sex acts by  
12       means of fraud, force, or coercion, includes all the  
13       elements of the crime of forcible rape, which is de-  
14       fined by all legal systems as among the most serious  
15       of all crimes.

16          (10) Sex trafficking also involves frequent and  
17       serious violations of other laws, including labor and  
18       immigration codes and laws against kidnapping,  
19       slavery, false imprisonment, assault, battery, pan-  
20       dering, fraud, and extortion.

21          (11) Women and children trafficked into the  
22       sex industry are exposed to deadly diseases, includ-  
23       ing HIV and AIDS. Trafficking victims are some-  
24       times worked or physically brutalized to death.

1           (12) Trafficking in persons substantially affects  
2 interstate and foreign commerce. The United States  
3 must take action to eradicate the substantial bur-  
4 dens on commerce that result from trafficking in  
5 persons and to prevent the channels of commerce  
6 from being used for immoral and injurious purposes.

7           (13) Trafficking of persons in all its forms is  
8 an evil that calls for concerted and vigorous action  
9 by countries of origin, transit countries, receiving  
10 countries, and international organizations.

11           (14) Existing legislation and law enforcement in  
12 the United States and in other nations around the  
13 world have proved inadequate to deter trafficking  
14 and to bring traffickers to justice, principally be-  
15 cause such legislation and enforcement do not reflect  
16 the gravity of the offenses involved. No comprehen-  
17 sive law exists in the United States that penalizes  
18 the range of offenses involved in the trafficking  
19 scheme. Instead, even the most brutal instances of  
20 forcible sex trafficking are often punished under  
21 laws that also apply to far less serious offenses such  
22 as consensual sexual activity and illegal immigration,  
23 so that traffickers typically escape severe punish-  
24 ment.



1           (15) In the United States, the seriousness of  
2           the crime of trafficking in persons is not reflected in  
3           current sentencing guidelines for component crimes  
4           of the trafficking scheme, which results in weak pen-  
5           alties for convicted traffickers. Adequate services  
6           and facilities do not exist to meet the health care,  
7           housing, education, and legal assistance needs for  
8           the safe reintegration of domestic trafficking victims.

9           (16) In some countries, enforcement against  
10          traffickers is also hindered by official indifference,  
11          by corruption, and sometimes even by active official  
12          participation in trafficking.

13          (17) Because existing laws and law enforcement  
14          procedures often fail to make clear distinctions be-  
15          tween victims of trafficking and persons who have  
16          knowingly and willfully violated laws, and because  
17          victims often do not have legal immigration status in  
18          the countries into which they are trafficked, the vic-  
19          tims are often punished more harshly than the traf-  
20          fickers themselves.

21          (18) Because victims of trafficking are fre-  
22          quently unfamiliar with the laws, cultures, and lan-  
23          guages of the countries into which they have been  
24          trafficked, and because they are often subjected to  
25          coercion and intimidation including physical deten-

1       tion, debt bondage, fear of retribution, and fear of  
2       forceful removal to countries in which they will face  
3       retribution or other hardship, these victims often  
4       find it difficult or impossible to report the crimes  
5       committed against them or to assist in the investiga-  
6       tion and prosecution of such crimes.

7               (19) The United States and the international  
8       community are in agreement that trafficking in per-  
9       sons often involves grave violations of human rights  
10      and is a matter of pressing international concern.  
11      The Universal Declaration of Human Rights; the  
12      Supplementary Convention on the Abolition of Slavery,  
13      the Slave Trade, and Institutions and Practices  
14      Similar to Slavery; the International Covenant on  
15      Civil and Political Rights; the Convention on the  
16      Elimination of All Forms of Discrimination Against  
17      Women; the Convention Against Torture and Other  
18      Cruel, Inhuman or Degrading Treatment or Punish-  
19      ment, and other relevant instruments condemn slavery  
20      and involuntary servitude, violence against  
21      women, and other components of the trafficking  
22      scheme.

23              (20) One of the founding documents of the  
24      United States, the Declaration of Independence, rec-  
25      ognizes the inherent dignity and worth of all people.

1 It states that all men are created equal and that  
2 they are endowed by their Creator with certain  
3 unalienable rights. The right to be free from slavery  
4 and involuntary servitude is among those unalienable  
5 rights. Acknowledging this fact, the United States  
6 outlawed slavery and involuntary servitude in 1865,  
7 recognizing them as evil institutions that must be  
8 abolished. Current practices of sexual slavery and  
9 trafficking of women and children are similarly ab-  
10 horrent to the principles upon which our country  
11 was founded.

12 (21) The Universal Declaration of Human  
13 Rights recognizes the right to be free from slavery  
14 and involuntary servitude, arbitrary detention, de-  
15 grading or inhuman treatment, and arbitrary inter-  
16 ference with privacy or the family, as well as the  
17 right to protection by law against these abuses.

18 (22) The United Nations General Assembly has  
19 passed three resolutions during the last 3 years (50/  
20 167, 51/66, and 52/98) recognizing that the inter-  
21 national traffic in women and girls, particularly for  
22 purposes of forced prostitution, is a matter of press-  
23 ing international concern involving numerous viola-  
24 tions of fundamental human rights. The resolutions  
25 call upon governments of receiving countries as well

1 as countries of origin to strengthen their laws  
2 against such practices, to intensify their efforts to  
3 enforce such laws, and to ensure the full protection,  
4 treatment, and rehabilitation of women and children  
5 who are victims of trafficking.

6 (23) The Final Report of the World Congress  
7 against Sexual Exploitation of Children, held in  
8 Stockholm, Sweden, in August 1996, recognized that  
9 international sex trafficking is a principal cause of  
10 increased exploitation and degradation of children.

11 (24) The Fourth World Conference on Women  
12 (Beijing Conference) called on all governments to  
13 take measures, including legislative measures, to  
14 provide better protection of the rights of women and  
15 girls who are victims of trafficking, to address the  
16 root factors that put women and girls at risk to traf-  
17 fickers, and to take measures to dismantle the na-  
18 tional, regional, and international networks on traf-  
19 ficking.

20 (25) In the 1991 Moscow Document of the Or-  
21 ganization for Security and Co-operation in Europe,  
22 participating states, including the United States,  
23 agreed to seek to eliminate all forms of violence  
24 against women, and all forms of traffic in women  
25 and exploitation of prostitution of women including

1 by ensuring adequate legal prohibitions against such  
2 acts and other appropriate measures.

3 (26) Numerous treaties to which the United  
4 States is a party address government obligations to  
5 combat trafficking, including such treaties as the  
6 1956 Supplementary Convention on the Abolition of  
7 Slavery, the Slave Trade and Institutions and Prac-  
8 tices Similar to Slavery, which calls for the complete  
9 abolition of debt bondage and servile forms of mar-  
10 riage, and the 1957 Abolition of Forced Labor Con-  
11 vention, which undertakes to suppress and requires  
12 signatories not to make use of any forced or compul-  
13 sory labor.

14 (27) Trafficking in persons is a transnational  
15 crime with national implications. In order to deter  
16 international trafficking and to bring its perpetra-  
17 tors to justice, nations including the United States  
18 must recognize that trafficking is a serious offense  
19 and must act on this recognition by prescribing ap-  
20 propriate punishment, by giving the highest priority  
21 to investigation and prosecution of trafficking of-  
22 fenses, and by protecting rather than punishing the  
23 victims of such offenses. The United States must  
24 work bilaterally and multilaterally to abolish the  
25 trafficking industry and take steps to promote and

1 facilitate cooperation among countries linked to-  
2 gether by international trafficking routes. The  
3 United States must also urge the international com-  
4 munity to take strong action in multilateral fora to  
5 engage recalcitrant countries in serious and sus-  
6 tained efforts to eliminate trafficking and protect  
7 trafficking victims.

8 **SEC. 3. DEFINITIONS.**

9 For the purposes of this Act:

10 (1) “Sex trafficking” means the purchase, sale,  
11 securing, recruitment, harboring, transportation,  
12 transfer or receipt of a person for the purpose of a  
13 commercial sex act.

14 (2) “Severe forms of trafficking in persons”  
15 means—

16 (A) sex trafficking in which either a com-  
17 mercial sex act or any act or event contributing  
18 to such act is effected or induced by force, coer-  
19 cion, fraud, or deception, or in which the person  
20 induced to perform such act has not attained  
21 the age of 18 years; and

22 (B) the purchase, sale, securing, recruit-  
23 ment, harboring, transportation, transfer or re-  
24 ceipt of a person for the purpose of subjection  
25 to involuntary servitude, peonage, or slavery or

1           slavery-like practices which is effected by force,  
2           coercion, fraud, or deception.

3           (3) “Slavery-like practices” means inducement  
4           of a person to perform labor or any other service or  
5           act by force, by coercion, or by any scheme, plan, or  
6           pattern to cause the person to believe that failure to  
7           perform the work will result in the infliction of seri-  
8           ous harm, debt bondage in which labor or services  
9           are pledged for debt on terms calculated never to  
10          allow full payment of the debt or otherwise amount-  
11          ing to indentured servitude for life or for an indefi-  
12          nite period, or subjection of the person to conditions  
13          so harsh or degrading as to provide a clear indica-  
14          tion that the person has been subjected to them by  
15          force, fraud, or coercion.

16          (4) “Coercion” means the use of force, violence,  
17          physical restraint, or acts or circumstances not nec-  
18          essarily including physical force but calculated to  
19          have the same effect, such as the credible threat of  
20          force or of the infliction of serious harm.

21          (5) “Act of a severe form of trafficking in per-  
22          sons” means any act at any point in the process of  
23          a severe form of trafficking in persons, including any  
24          act of recruitment, harboring, transport, transfer,  
25          purchase, sale or receipt of a victim of such traf-

1       ficking, or any act of operation, management, or  
2       ownership of an enterprise in which a victim of such  
3       trafficking engages in a commercial sex act, is sub-  
4       jected to slavery or a slavery-like practice, or is ex-  
5       pected or induced to engage in such acts or be sub-  
6       jected to such condition or practice, or sharing in  
7       the profits of the process of a severe form of traf-  
8       ficking in persons or any part thereof.

9               (6) “Victim of sex trafficking” and “victim of  
10       a severe form of trafficking in persons” mean a per-  
11       son subjected to an act or practice described in  
12       paragraphs (1) and (2) respectively.

13              (7) “Commercial sex act” means a sex act on  
14       account of which anything of value is given to or re-  
15       ceived by any person.

16              (8) “Minimum standards for the elimination of  
17       trafficking” means the standards set forth in section  
18       8.

19              (9) “Appropriate congressional committees”  
20       means the Committee on Foreign Relations of the  
21       United States Senate and the Committee on Inter-  
22       national Relations of the United States House of  
23       Representatives.

24              (10) “Nonhumanitarian foreign assistance”  
25       means—



1 (A) any assistance under the Foreign As-  
2 sistance Act of 1961 (including programs under  
3 title IV of chapter 2 of part I of that Act, relat-  
4 ing to the Overseas Private Investment Cor-  
5 poration), other than—

6 (i) assistance under chapter 8 of part  
7 I of that Act;

8 (ii) any other narcotics-related assist-  
9 ance under part I of that Act or under  
10 chapter 4 or 5 of part II of that Act, but  
11 any such assistance provided under this  
12 clause shall be subject to the prior notifica-  
13 tion procedures applicable to  
14 reprogrammings pursuant to section 634A  
15 of that Act;

16 (iii) disaster relief assistance, includ-  
17 ing any assistance under chapter 9 of part  
18 I of that Act;

19 (iv) antiterrorism assistance under  
20 chapter 8 of part II of that Act;

21 (v) assistance which involves the pro-  
22 vision of food (including monetization of  
23 food) or medicine;

24 (vi) assistance for refugees; and

1 (vii) humanitarian and other develop-  
2 ment assistance in support of programs of  
3 nongovernmental organizations under  
4 chapters 1 and 10 of that Act;

5 (B) sales, or financing on any terms, under  
6 the Arms Export Control Act, other than sales  
7 or financing provided for narcotics-related pur-  
8 poses following notification in accordance with  
9 the prior notification procedures applicable to  
10 reprogrammings pursuant to section 634A of  
11 the Foreign Assistance Act of 1961; and

12 (C) financing under the Export-Import  
13 Bank Act of 1945.

14 **SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**  
15 **PRACTICES.**

16 The Secretary of State, with the assistance of the As-  
17 sistant Secretary of Democracy, Human Rights and  
18 Labor, shall, as part of the annual Country Reports on  
19 Human Rights Practices, include information to address  
20 the status of trafficking in persons, including—

21 (1) a list of foreign countries that are countries  
22 of origin, transit, or destination for a significant  
23 number of victims of severe forms of trafficking;

24 (2) a description of the nature and extent of se-  
25 vere forms of trafficking in persons in each country;

1           (3) an assessment of the efforts by the govern-  
2           ments described in paragraph (1) to combat severe  
3           forms of trafficking. Such an assessment shall  
4           address—

5                   (A) whether any governmental authorities  
6           tolerate or are involved in such trafficking;

7                   (B) which governmental authorities are in-  
8           volved in activities to combat such trafficking;

9                   (C) what steps the government has taken  
10          against its officials who participate in, facili-  
11          tate, or condone such trafficking;

12                  (D) what steps the government has taken  
13          to investigate and prosecute officials who par-  
14          ticipate in or facilitate such trafficking;

15                  (E) what steps the government has taken  
16          to prohibit other individuals from participating  
17          in such trafficking, including the investigation,  
18          prosecution, and conviction of individuals in-  
19          volved in severe forms of trafficking in persons,  
20          the criminal and civil penalties for such traf-  
21          ficking, and the efficacy of those penalties in  
22          eliminating or reducing such trafficking;

23                  (F) what steps the government has taken  
24          to assist victims of such trafficking, including  
25          efforts to prevent victims from being further

1 victimized by traffickers, government officials,  
2 or others, grants of stays of deportation, and  
3 provision of humanitarian relief, including pro-  
4 vision of mental and physical health care and  
5 shelter;

6 (G) whether the government—

7 (i) is cooperating with governments of  
8 other countries to extradite traffickers  
9 when requested;

10 (ii) is assisting in international inves-  
11 tigation of transnational trafficking net-  
12 works and in other co-operative efforts to  
13 combat trafficking;

14 (iii) refrains from prosecuting victims  
15 of severe forms of trafficking and from  
16 other discriminatory treatment of such vic-  
17 tims due to such victims having been traf-  
18 ficked, or due to their having left or en-  
19 tered the country illegally; and

20 (iv) recognizes the rights of victims  
21 and ensures their access to justice.

22 (4) Information described in paragraph (2) and,  
23 where appropriate, in paragraph (3) shall be in-  
24 cluded in the annual Country Reports on Human  
25 Rights Practices on a country-by-country basis.



1 the Secretary of State in carrying out the purposes of this  
2 Act and may have additional responsibilities as determined  
3 by the Secretary. The Director shall consult with domestic,  
4 international nongovernmental and intergovernmental or-  
5 ganizations, and with trafficking victims or other affected  
6 persons. The Director shall have the authority to take evi-  
7 dence in public hearings or by other means. The Office  
8 is authorized to retain staff members from agencies rep-  
9 resented on the Task Force.

10 (e) ACTIVITIES OF THE TASK FORCE.—In consulta-  
11 tion with nongovernmental organizations, the Task Force  
12 shall carry out the following activities:

13 (1) Coordinate the implementation of this Act.

14 (2) Measure and evaluate progress of the  
15 United States and countries around the world in the  
16 areas of trafficking prevention, protection and as-  
17 sistance to victims of trafficking, and prosecution  
18 and enforcement against traffickers, including the  
19 role of public corruption in facilitating trafficking.

20 (3) Expand interagency procedures to collect  
21 and organize data, including significant research and  
22 resource information on domestic and international  
23 trafficking. Any data collection procedures estab-  
24 lished under this subsection shall respect the con-  
25 fidentiality of victims of trafficking.

1           (4) Engage in efforts to facilitate cooperation  
2           among countries of origin, transit, and destination.  
3           Such efforts shall aim to strengthen local and re-  
4           gional capacities to prevent trafficking, prosecute  
5           traffickers and assist trafficking victims, and shall  
6           include initiatives to enhance cooperative efforts be-  
7           tween destination countries and countries of origin  
8           and assist in the appropriate reintegration of state-  
9           less victims of trafficking.

10           (5) Examine the role of the international “sex  
11           tourism” industry in the trafficking of women and  
12           children and in the sexual exploitation of women and  
13           children around the world and make recommenda-  
14           tions on appropriate measures to combat this indus-  
15           try.

16 **SEC. 6. PREVENTION OF TRAFFICKING.**

17           (a) **ECONOMIC ALTERNATIVES TO PREVENT AND**  
18 **DETER TRAFFICKING.**—The President, acting through  
19 the Administrator of the United States Agency for Inter-  
20 national Development and the heads of other appropriate  
21 agencies, shall establish and carry out initiatives to en-  
22 hance economic opportunity for potential victims of traf-  
23 ficking as a method to deter trafficking. Such initiatives  
24 may include—

1           (1) microcredit lending programs, training in  
2           business development, skills training, and job coun-  
3           seling;

4           (2) programs to promote women’s participation  
5           in economic decision making;

6           (3) programs to keep children, especially girls,  
7           in elementary and secondary schools and to educate  
8           persons who have been victims of trafficking;

9           (4) development of educational curricula re-  
10          garding the dangers of trafficking; and

11          (5) grants to nongovernmental organizations to  
12          accelerate and advance the political, economic, so-  
13          cial, and educational roles and capacities of women  
14          in their countries.

15          (b) PUBLIC AWARENESS AND INFORMATION.—The  
16          President, acting through the Secretary of Labor, the Sec-  
17          retary of Health and Human Services, the Attorney Gen-  
18          eral, and the Secretary of State, shall establish and carry  
19          out programs to increase public awareness, particularly  
20          among potential victims of trafficking, of the dangers of  
21          trafficking and the protections that are available for vic-  
22          tims of trafficking.

23          (c) CONSULTATION REQUIREMENT.—The President  
24          shall consult with appropriate nongovernmental organiza-



1 tions with respect to the establishment and conduct of ini-  
2 tiatives described in subsection (a).

3 **SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF**  
4 **TRAFFICKING.**

5 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-  
6 TRIES.—

7 (1) IN GENERAL.—The Secretary of State and  
8 the Administrator of the United States Agency for  
9 International Development, in consultation with ap-  
10 propriate nongovernmental organizations, shall es-  
11 tablish and carry out programs and initiatives in for-  
12 eign countries to assist in the safe integration, re-  
13 integration, or resettlement, as appropriate, of vic-  
14 tims of trafficking and their children. Such pro-  
15 grams and initiatives shall be designed to meet the  
16 mental and physical health, housing, legal, and other  
17 assistance needs of such victims and their children,  
18 as identified by the Inter-Agency Task Force to  
19 Monitor and Combat Trafficking established under  
20 section 5.

21 (2) ADDITIONAL REQUIREMENT.—In estab-  
22 lishing and conducting programs and initiatives de-  
23 scribed in paragraph (1), the Secretary of State and  
24 the Administrator of the United States Agency for  
25 International Development shall take all appropriate

1 steps to enhance cooperative efforts among foreign  
2 countries, including countries of origin of victims of  
3 trafficking, to assist in the integration, reintegra-  
4 tion, or resettlement, as appropriate, of victims of  
5 trafficking including stateless victims.

6 (b) VICTIMS IN THE UNITED STATES.—

7 (1) ASSISTANCE.—

8 (A) Notwithstanding title IV of the Per-  
9 sonal Responsibility and Work Opportunity  
10 Reconciliation Act of 1996, an alien who is a  
11 victim of a severe form of trafficking in persons  
12 shall be eligible for benefits and services under  
13 any Federal or State program or activity fund-  
14 ed or administered by any official or agency de-  
15 scribed in subparagraph (B) to the same extent  
16 as an alien who is admitted to the United  
17 States as a refugee under section 207 of the  
18 Immigration and Nationality Act.

19 (B) Subject, in the case of nonentitlement  
20 programs, to the availability of appropriations,  
21 the Secretary of Health and Human Services,  
22 the Secretary of Labor, and the Board of Direc-  
23 tors of the Legal Services Corporation shall ex-  
24 pand benefits and services to victims of severe

1 forms of trafficking in persons in the United  
2 States.

3 (C) For the purposes of this paragraph,  
4 the term “victim of a severe form of trafficking  
5 in persons” means only a person—

6 (i) who has been subjected to an act  
7 or practice described in section 3(2) as in  
8 effect on the date of the enactment of this  
9 Act; and

10 (ii)(I) who has not attained the age of  
11 15 years; or

12 (II) who is the subject of a certifi-  
13 cation under subparagraph (E).

14 (D) Not later than December 31 of each  
15 year, the Secretary of Health and Human Serv-  
16 ices, in consultation with the Secretary of  
17 Labor and the Board of Directors of the Legal  
18 Services Corporation, shall submit a report,  
19 which includes information on the number of  
20 persons who received benefits or other services  
21 under this paragraph in connection with pro-  
22 grams or activities funded or administered by  
23 such agencies or officials during the preceding  
24 fiscal year, to the Committee on Ways and  
25 Means, the Committee on International Rela-

1           tions, and the Committee on the Judiciary of  
2           the House of Representatives and the Com-  
3           mittee on Finance, the Committee on Foreign  
4           Relations, and the Committee on the Judiciary  
5           of the Senate.

6           (E)(i) The certification referred to in sub-  
7           paragraph (C) is a certification by the Sec-  
8           retary of Health and Human Services, after  
9           consultation with the Attorney General, that  
10          the person referred to in subparagraph  
11          (C)(ii)(II)—

12                 (I) is willing to assist in every reason-  
13                 able way in the investigation and prosecu-  
14                 tion of severe forms of trafficking in per-  
15                 sons; and

16                 (II) has made a bona fide application  
17                 for a visa under section 101(a)(15)(T) of  
18                 the Immigration and Nationality Act that  
19                 has not been denied or is a person whose  
20                 presence in the United States the Attorney  
21                 General is ensuring under subsection  
22                 (c)(4).

23           (ii) For the purpose of a certification  
24           under this subparagraph, the term “investiga-  
25           tion and prosecution” includes—

1 (I) identification of a person or per-  
2 sons who have committed severe forms of  
3 trafficking in persons;

4 (II) location and apprehension of such  
5 persons; and

6 (III) testimony at proceedings against  
7 such persons.

8 (F) A person, who is the subject of a cer-  
9 tification under subparagraph (E) because the  
10 Attorney General is ensuring such person's  
11 presence under subsection (c)(4) in order to ef-  
12 fectuate prosecution, is eligible for benefits and  
13 services under this paragraph only for so long  
14 as the Attorney General determines such per-  
15 son's presence is necessary to effectuate such  
16 prosecution.

17 (2) BENEFITS.—Subject to the availability of  
18 appropriations and notwithstanding any other provi-  
19 sion of law, victims of severe forms of trafficking in  
20 persons in the United States shall be eligible, with-  
21 out regard to their immigration status, for any bene-  
22 fits that are otherwise available under the Crime  
23 Victims Fund, established under the Victims of  
24 Crime Act of 1984, including victims' services, com-  
25 pensation, and assistance.

## 1 (3) GRANTS.—

2 (A) Subject to the availability of appro-  
3 priations, the Attorney General may make  
4 grants to States, territories, and possessions of  
5 the United States (including the Common-  
6 wealths of Puerto Rico and the Northern Mar-  
7 iana Islands), Indian tribes, units of local gov-  
8 ernment, and nonprofit, nongovernmental vic-  
9 tims' service organizations to develop, expand,  
10 or strengthen victim service programs for vic-  
11 tims of trafficking.

12 (B) To receive a grant under this para-  
13 graph, an eligible unit of government or organi-  
14 zation shall certify that its laws, policies, and  
15 practices, as appropriate, do not punish or deny  
16 services to victims of severe forms of trafficking  
17 in persons on account of the nature of their em-  
18 ployment, services, or other acts performed in  
19 connection with such trafficking.

20 (C) Of amounts made available for grants  
21 under this paragraph, there shall be set aside 3  
22 percent for research, evaluation and statistics; 2  
23 percent for training and technical assistance;  
24 and 1 percent for management and administra-  
25 tion.

1           (D) The Federal share of a grant made  
2           under this paragraph may not exceed 75 per-  
3           cent of the total costs of the projects described  
4           in the application submitted.

5           (4) CIVIL ACTION.—An individual who is a vic-  
6           tim of a violation of section 1589, 1590, 1591 of  
7           title 18, United States Code, regarding trafficking,  
8           may bring a civil action in United States district  
9           court. The court may award actual damages, puni-  
10          tive damages, reasonable attorneys' fees, and other  
11          litigation costs reasonably incurred.

12          (c) TRAFFICKING VICTIM REGULATIONS.—Not later  
13          than 180 days after the date of the enactment of this Act,  
14          the Attorney General and the Secretary of State shall pro-  
15          mulgate regulations for law enforcement personnel, immi-  
16          gration officials, and Department of State officials to im-  
17          plement the following:

18               (1) Victims of severe forms of trafficking, while  
19               in the custody of the Federal Government and to the  
20               extent practicable, shall be housed in appropriate  
21               shelter as quickly as possible; receive prompt medical  
22               care, food, and other assistance; and be provided  
23               protection if a victim's safety is at risk or if there  
24               is danger of additional harm by recapture of the vic-  
25               tim by a trafficker.

1           (2) Victims of severe forms of trafficking shall  
2 not be jailed, fined, or otherwise penalized due to  
3 having been trafficked, but the authority of the At-  
4 torney General under the Immigration and Nation-  
5 ality Act to detain aliens shall not be curtailed by  
6 any regulation promulgated to implement this para-  
7 graph.

8           (3) Victims of severe forms of trafficking shall  
9 have access to legal assistance, information about  
10 their rights, and translation services.

11           (4) Federal law enforcement officials shall act  
12 to ensure an alien's continued presence in the  
13 United States, if after an assessment, it is deter-  
14 mined that such alien is a victim of a severe form  
15 of trafficking in persons, or a material witness to  
16 such trafficking, in order to effectuate prosecution of  
17 those responsible and to further the humanitarian  
18 interests of the United States. Such officials, in in-  
19 vestigating and prosecuting persons engaging in  
20 such trafficking, shall take into consideration the  
21 safety and integrity of such victims, but the author-  
22 ity of the Attorney General under the Immigration  
23 and Nationality Act to detain aliens shall not be cur-  
24 tailed by any regulation promulgated to implement  
25 this paragraph.



1           (5) Appropriate personnel of the Department of  
2           State and the Department of Justice are trained in  
3           identifying victims of severe forms of trafficking and  
4           providing for the protection of such victims. Train-  
5           ing under this paragraph should include methods for  
6           achieving antitrafficking objectives through the non-  
7           discriminatory application of immigration and other  
8           related laws.

9           (d) CONSTRUCTION.—Nothing in subsection (c) shall  
10          be construed as creating any private cause of action  
11          against the United States or its offices or employees.

12          (e) FUNDING.—Funds from asset forfeiture under  
13          section 1594 of title 18, United States Code, (as added  
14          by section 12 of this Act) shall first be disbursed to satisfy  
15          any judgments awarded victims of trafficking under sub-  
16          section (b)(4) or section 1593 of title 18, United States  
17          Code, (as added by section 12 of this Act). The remaining  
18          funds from such asset forfeiture are authorized to be avail-  
19          able in equal amounts for the purposes of subsections (a)  
20          and (b) and shall remain available for obligation until ex-  
21          pended.

22          (f) PROTECTION FROM REMOVAL FOR CERTAIN VIC-  
23          TIMS OF TRAFFICKING.—

24                  (1) NONIMMIGRANT CLASSIFICATION FOR CER-  
25          TAIN VICTIMS OF TRAFFICKING.—Section 101(a)(15)

1 of the Immigration and Nationality Act (8 U.S.C.  
2 1101(a)(15)) is amended—

3 (A) by striking “or” at the end of subpara-  
4 graph (R);

5 (B) by striking the period at the end of  
6 subparagraph (S) and inserting “; or”; and

7 (C) by adding at the end the following:

8 “(T) subject to section 214(n), an alien, and  
9 the spouse and children of the alien if accompanying  
10 or following to join the alien, who the Attorney Gen-  
11 eral determines—

12 “(i) is or has been a victim of a severe  
13 form of trafficking in persons (as defined in  
14 section 3 of the Trafficking Victims Protection  
15 Act of 2000);

16 “(ii) is physically present in the United  
17 States or at a port of entry into the United  
18 States by reason of having been transported to  
19 the United States or the port of entry in con-  
20 nection with such severe form of trafficking in  
21 persons;

22 “(iii)(I) has not attained 15 years of age;  
23 or

24 “(II) was induced to participate in the  
25 commercial sex act or condition of involuntary

1 servitude, peonage, or slavery or slavery-like  
2 practices that is the basis of the determination  
3 under clause (i) by force, coercion, fraud, or de-  
4 ception, did not voluntarily agree to any ar-  
5 rangement including such participation, and  
6 has complied with any reasonable request for  
7 assistance in the investigation or prosecution of  
8 severe forms of trafficking in persons; and

9 “(iv)(I) has a well-founded fear of retribu-  
10 tion involving the infliction of severe harm upon  
11 removal from the United States; or

12 “(II) would suffer extreme hardship in  
13 connection with the victimization described in  
14 clause (i) upon removal from the United States,  
15 and, if the Attorney General considers it to be nec-  
16 essary to avoid extreme hardship, the sons and  
17 daughters (who are not children), of any such alien  
18 (and the parents of any such alien, in the case of an  
19 alien under 21 years of age) if accompanying or fol-  
20 lowing to join the alien.”.

21 (2) CONDITIONS ON NONIMMIGRANT STATUS.—

22 Section 214 of the Immigration and Nationality Act  
23 (8 U.S.C. 1184) is amended—

24 (1) by redesignating the subsection (l) added by  
25 section 625(a) of the Illegal Immigration Reform

1 and Immigrant Responsibility Act of 1996 (Public  
2 Law 104–208; 110 Stat. 3009–1820) as subsection  
3 (m); and

4 (2) by adding at the end the following:

5 “(n)(1) No alien shall be eligible for admission to the  
6 United States under section 101(a)(15)(T) if there is sub-  
7 stantial reason to believe that the alien has committed an  
8 act of a severe form of trafficking in persons (as defined  
9 in section 3 of the Trafficking Victims Protection Act of  
10 2000).

11 “(2) The total number of aliens who may be issued  
12 visas or otherwise provided nonimmigrant status during  
13 any fiscal year under section 101(a)(15)(T) may not ex-  
14 ceed 5,000.

15 “(3) The numerical limitation of paragraph (2) shall  
16 only apply to principal aliens and not to the spouses, sons,  
17 daughters, or parents of such aliens.

18 “(4) Aliens who are subject to the numerical limita-  
19 tion of paragraph (2) shall be issued visas (or otherwise  
20 provided nonimmigrant status) in the order in which peti-  
21 tions are filed for such visas or status.”.

22 (3) WAIVER OF GROUNDS FOR INELIGIBILITY  
23 FOR ADMISSION.—Section 212(d) of the Immigra-  
24 tion and Nationality Act (8 U.S.C. 1182(d)) is  
25 amended by adding at the end the following:

1       “(13)(A) The Attorney General shall determine  
2 whether a ground for inadmissibility exists with respect  
3 to a nonimmigrant described in section 101(a)(15)(T).

4       “(B) In addition to any other waiver that may be  
5 available under this section, in the case of a nonimmigrant  
6 described in section 101(a)(15)(T), if the Attorney Gen-  
7 eral considers it to be in the national interest to do so,  
8 the Attorney General, in the Attorney General’s discretion,  
9 may waive the application of—

10               “(i) paragraphs (1) and (4) of subsection (a);

11               and

12               “(ii) any other provision of such subsection (ex-  
13 cluding paragraphs (3), (10)(C), and (10(E)) if the  
14 activities rendering the alien inadmissible under the  
15 provision were caused by, or were incident to, the  
16 victimization described in section 101(a)(15)(T)(i).

17       “(C) Nothing in this paragraph shall be regarded as  
18 prohibiting the Attorney General from instituting removal  
19 proceedings against an alien admitted as a nonimmigrant  
20 under section 101(a)(15)(T) for conduct committed after  
21 the alien’s admission into the United States, or for con-  
22 duct or a condition that was not disclosed to the Attorney  
23 General prior to the alien’s admission as a nonimmigrant  
24 under section 101(a)(15)(T).”.

1           (4) ADJUSTMENT TO PERMANENT RESIDENT  
2 STATUS.—Section 245 of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1255) is amended by adding  
4 at the end the following:

5           “(l)(1) If, in the opinion of the Attorney General, a  
6 nonimmigrant admitted into the United States under sec-  
7 tion 101(a)(15)(T)—

8           “(A) has been physically present in the United  
9 States for a continuous period of at least 3 years  
10 since the date of such admission;

11           “(B) has, throughout such period, been a per-  
12 son of good moral character;

13           “(C) has, during such period, complied with any  
14 reasonable request for assistance in the investigation  
15 or prosecution of severe forms of trafficking in per-  
16 sons; and

17           “(D)(i) has a well-founded fear of retribution  
18 involving the infliction of severe harm upon removal  
19 from the United States; or

20           “(ii) would suffer extreme hardship in connec-  
21 tion with the victimization described in section  
22 101(a)(15)(T)(i) upon removal from the United  
23 States,

24 the Attorney General may adjust the status of the alien  
25 (and the spouse, parents, married and unmarried sons and

1 daughters of the alien if admitted under such section) to  
2 that of an alien lawfully admitted for permanent residence.

3 “(2) Paragraph (1) shall not apply to an alien admit-  
4 ted under section 101(a)(15)(T) who is inadmissible to the  
5 United States by reason of a ground that has not been  
6 waived under section 212, except that, if the Attorney  
7 General considers it to be in the national interest to do  
8 so, the Attorney General, in the Attorney General’s discre-  
9 tion, may waive the application of—

10 “(A) paragraphs (1) and (4) of section 212(a);  
11 and

12 “(B) any other provision of such section (ex-  
13 cluding paragraphs (3), (10)(C), and (10(E))), if the  
14 activities rendering the alien inadmissible under the  
15 provision were caused by, or were incident to, the  
16 victimization described in section 101(a)(15)(T)(i).

17 “(3) An alien shall be considered to have failed to  
18 maintain continuous physical presence in the United  
19 States for purposes of paragraph (1)(A) if the alien has  
20 departed from the United States for any period in excess  
21 of 90 days or for any periods in the aggregate exceeding  
22 180 days.

23 “(4)(A) The total number of aliens whose status may  
24 be adjusted under paragraph (1) during any fiscal year  
25 may not exceed 5,000.

1       “(B) The numerical limitation of subparagraph (A)  
2 shall only apply to principal aliens and not to the spouses,  
3 sons, daughters, or parents of such aliens.

4       “(C) Aliens who are subject to the numerical limita-  
5 tion of subparagraph (A) shall have their status adjusted  
6 in the order in which applications are filed for such adjust-  
7 ment.

8       “(D) Upon the approval of adjustment of status  
9 under paragraph (1)—

10           “(i) the Attorney General shall record the  
11 alien’s lawful admission for permanent residence as  
12 of the date of such approval; and

13           “(ii) the Secretary of State shall not be re-  
14 quired to reduce the number of immigrant visas au-  
15 thorized to be issued under this Act for any fiscal  
16 year.”.

17 **SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF**  
18 **TRAFFICKING.**

19       (a) **MINIMUM STANDARDS.**—Minimum standards for  
20 the elimination of trafficking for a country that is a coun-  
21 try of origin, of transit, or of destination for a significant  
22 number of victims are as follows:

23           (1) The country should prohibit severe forms of  
24 trafficking in persons and punish acts of such traf-  
25 ficking.



1           (2) For the knowing commission of any act of  
2 sex trafficking involving fraud, force, or coercion or  
3 in which the victim of sex trafficking is a child in-  
4 capable of giving meaningful consent, or of traf-  
5 ficking which includes rape or kidnapping or which  
6 causes a death, the country should prescribe punish-  
7 ment commensurate with that for the most serious  
8 crimes, such as forcible sexual assault.

9           (3) For the knowing commission of any act of  
10 a severe form of trafficking in persons, the country  
11 should prescribe punishment which is sufficiently  
12 stringent to deter and which adequately reflects the  
13 heinous nature of the offense.

14           (4) The country should make serious and sus-  
15 tained efforts to eliminate severe forms of trafficking  
16 in persons.

17           (b) CRITERIA.—In determinations under subsection  
18 (a)(4) the following factors should be considered:

19           (1) Whether the country vigorously investigates  
20 and prosecutes acts of severe forms of trafficking in  
21 persons that take place wholly or partly within the  
22 territory of the country.

23           (2) Whether the country cooperates with other  
24 countries in the investigation and prosecution of se-  
25 vere forms of trafficking in persons.

1           (3) Whether the country extradites persons  
2 charged with acts of severe forms of trafficking in  
3 persons on the same terms and to the same extent  
4 as persons charged with other serious crimes.

5           (4) Whether the country monitors immigration  
6 and emigration patterns for evidence of severe forms  
7 of trafficking in persons and whether law enforce-  
8 ment agencies of the country respond to any such  
9 evidence in a manner which is consistent with the  
10 vigorous investigation and prosecution of acts of  
11 such trafficking, as well as with the protection of  
12 victims and the internationally recognized human  
13 right to leave countries and to return to one's own  
14 country.

15           (5) Whether the country protects victims of se-  
16 vere forms of trafficking in persons and encourages  
17 their assistance in the investigation and prosecution  
18 of such trafficking, including provision for legal al-  
19 ternatives to their removal to countries in which they  
20 would face retribution or other hardship.

21           (6) Whether the country vigorously investigates  
22 and prosecutes public officials who participate in or  
23 facilitate severe forms of trafficking in persons, and  
24 takes all appropriate measures against officials who  
25 condone such trafficking.

1 **SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**  
2 **MINIMUM STANDARDS.**

3 The Secretary of State and the Director of the Agen-  
4 cy for International Development are authorized to pro-  
5 vide assistance to foreign countries for programs and ac-  
6 tivities designed to meet the minimum international stand-  
7 ards for the elimination of trafficking, including drafting  
8 of legislation to prohibit and punish acts of trafficking,  
9 investigation and prosecution of traffickers, and facilities,  
10 programs, and activities for the protection of victims.

11 **SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO**  
12 **MEET MINIMUM STANDARDS.**

13 (a) STATEMENT OF POLICY.—It is the policy of the  
14 United States not to provide nonhumanitarian foreign as-  
15 sistance to countries which do not meet minimum stand-  
16 ards for the elimination of trafficking.

17 (b) REPORTS TO CONGRESS.—

18 (1) ANNUAL REPORT.—Not later than April 30  
19 of each year, the Secretary of State shall submit to  
20 the appropriate congressional committees a report  
21 with respect to the status of severe forms of traf-  
22 ficking in persons which shall include a list of those  
23 countries, if any, to which the minimum standards  
24 for the elimination of trafficking under section 8 are  
25 applicable and which do not meet such standards,  
26 and which may include additional information, in-

1 including information about efforts to combat traf-  
2 ficking and about countries which have taken appro-  
3 priate actions to combat trafficking.

4 (2) INTERIM REPORTS.—The Secretary of State  
5 may submit to the appropriate congressional com-  
6 mittees in addition to the annual report under sub-  
7 section (b) one or more interim reports with respect  
8 to the status of severe forms of trafficking in per-  
9 sons, including information about countries whose  
10 governments have come into or out of compliance  
11 with the minimum standards for the elimination of  
12 trafficking since the transmission of the last annual  
13 report.

14 (c) NOTIFICATION.—For fiscal year 2002 and each  
15 subsequent fiscal year, for each foreign country to which  
16 the minimum standards for the elimination of trafficking  
17 are applicable and which has failed to meet such stand-  
18 ards, as described in an annual or interim report under  
19 subsection (b), not less than 45 days and not more than  
20 90 days after the submission of such a report the Presi-  
21 dent shall submit a notification to the appropriate con-  
22 gressional committees of one of the determinations de-  
23 scribed in subsection (d).

24 (d) DETERMINATIONS.—The determinations referred  
25 to in subsection (c) are as follows:

1           (1) WITHHOLDING OF NONHUMANITARIAN AS-  
2           SISTANCE.—The President has determined that—

3                   (A)(i) the United States will not provide  
4                   nonhumanitarian foreign assistance to the gov-  
5                   ernment of the country for the subsequent fiscal  
6                   year until such government complies with the  
7                   minimum standards; or

8                   (ii) in the case of a country whose govern-  
9                   ment received no nonhumanitarian foreign as-  
10                  sistance from the United States during the pre-  
11                  vious fiscal year, the United States will not pro-  
12                  vide funding for participation by officials or em-  
13                  ployees of such governments in educational and  
14                  cultural exchange programs for the subsequent  
15                  fiscal year until such government complies with  
16                  the minimum standards; and

17                  (B) the President will instruct the United  
18                  States Executive Director of each multilateral  
19                  development bank and of the International  
20                  Monetary Fund to vote against, and to use his  
21                  or her best efforts to deny, any loan or other  
22                  utilization of the funds of his or her institution  
23                  to that country (other than for humanitarian  
24                  assistance, or for development assistance which  
25                  directly addresses basic human needs, is not ad-

1 ministered by the government of the sanctioned  
2 country, and confers no benefit to that country)  
3 for the subsequent fiscal year until such govern-  
4 ment complies with the minimum standards.

5 (2) SUBSEQUENT COMPLIANCE.—The Secretary  
6 of State has determined that the country has come  
7 into compliance with the minimum standards.

8 (3) CONTINUATION OF ASSISTANCE IN THE NA-  
9 TIONAL INTEREST.—Notwithstanding the failure of  
10 the country to comply with minimum standards for  
11 the elimination of trafficking, the President has de-  
12 termined that the provision of nonhumanitarian for-  
13 eign assistance to the country is in the national in-  
14 terest of the United States.

15 (4) EXERCISE OF WAIVER AUTHORITY.—The  
16 President may exercise the authority under para-  
17 graph (3) with respect to all nonhumanitarian for-  
18 eign assistance to a country or with respect to one  
19 or more programs, projects, or activities.

20 (e) CERTIFICATION.—Together with any notification  
21 under subsection (c), the President shall provide a certifi-  
22 cation by the Secretary of State that with respect to as-  
23 sistance described in clause (i), (ii), or (iv) of subpara-  
24 graph 3(10)(A) or in subparagraph 3(10)(B), no assist-  
25 ance is intended to be received or used by any agency or

1 official who has participated in, facilitated, or condoned  
2 a severe form of trafficking in persons.

3 **SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN**  
4 **PERSONS.**

5 (a) **AUTHORITY TO SANCTION SIGNIFICANT TRAF-**  
6 **FICKERS IN PERSONS.—**

7 (1) **IN GENERAL.—**The President may exercise  
8 IEEPA authorities (other than authorities relating  
9 to importation) without regard to section 202 of the  
10 International Emergency Economic Powers Act (50  
11 U.S.C. 1705) in the case of any foreign person who  
12 is on the list described in subsection (b).

13 (2) **PENALTIES.—**The penalties set forth in sec-  
14 tion 206 of the International Emergency Economic  
15 Powers Act (50 U.S.C. 1705) apply to violations of  
16 any license, order, or regulation issued under this  
17 section.

18 (3) **IEEPA AUTHORITIES.—**For purposes of  
19 clause (i), the term “IEEPA authorities” means the  
20 authorities set forth in section 203(a) of the Inter-  
21 national Emergency Economic Powers Act (50  
22 U.S.C. 1702(a)).

23 (b) **LIST OF TRAFFICKERS OF PERSONS.—**

1           (1) COMPILING LIST OF TRAFFICKERS IN PER-  
2           SONS.—The Secretary of State is authorized to com-  
3           pile a list of the following persons:

4                   (A) any foreign person that plays a signifi-  
5                   cant role in a severe form of trafficking in per-  
6                   sons, directly or indirectly in the United States  
7                   or any of its territories or possessions;

8                   (B) foreign persons who materially assist  
9                   in, or provide financial or technological support  
10                  for or to, or providing goods or services in sup-  
11                  port of, activities of a significant foreign traf-  
12                  ficker in persons identified pursuant to sub-  
13                  paragraph (A); and

14                  (C) foreign persons that are owned, con-  
15                  trolled, or directed by, or acting for or on behalf  
16                  of, a significant foreign trafficker so identified  
17                  pursuant to subparagraph (A).

18           (2) REVISIONS TO LIST.—The Secretary of  
19           State shall make additions or deletions to any list  
20           published under paragraph (1) on an ongoing basis  
21           based on the latest information available.

22           (3) CONSULTATION.—The Secretary of State  
23           shall consult with the following officers in carrying  
24           out paragraphs (1) and (2).

25                   (A) the Attorney General;



1 (B) the Director of Central Intelligence;

2 (C) the Director of the Federal Bureau of  
3 Investigation;

4 (D) the Secretary of Labor; and

5 (E) the Secretary of Health and Human  
6 Services.

7 (4) PUBLICATION OF LIST.—Upon compiling  
8 the list referred to in paragraph (1) and within 30  
9 days of any revisions to such list, the Secretary of  
10 State shall submit the list or revisions to such list  
11 to the Committees on the International Relations  
12 and Judiciary and the Permanent Select Committee  
13 on Intelligence of the House of Representatives; and  
14 to the Committees on the Foreign Relations and the  
15 Select Committee on Intelligence of the Senate; and  
16 publish the list or revisions to such list in the Fed-  
17 eral Register.

18 (c) REPORT TO CONGRESS ON IDENTIFICATION AND  
19 SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PER-  
20 SONS.—Upon exercising the authority of subsection (a),  
21 the President shall report to the Committees on the Inter-  
22 national Relations and Judiciary and the Permanent Se-  
23 lect Committee on Intelligence of the House of Represent-  
24 atives; and to the Committees on the Foreign Relations  
25 and the Select Committee on Intelligence of the Senate—

1           (1) identifying publicly the foreign persons that  
2 the President determines are appropriate for sanc-  
3 tions pursuant to this section; and

4           (2) detailing publicly the sanctions imposed  
5 pursuant to this section.

6 (d) EXCLUSION OF CERTAIN INFORMATION.—

7           (1) INTELLIGENCE.—Notwithstanding any  
8 other provision of this section, the list and report de-  
9 scribed in subsections (b) and (c) shall not disclose  
10 the identity of any person, if the Director of Central  
11 Intelligence determines that such disclosure could  
12 compromise an intelligence operation, activity,  
13 source, or method of the United States.

14           (2) LAW ENFORCEMENT.—Notwithstanding any  
15 other provision of this section, the list and report de-  
16 scribed in subsections (b) and (c) shall not disclose  
17 the name of any person if the Attorney General, in  
18 coordination as appropriate with the Director of the  
19 Federal Bureau of Investigation, the Administrator  
20 of the Drug Enforcement Administration, and the  
21 Secretary of the Treasury, determines that such dis-  
22 closure could reasonably be expected to—

23                   (A) compromise the identity of a confiden-  
24 tial source, including a State, local, or foreign  
25 agency or authority or any private institution

1           that furnished information on a confidential  
2           basis;

3           (B) jeopardize the integrity or success of  
4           an ongoing criminal investigation or prosecu-  
5           tion;

6           (C) endanger the life or physical safety of  
7           any person; or

8           (D) cause substantial harm to physical  
9           property.

10          (3) NOTIFICATION REQUIRED.—(A) Whenever  
11          either the Director of Central Intelligence or the At-  
12          torney General makes a determination under this  
13          subsection, the Director of Central Intelligence or  
14          the Attorney General shall notify the Permanent Se-  
15          lect Committee on Intelligence of the House of Rep-  
16          resentatives and the Select Committee on Intel-  
17          ligence of the Senate, and explain the reasons for  
18          such determination.

19          (B) The notification required under this para-  
20          graph shall be submitted to the Permanent Select  
21          Committee on Intelligence of the House of Rep-  
22          resentatives and the Select Committee on Intel-  
23          ligence of the Senate not later than July 1, 2000,  
24          and on an annual basis thereafter.

1           (e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVI-  
2 TIES NOT AFFECTED.—Nothing in this section prohibits  
3 or otherwise limits the authorized law enforcement or in-  
4 telligence activities of the United States, or the law en-  
5 forcement activities of any State or subdivision thereof.

6           (f) EXCLUSION OF PERSONS WHO HAVE BENEFITED  
7 FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PER-  
8 SONS.—Section 212(a)(2) of the Immigration and Nation-  
9 ality Act (8 U.S.C. 1182(a)(2)) is amended by inserting  
10 the following new subparagraph at the end:

11                   “(H) SIGNIFICANT TRAFFICKERS IN PER-  
12                   SONS.—Any alien who—

13                           “(i) is on the most recent list of sig-  
14                           nificant traffickers provided in section 10  
15                           of the Trafficking Victims Protection Act  
16                           of 1999, or who the consular officer or the  
17                           Attorney General knows or has reason to  
18                           believe is or has been a knowing aider,  
19                           abettor, assister, conspirator, or colluder  
20                           with such a trafficker in severe forms of  
21                           trafficking in persons as defined in the sec-  
22                           tion 3 of such Act; or

23                           “(ii) who the consular officer or the  
24                           Attorney General knows or has reason to  
25                           believe is the spouse, son, or daughter of

1 an alien inadmissible under clause (i), has,  
2 within the previous 5 years, obtained any  
3 financial or other benefit from the illicit  
4 activity of that alien, and knew or reason-  
5 ably should have known that the financial  
6 or other benefit was the product of such il-  
7 licit activity, is inadmissible.”.

8 (g) IMPLEMENTATION.—

9 (1) The Secretary of State, the Attorney Gen-  
10 eral, and the Secretary of Treasury are authorized  
11 to take such actions as may be necessary to carry  
12 out this section, including promulgating rules and  
13 regulations permitted under this Act.

14 (2)(A) Subject to subparagraph (B), such rules  
15 and regulations shall require that a reasonable effort  
16 be made to provide notice and an opportunity to be  
17 heard, in person or through a representative, prior  
18 to placement of a person on the list described in  
19 subsection (b).

20 (B) If there is reasonable cause to believe that  
21 such a person would take actions to undermine the  
22 ability of the President to exercise the authority pro-  
23 vided under subsection (a), such notice and oppor-  
24 tunity to be heard shall be provided as soon as prac-

1            ticable after the placement of the person on the list  
2            described in subsection (b).

3            (h) DEFINITION OF FOREIGN PERSONS.—As used in  
4 this section, the term “foreign person” means any citizen  
5 or national of a foreign state or any entity not organized  
6 under the laws of the United States, including a foreign  
7 government official, but does not include a foreign state.

8            (i) CONSTRUCTION.—Nothing in this section shall be  
9 construed as precluding judicial review of the placement  
10 of any person on the list of traffickers in person described  
11 in subsection (b).

12 **SEC. 12. STRENGTHENING PROSECUTION AND PUNISH-**  
13 **MENT OF TRAFFICKERS.**

14            (a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18,  
15 United States Code, is amended—

16            (1) in each of sections 1581(a), 1583, and  
17            1584—

18            (A) by striking “10 years” and inserting  
19            “20 years”; and

20            (B) by adding at the end the following: “If  
21 death results from a violation of this section, or  
22 if such violation includes kidnapping or an at-  
23 tempt to kidnap, aggravated sexual abuse or  
24 the attempt to commit aggravated sexual abuse,  
25 or an attempt to kill, the defendant shall be

1            fined under this title or imprisoned for any  
2            term of years or life, or both.”;

3            (2) by inserting at the end the following:

4    **“§ 1589. Forced labor**

5            “Whoever knowingly provides or obtains the labor or  
6 services of a person—

7            “(1) by threats of serious harm to, or physical  
8 restraint against, that person or another person;

9            “(2) by use of fraud, deceit, or misrepresenta-  
10 tion if the person is a minor, mentally disabled, or  
11 otherwise particularly susceptible to undue influence;

12            “(3) by means of any scheme, plan, or pattern  
13 intended to cause the person to believe that if the  
14 person did not perform such labor or services, seri-  
15 ous harm or physical restraint would be inflicted on  
16 that person or another person; or

17            “(4) by means of the abuse or threatened abuse  
18 of law or the legal process,

19 shall be fined under this title or imprisoned not more than  
20 20 years, or both. If death results from a violation of this  
21 section, or if such violation includes kidnapping or an at-  
22 tempt to kidnap, aggravated sexual abuse or the attempt  
23 to commit aggravated sexual abuse, or an attempt to kill,  
24 the defendant shall be fined under this title or imprisoned  
25 for any term of years or life, or both.

1 **“§ 1590. Trafficking with respect to peonage, slavery,**  
2 **involuntary servitude, or forced labor**

3 “Whoever knowingly—

4 “(1) recruits, harbors, transports, provides, or  
5 obtains by any means, any person for labor or serv-  
6 ices in violation of this chapter; or

7 “(2) benefits, financially or otherwise, from an  
8 enterprise in which a person has been subjected to  
9 labor or services in violation of this chapter,

10 shall be fined under this title or imprisoned not more than  
11 20 years, or both. If death results from a violation of this  
12 section, or if such violation includes kidnapping or an at-  
13 tempt to kidnap, aggravated sexual abuse, or the attempt  
14 to commit aggravated sexual abuse, or an attempt to kill,  
15 the defendant shall be fined under this title or imprisoned  
16 for any term of years or life, or both.

17 **“§ 1591. Sex trafficking of children or by coercion,**  
18 **fraud, deceit, or misrepresentation**

19 “(a) IN GENERAL.—Whoever knowingly—

20 “(1) recruits, harbors, transports, provides, or  
21 obtains by any means a person; or

22 “(2) benefits, financially or otherwise, from an  
23 enterprise in which a person has been recruited, en-  
24 ticed, harbored, transported, provided, or obtained in  
25 violation of paragraph (1),



1 knowing that coercion, fraud, deceit, misrepresentation, or  
2 other abusive practices described in subsection (c)(2) will  
3 be used to cause the person to engage in a commercial  
4 sex act, or that the person has not attained the age of  
5 18 years and will be caused to engage in a commercial  
6 sex act, shall be punished as provided in subsection (b).

7 “(b) PUNISHMENT.—The punishment for an offense  
8 under subsection (a) is—

9 “(1) if the offense was effected by coercion,  
10 fraud, deceit, misrepresentation, or other abusive  
11 practices or if the person transported had not at-  
12 tained the age of 14 years at the time of such of-  
13 fense, by a fine under this title or imprisonment for  
14 any term of years or for life, or both; or

15 “(2) if the offense was not so effected, and the  
16 person transported had attained the age of 14 years  
17 but had not attained the age of 18 years at the time  
18 of such offense, by a fine under this title or impris-  
19 onment for not more than 20 years, or both.

20 “(c) DEFINITION.—In this section—

21 “(1) The term ‘commercial sex act’ means any  
22 sex act, on account of which anything of value is  
23 given to or received by any person, and—

24 “(A) which takes place in the United  
25 States;

1           “(B) which affects United States foreign  
2 commerce; or

3           “(C) in which either the person caused or  
4 expected to participate in the act or the person  
5 committing the violation is a United States cit-  
6 izen or an alien admitted for permanent resi-  
7 dence in the United States.”

8           “(2) The term ‘other abusive practices’  
9 means—

10           “(A) threats of serious harm to, or phys-  
11 ical restraint against, the person or other per-  
12 son; and

13           “(B) the abuse or threatened abuse of law  
14 or the legal process.

15 **“§ 1592. Unlawful conduct with respect to documents**  
16 **in furtherance of trafficking, peonage,**  
17 **slavery, involuntary servitude, or forced**  
18 **labor**

19           “(a) Whoever destroys, conceals, removes, con-  
20 fiscates, or possesses any identification, passport, or other  
21 immigration documents, or any other documentation of  
22 another person—

23           “(1) in the course of a violation of section  
24 1581, 1583, 1584, 1589, 1590, or 1591 or a con-  
25 spiracy or attempt to commit such a violation; or

1           “(2) to prevent or restrict, without lawful au-  
2           thority, the person’s liberty to move or travel in  
3           interstate or foreign commerce in furtherance of a  
4           violation of section 1581, 1583, 1584, 1589, 1590,  
5           or 1591 or a conspiracy or attempt to commit such  
6           a violation,

7 shall be fined under this title or imprisoned for not more  
8 than 5 years, or both.

9           “(b) Subsection (a) does not apply to the conduct of  
10 a person who is or has been a victim of a severe form  
11 of trafficking in persons as defined in section 3(6) of the  
12 Trafficking Victims Protection Act of 2000, if that con-  
13 duct is caused by, or incident to, that trafficking.

14 **“§ 1593. Mandatory restitution**

15           “(a) Notwithstanding sections 3663 or 3663A, and  
16 in addition to any other civil or criminal penalties author-  
17 ized by law, the court shall order restitution for any of-  
18 fense under this chapter.

19           “(b)(1) The order of restitution under this section  
20 shall direct the defendant to pay the victim (through the  
21 appropriate court mechanism) the full amount of the vic-  
22 tim’s losses, as determined by the court under paragraph  
23 (3) of this subsection.

1       “(2) An order of restitution under this section shall  
2 be issued and enforced in accordance with section 3664  
3 in the same manner as an order under section 3663A.

4       “(3) As used in this subsection, the term ‘full amount  
5 of the victim’s losses’ has the same meaning as provided  
6 in section 2259(b)(3) and shall in addition include the  
7 greater of the gross income or value to the defendant of  
8 the victim’s services or labor or the value of the victim’s  
9 labor as guaranteed under the minimum wage and over-  
10 time guarantees of the Fair Labor Standards Act (29  
11 U.S.C. 201, et seq.).

12       “(c) As used in this section, the term ‘victim’ means  
13 the individual harmed as a result of a crime under this  
14 chapter, including, in the case of a victim who is under  
15 18 years of age, incompetent, incapacitated, or deceased,  
16 the legal guardian of the victim or a representative of the  
17 victim’s estate, or another family member, or any other  
18 person appointed as suitable by the court, but in no event  
19 shall the defendant be named such representative or  
20 guardian.

21       **“§ 1594. General provisions**

22       “(a) An attempt or conspiracy to violate section  
23 1581, 1583, 1584, 1589, 1590, or 1591 shall be punish-  
24 able in the same manner as a completed violation of that  
25 section.

1       “(b)(1) The court, in imposing sentence on any per-  
2 son convicted of a violation of this chapter, shall order,  
3 in addition to any other sentence imposed and irrespective  
4 of any provision of State law, that such person shall forfeit  
5 to the United States—

6           “(A) such person’s interest in any property,  
7 real or personal, that was used or intended to be  
8 used to commit or to facilitate the commission of  
9 such violation; and

10          “(B) any property, real or personal, consti-  
11 tuting or derived from, any proceeds that such per-  
12 son obtained, directly or indirectly, as a result of  
13 such violation.

14       “(2) The criminal forfeiture of property under this  
15 subsection, any seizure and disposition thereof, and any  
16 administrative or judicial proceeding in relation thereto,  
17 shall be governed by the provisions of section 7(e) of the  
18 Trafficking Victims Protection Act of 2000.

19       “(c)(1) The following shall be subject to forfeiture to  
20 the United States and no property right shall exist in  
21 them:

22           “(A) Any property, real or personal, used or in-  
23 tended to be used to commit or to facilitate the com-  
24 mission of any violation of this chapter.

1           “(B) Any property, real or personal, which con-  
2           stitutes or is derived from proceeds traceable to any  
3           violation of this chapter.

4           “(2) The provisions of chapter 46 of this title relating  
5           to civil forfeitures shall extend to any seizure or civil for-  
6           feiture under this subsection.

7           “(d) WITNESS PROTECTION.—Any violation of this  
8           chapter shall be considered an organized criminal activity  
9           or other serious offense for the purposes of application of  
10          chapter 224 (relating to witness protection).”; and

11           (3) by amending the table of sections at the be-  
12          ginning of chapter 77 by adding at the end the fol-  
13          lowing new items:

“1589. Forced labor.

“1590. Trafficking with respect to peonage, slavery, involuntary servitude, or  
forced labor.

“1591. Sex trafficking of children or by coercion, fraud, deceit, or misrepresen-  
tation.

“1592. Unlawful conduct with respect to documents in furtherance of traf-  
ficking, peonage, slavery, involuntary servitude, or forced labor.

“1593. Mandatory restitution.

“1594. General provisions.”.

14          (b) AMENDMENT TO THE SENTENCING GUIDE-  
15          LINES.—

16           (1) Pursuant to its authority under section 994  
17          of title 28, United States Code, and in accordance  
18          with this section, the United States Sentencing Com-  
19          mission shall review and, if appropriate, amend the  
20          sentencing guidelines and policy statements applica-  
21          ble to persons convicted of offenses involving the

1 trafficking of persons including component or related  
2 crimes of peonage, involuntary servitude, slave trade  
3 offenses, and possession, transfer or sale of false im-  
4 migration documents in furtherance of trafficking,  
5 and the Fair Labor Standards Act and the Migrant  
6 and Seasonal Agricultural Worker Protection Act.

7 (2) In carrying out this subsection, the Sen-  
8 tencing Commission shall—

9 (A) take all appropriate measures to en-  
10 sure that these sentencing guidelines and policy  
11 statements applicable to the offenses described  
12 in paragraph (1) of this subsection are suffi-  
13 ciently stringent to deter and adequately reflect  
14 the heinous nature of such offenses;

15 (B) consider conforming the sentencing  
16 guidelines applicable to offenses involving traf-  
17 ficking in persons to the guidelines applicable to  
18 peonage, involuntary servitude, and slave trade  
19 offenses; and

20 (C) consider providing sentencing enhance-  
21 ments for those convicted of the offenses de-  
22 scribed in paragraph (1) of this subsection  
23 that—

24 (i) involve a large number of victims;

- 1 (ii) involve a pattern of continued and  
2 flagrant violations;  
3 (iii) involve the use or threatened use  
4 of a dangerous weapon; or  
5 (iv) result in the death or bodily in-  
6 jury of any person.

7 (3) The Commission may promulgate the guide-  
8 lines or amendments under this subsection in ac-  
9 cordance with the procedures set forth in section  
10 21(a) of the Sentencing Act of 1987, as though the  
11 authority under that Act had not expired.

12 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) AUTHORIZATION OF APPROPRIATIONS FOR THE  
14 INTERAGENCY TASK FORCE.—To carry out the purposes  
15 of section 5, there are authorized to be appropriated to  
16 the Secretary of State \$1,500,000 for fiscal year 2000 and  
17 \$3,000,000 for fiscal year 2001.

18 (b) AUTHORIZATION OF APPROPRIATIONS TO THE  
19 SECRETARY OF HEALTH AND HUMAN SERVICES.—To  
20 carry out the purposes of section 7(b) there are authorized  
21 to be appropriated to the Secretary of Health and Human  
22 Services \$5,000,000 for fiscal year 2000 and \$10,000,000  
23 for fiscal year 2001.

24 (c) AUTHORIZATION OF APPROPRIATIONS TO THE  
25 SECRETARY OF STATE.—To carry out the purposes of sec-



1 tion 7(a) there are authorized to be appropriated to the  
2 Secretary of State \$5,000,000 for fiscal year 2000 and  
3 \$10,000,000 for fiscal year 2001.

4 (d) AUTHORIZATION OF APPROPRIATIONS TO ATTOR-  
5 NEY GENERAL.—To carry out the purposes of section 7(b)  
6 there are authorized to be appropriated to the Attorney  
7 General \$5,000,000 for fiscal year 2000 and \$10,000,000  
8 for fiscal year 2001.

9 (e) AUTHORIZATION OF APPROPRIATIONS TO PRESI-  
10 DENT.—

11 (1) FOREIGN VICTIM ASSISTANCE.—To carry  
12 out the purposes of section 6 there are authorized to  
13 be appropriated to the President \$5,000,000 for fis-  
14 cal year 2000 and \$10,000,000 for fiscal year 2001.

15 (2) ASSISTANCE TO FOREIGN COUNTRIES TO  
16 MEET MINIMUM STANDARDS.—To carry out the pur-  
17 poses of section 9 there are authorized to be appro-  
18 priated to the President \$5,000,000 for fiscal year  
19 2000 and \$10,000,000 for fiscal year 2001.

20 (f) AUTHORIZATION OF APPROPRIATIONS TO THE  
21 SECRETARY OF LABOR.—To carry out the purposes of  
22 section 7(b) there are authorized to be appropriated to the

- 1 Secretary of Labor \$5,000,000 for fiscal year 2000 and
- 2 \$10,000,000 for fiscal year 2001.

Passed the House of Representatives May 9, 2000.

Attest:

*Clerk.*