

106TH CONGRESS  
1ST SESSION

# H. R. 3244

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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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1999

Mr. SMITH of New Jersey (for himself, Mr. GEJDENSON, Ms. KAPTUR, Ms. SLAUGHTER, Mr. LANTOS, Ms. MCKINNEY, Mr. KING, Mr. WOLF, and Mr. COOKSEY) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Trafficking Victims Protection Act of 1999”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
5 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.

6 **SEC. 2. PURPOSES AND FINDINGS.**

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

12 (b) **FINDINGS.**—The Congress finds that:

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

18 (2) Many of these persons, of whom the over-  
19 whelming majority are women and children, are traf-

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

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

20           (4) Traffickers primarily target women and  
21      girls, who are disproportionately affected by poverty,  
22      lack of access to education, chronic unemployment,  
23      discrimination, and lack of viable economic opportu-  
24      nities in countries of origin. Traffickers lure women  
25      and girls into their networks through false promises

1 of good working conditions at relatively high pay as  
2 nannies, maids, dancers, factory workers, restaurant  
3 workers, sales clerks, or models. Traffickers also buy  
4 girls from poor families and sell them into prostitu-  
5 tion or into various types of forced or bonded labor.

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

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

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

1 tries of origin, transit, and destination, thereby  
2 threatening the rule of law.

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

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

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

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

24 (12) Trafficking in persons substantially affects  
25 interstate and foreign commerce. The United States

1 must take action to eradicate the substantial bur-  
2 dens on commerce that result from trafficking in  
3 persons and to prevent the channels of commerce  
4 from being used for immoral and injurious purposes.

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

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

23 (15) In the United States, the seriousness of  
24 the crime of trafficking in persons is not reflected in  
25 current sentencing guidelines for component crimes

1 of the trafficking scheme, which results in weak pen-  
2 alties for convicted traffickers. Adequate services  
3 and facilities do not exist to meet the health care,  
4 housing, education, and legal assistance needs for  
5 the safe reintegration of domestic trafficking victims.

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

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

18 (18) Because victims of trafficking are fre-  
19 quently unfamiliar with the laws, cultures, and lan-  
20 guages of the countries into which they have been  
21 trafficked, and because they are often subjected to  
22 coercion and intimidation including physical deten-  
23 tion, debt bondage, fear of retribution, and fear of  
24 forcible removal to countries in which they will face  
25 retribution or other hardship, these victims often

1 find it difficult or impossible to report the crimes  
2 committed against them or to assist in the investiga-  
3 tion and prosecution of such crimes.

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

20 (20) The Universal Declaration of Human  
21 Rights recognizes the right to be free from slavery  
22 and involuntary servitude, arbitrary detention, de-  
23 grading or inhuman treatment, and arbitrary inter-  
24 ference with privacy or the family, as well as the  
25 right to protection by law against these abuses.



1           (21) The United Nations General Assembly has  
2           passed three resolutions during the last three years  
3           (50/167, 51/66, and 52/98) recognizing that the  
4           international traffic in women and girls, particularly  
5           for purposes of forced prostitution, is a matter of  
6           pressing international concern involving numerous  
7           violations of fundamental human rights. The resolu-  
8           tions call upon governments of receiving countries as  
9           well as countries of origin to strengthen their laws  
10          against such practices, to intensify their efforts to  
11          enforce such laws, and to ensure the full protection,  
12          treatment, and rehabilitation of women and children  
13          who are victims of trafficking.

14          (22) The Final Report of the World Congress  
15          against Sexual Exploitation of Children, held in  
16          Stockholm, Sweden in August 1996, recognized that  
17          international sex trafficking is a principal cause of  
18          increased exploitation and degradation of children.

19          (23) The Fourth World Conference of Women  
20          (Bejing Conference) called on all governments to  
21          take measures, including legislative measures, to  
22          provide better protection of the rights of women and  
23          girls who are victims of trafficking, to address the  
24          root factors that put women and girls at risk to traf-  
25          fickers, and to take measures to dismantle the na-

1 tional, regional, and international networks on traf-  
2 ficking.

3 (24) In the 1991 Moscow Document of the Or-  
4 ganization for Security and Co-operation in Europe,  
5 participating states including the United States  
6 agreed to “seek to eliminate all forms of violence  
7 against women, and all forms of traffic in women  
8 and exploitation of prostitution of women including  
9 by ensuring adequate legal prohibitions against such  
10 acts and other appropriate measures.”

11 (25) Numerous treaties to which the United  
12 States is a party address government obligations to  
13 combat trafficking, including such treaties as the  
14 1956 Supplementary Convention on the Abolition of  
15 Slavery, the Slave Trade and Institutions and Prac-  
16 tices Similar to Slavery, which calls for the complete  
17 abolition of debt bondage and servile forms of mar-  
18 riage, and the 1957 Abolition of Forced Labor Con-  
19 vention, which undertakes to suppress and requires  
20 signatories not to make use of any forced or compul-  
21 sory labor.

22 (26) Trafficking in persons is a transnational  
23 crime with national implications. In order to deter  
24 international trafficking and to bring its perpetra-  
25 tors to justice, nations including the United States

1 must recognize that trafficking is a serious offense  
2 and must act on this recognition by prescribing ap-  
3 propriate punishment, by giving the highest priority  
4 to investigation and prosecution of trafficking of-  
5 fenses, and by protecting rather than punishing the  
6 victims of such offenses. The United States must  
7 work bilaterally and multilaterally to abolish the  
8 trafficking industry and take steps to promote and  
9 facilitate cooperation among countries linked to-  
10 gether by international trafficking routes. The  
11 United States must also urge the international com-  
12 munity to take strong action in multilateral fora to  
13 engage recalcitrant countries in serious and sus-  
14 tained efforts to eliminate trafficking and protect  
15 trafficking victims.

16 **SEC. 3. DEFINITIONS.**

17 For the purposes of this Act:

18 (1) “Sex trafficking” means the purchase, sale,  
19 recruitment, harboring, transportation, transfer or  
20 receipt of a person for the purpose of a commercial  
21 sex act.

22 (2) “Severe forms of trafficking in persons”  
23 means—

24 (A) sex trafficking in which either a com-  
25 mercial sex act or any act or event contributing

1 to such act is effected or induced by force, coer-  
2 cion, fraud, or deception, or in which the person  
3 induced to perform such act has not attained  
4 the age of 18 years; and

5 (B) the purchase, sale, recruitment, har-  
6 boring, transportation, transfer or receipt of a  
7 person for the purpose of subjection to involun-  
8 tary servitude, peonage, or slavery or slavery-  
9 like practices which is effected by force, coer-  
10 cion, fraud, or deception.

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

24 (4) “Coercion” means the use of force, violence,  
25 physical restraint, or acts or circumstances not nec-

1       essarily including physical force but calculated to  
2       have the same effect, such as the credible threat of  
3       force or of the infliction of serious harm.

4               (5) “Act of a severe form of trafficking in per-  
5       sons” means any act at any point in the process of  
6       a severe form of trafficking in persons, including any  
7       act of recruitment, harboring, transport, transfer,  
8       purchase, sale or receipt of a victim of such traf-  
9       ficking, or any act of operation, management, or  
10      ownership of an enterprise in which a victim of such  
11      trafficking engages in a commercial sex act, is sub-  
12      jected to slavery or a slavery-like practice, or is ex-  
13      pected or induced to engage in such acts or be sub-  
14      jected to such condition or practice, or sharing in  
15      the profits of the process of a severe form of traf-  
16      ficking in persons or any part thereof.

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

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

1           (8) “Minimum standards for the elimination of  
2 trafficking” means the standards set forth in section  
3 8.

4           (9) “Appropriate congressional committees”  
5 means the Committee on Foreign Relations of the  
6 United States Senate and the Committee on Inter-  
7 national Relations of the United States House of  
8 Representatives.

9           (10) “Nonhumanitarian foreign assistance”  
10 means—

11                   (A) any assistance under the Foreign As-  
12 sistance Act of 1961 (including programs under  
13 title IV of chapter 2 of part I of that Act, relat-  
14 ing to the Overseas Private Investment Cor-  
15 poration), other than—

16                           (i) assistance under chapter 8 of part  
17 I of that Act;

18                           (ii) any other narcotics-related assist-  
19 ance under part I of that Act or under  
20 chapter 4 or 5 of part II of that Act, but  
21 any such assistance provided under this  
22 clause shall be subject to the prior notifica-  
23 tion procedures applicable to  
24 reprogrammings pursuant to section 634A  
25 of that Act;

1 (iii) disaster relief assistance, includ-  
2 ing any assistance under chapter 9 of part  
3 I of that Act;

4 (iv) antiterrorism assistance under  
5 chapter 8 of part II of that Act;

6 (v) assistance which involves the pro-  
7 vision of food (including monetization of  
8 food) or medicine;

9 (vi) assistance for refugees; and

10 (vii) humanitarian and other develop-  
11 ment assistance in support of programs of  
12 nongovernmental organizations under  
13 chapters 1 and 10 of that Act;

14 (B) sales, or financing on any terms, under  
15 the Arms Export Control Act, other than sales  
16 or financing provided for narcotics-related pur-  
17 poses following notification in accordance with  
18 the prior notification procedures applicable to  
19 reprogrammings pursuant to section 634A of  
20 the Foreign Assistance Act of 1961; and

21 (C) financing under the Export-Import  
22 Bank Act of 1945.

1 **SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**  
2 **PRACTICES.**

3 The Secretary of State, with the assistance of the As-  
4 sistant Secretary of Democracy, Human Rights and  
5 Labor, shall, as part of the annual Country Reports on  
6 Human Rights Practices, include information to address  
7 the status of trafficking in persons, including—

8 (1) a list of foreign countries that are countries  
9 of origin, transit, or destination for a significant  
10 number of victims of severe forms of trafficking;

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

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

17 (A) whether any governmental authorities  
18 tolerate or are involved in such trafficking;

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

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

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



1           (E) what steps the government has taken  
2 to prohibit other individuals from participating  
3 in such trafficking, including the investigation,  
4 prosecution, and conviction of individuals in-  
5 volved in severe forms of trafficking in persons,  
6 the criminal and civil penalties for such traf-  
7 ficking, and the efficacy of those penalties in  
8 eliminating or reducing such trafficking;

9           (F) what steps the government has taken  
10 to assist victims of such trafficking, including  
11 efforts to prevent victims from being further  
12 victimized by traffickers, government officials,  
13 or others, grants of stays of deportation, and  
14 provision of humanitarian relief, including pro-  
15 vision of mental and physical health care and  
16 shelter;

17           (G) whether the government—

18                 (i) is cooperating with governments of  
19 other countries to extradite traffickers  
20 when requested;

21                 (ii) is assisting in international inves-  
22 tigations of transnational trafficking net-  
23 works and in other co-operative efforts to  
24 combat trafficking;

1 (iii) refrains from prosecuting victims  
2 of severe forms of trafficking and from  
3 other discriminatory treatment of such vic-  
4 tims due to such victims having been traf-  
5 ficked, or due to their having left or en-  
6 tered the country illegally; and

7 (iv) recognizes the rights of victims  
8 and ensures their access to justice.

9 (4) Information described in paragraph (2) and,  
10 where appropriate, in paragraph (3) shall be in-  
11 cluded in the annual Country Reports on Human  
12 Rights Practices on a country-by-country basis.

13 (5) In addition to the information described in  
14 this section, the Annual Country Reports on Human  
15 Rights Practices may contain such other information  
16 relating to trafficking in persons as the Secretary  
17 determines to be appropriate.

18 **SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COM-**  
19 **BAT TRAFFICKING.**

20 (a) ESTABLISHMENT.—The President shall establish  
21 an Interagency Task Force to Monitor and Combat Traf-  
22 ficking (in this section referred to as the “Task Force”).

23 (b) APPOINTMENT.—The President shall appoint the  
24 members of the Task Force, which shall include the Sec-  
25 retary of State, the Director of the Agency for Inter-

1 national Development, the Attorney General, the Sec-  
2 retary of Labor, the Secretary of Health and Human Serv-  
3 ices, the Director of the Central Intelligence Agency, and  
4 such other officials as may be designated by the President.

5 (c) CHAIRMAN.—The Task Force shall be chaired by  
6 the Secretary of State.

7 (d) SUPPORT FOR THE TASK FORCE.—The Secretary  
8 of State is authorized to establish within the Department  
9 of State an Office to Monitor and Combat Trafficking,  
10 which shall provide assistance to the Task Force. Any  
11 such Office shall be administered by a Director. The Di-  
12 rector shall have the primary responsibility for assisting  
13 the Secretary of State in carrying out the purposes of this  
14 Act and may have additional responsibilities as determined  
15 by the Secretary. The Director shall consult with domestic,  
16 international nongovernmental and intergovernmental or-  
17 ganizations, and with trafficking victims or other affected  
18 persons. The Director shall have the authority to take evi-  
19 dence in public hearings or by other means. The Office  
20 is authorized to retain staff members from agencies rep-  
21 resented on the Task Force.

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

25 (1) Coordinate the implementation of this Act.

1           (2) Measure and evaluate progress of the  
2 United States and countries around the world in the  
3 areas of trafficking prevention, protection and as-  
4 sistance to victims of trafficking, and prosecution  
5 and enforcement against traffickers, including the  
6 role of public corruption in facilitating trafficking.

7           (3) Expand interagency procedures to collect  
8 and organize data, including significant research and  
9 resource information on domestic and international  
10 trafficking. Any data collection procedures estab-  
11 lished under this subsection shall respect the con-  
12 fidentiality of victims of trafficking.

13           (4) Engage in efforts to facilitate cooperation  
14 among countries of origin, transit, and destination.  
15 Such efforts shall aim to strengthen local and re-  
16 gional capacities to prevent trafficking, prosecute  
17 traffickers and assist trafficking victims, and shall  
18 include initiatives to enhance cooperative efforts be-  
19 tween destination countries and countries of origin  
20 and assist in the appropriate reintegration of state-  
21 less victims of trafficking.

22           (5) Examine the role of the international “sex  
23 tourism” industry in the trafficking of women and  
24 children and in the sexual exploitation of women and  
25 children around the world and make recommenda-

1        tions on appropriate measures to combat this indus-  
2        try.

3        **SEC. 6. PREVENTION OF TRAFFICKING.**

4        (a) ECONOMIC ALTERNATIVES TO PREVENT AND  
5        DETER TRAFFICKING.—The President, acting through  
6        the Administrator of the United States Agency for Inter-  
7        national Development and the heads of other appropriate  
8        agencies, shall establish and carry out initiatives to en-  
9        hance economic opportunity for potential victims of traf-  
10       ficking as a method to deter trafficking. Such initiatives  
11       may include—

12                (1) microcredit lending programs, training in  
13                business development, skills training, and job coun-  
14                seling;

15                (2) programs to promote women’s participation  
16                in economic decision making;

17                (3) programs to keep children, especially girls,  
18                in elementary and secondary schools;

19                (4) development of educational curricula re-  
20                garding the dangers of trafficking; and

21                (5) grants to nongovernmental organizations to  
22                accelerate and advance the political, economic, so-  
23                cial, and educational roles and capacities of women  
24                in their countries.

1 (b) PUBLIC AWARENESS AND INFORMATION.—The  
2 President, acting through the Secretary of Labor, the Sec-  
3 retary of Health and Human Services, the Attorney Gen-  
4 eral, and the Secretary of State, shall establish and carry  
5 out programs to increase public awareness, particularly  
6 among potential victims of trafficking, of the dangers of  
7 trafficking and the protections that are available for vic-  
8 tims of trafficking.

9 (c) CONSULTATION REQUIREMENT.—The President  
10 shall consult with appropriate nongovernmental organiza-  
11 tions with respect to the establishment and conduct of ini-  
12 tiatives described in subsection (a).

13 **SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF**  
14 **TRAFFICKING.**

15 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-  
16 TRIES.—

17 (1) IN GENERAL.—The Secretary of State and  
18 the Administrator of the United States Agency for  
19 International Development, in consultation with ap-  
20 propriate nongovernmental organizations, shall es-  
21 tablish and carry out programs and initiatives in for-  
22 eign countries to assist in the safe integration, re-  
23 integration, or resettlement, as appropriate, of vic-  
24 tims of trafficking and their children. Such pro-  
25 grams and initiatives shall be designed to meet the

1 mental and physical health, housing, legal, and other  
2 assistance needs of such victims and their children,  
3 as identified by the Inter-Agency Task Force to  
4 Monitor and Combat Trafficking established under  
5 section 4.

6 (2) ADDITIONAL REQUIREMENT.—In estab-  
7 lishing and conducting programs and initiatives de-  
8 scribed in paragraph (1), the Secretary of State and  
9 the Administrator of the United States Agency for  
10 International Development shall take all appropriate  
11 steps to enhance cooperative efforts among foreign  
12 countries, including countries of origin of victims of  
13 trafficking, to assist in the integration, reintegra-  
14 tion, or resettlement, as appropriate, of victims of  
15 trafficking including stateless victims.

16 (b) VICTIMS IN THE UNITED STATES.—

17 (1) ASSISTANCE.—Subject to the availability of  
18 appropriations and notwithstanding title IV of the  
19 Personal Responsibility and Work Opportunity Rec-  
20 onciliation Act of 1996, the Attorney General, the  
21 Secretary of Health and Human Services, the Sec-  
22 retary of Labor, and the Board of Directors of the  
23 Legal Services Corporation shall expand existing  
24 services to provide assistance to victims of severe  
25 forms of trafficking in persons within the United

1 States, without regard to the immigration status of  
2 such victims.

3 (2) BENEFITS.—Subject to the availability of  
4 appropriations and notwithstanding any other provi-  
5 sion of law, victims of severe forms of trafficking in  
6 persons in the United States shall be eligible, with-  
7 out regard to their immigration status, for any bene-  
8 fits that are otherwise available under the Crime  
9 Victims Fund, established under the Victims of  
10 Crime Act of 1984, including victims’ services, com-  
11 pensation, and assistance.

12 (3) GRANTS.—

13 (A) Subject to the availability of appro-  
14 priations, the Attorney General may make  
15 grants to States, territories, and possessions of  
16 the United States (including the Common-  
17 wealths of Puerto Rico and the Northern Mar-  
18 iana Islands), Indian tribes, units of local gov-  
19 ernment, and nonprofit, nongovernmental vic-  
20 tims’ service organizations to develop, expand,  
21 or strengthen victim service programs for vic-  
22 tims of trafficking.

23 (B) To receive a grant under this para-  
24 graph, an eligible unit of government or organi-  
25 zation shall certify that its laws, policies, and



1 practices, as appropriate, do not punish or deny  
2 services to victims of severe forms of trafficking  
3 in persons on account of the nature of their em-  
4 ployment or services performed in connection  
5 with such trafficking.

6 (C) Of amounts made available for grants  
7 under this paragraph, there shall be set aside 3  
8 percent for research, evaluation and statistics; 2  
9 percent for training and technical assistance;  
10 and 1 percent for management and administra-  
11 tion.

12 (D) The Federal share of a grant made  
13 under this paragraph may not exceed 75 per-  
14 cent of the total costs of the projects described  
15 in the application submitted.

16 (4) CIVIL ACTION.—An individual who is a vic-  
17 tim of a violation of section 1589 or section 1589A  
18 of title 18, United States Code, regarding trafficking  
19 may bring a civil action in United States district  
20 court. The court may award actual damages, puni-  
21 tive damages, reasonable attorneys' fees, and other  
22 litigation costs reasonably incurred.

23 (e) TRAFFICKING VICTIM REGULATIONS.—Not later  
24 than 180 days after the date of enactment of this Act,  
25 the Attorney General and the Secretary of State shall pro-

1 mulgate regulations for law enforcement personnel, immi-  
2 gration officials, and Department of State officials to im-  
3 plement the following:

4           (1) Victims of severe forms of trafficking, while  
5           in the custody of the Federal Government and to the  
6           extent practicable, shall be housed in appropriate  
7           shelter as quickly as possible; receive prompt medical  
8           care, food, and other assistance; and be provided  
9           protection if a victim's safety is at risk or if there  
10          is danger of additional harm by recapture of the vic-  
11          tim by a trafficker.

12          (2) Victims of severe forms of trafficking shall  
13          not be jailed, fined, or otherwise penalized due to  
14          having been trafficked;

15          (3) Victims of severe forms of trafficking shall  
16          have access to legal assistance, information about  
17          their rights, and translation services.

18          (4) Federal law enforcement officials shall act  
19          to ensure an alien individual's continued presence in  
20          the United States, if after an assessment, it is deter-  
21          mined that such individual is a victim of trafficking  
22          or a material witness, in order to effectuate prosecu-  
23          tion of those responsible and to further the humani-  
24          tarian interests of the United States, and such offi-  
25          cials in investigating and prosecuting traffickers

1 shall take into consideration the safety and integrity  
2 of trafficking victims.

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

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

14 (e) FUNDING.—Funds from asset forfeiture under  
15 section 1592 of title 18, United States Code, are author-  
16 ized to be available in equal amounts for the purposes of  
17 subsections (a) and (b) and shall remain available for obli-  
18 gation until expended.

19 (f) PROTECTION FROM REMOVAL FOR CERTAIN VIC-  
20 TIMS OF TRAFFICKING.—

21 (1) NONIMMIGRANT CLASSIFICATION FOR CER-  
22 TAIN VICTIMS OF TRAFFICKING.—Section 101(a)(15)  
23 of the Immigration and Nationality Act (8 U.S.C.  
24 1101(a)(15)) is amended—

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

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

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(T) an alien who the Attorney General  
8 determines—

9 “(i) is physically present in the  
10 United States or at a port of entry thereto;

11 “(ii) is or has been a victim of a se-  
12 vere form of trafficking in persons as de-  
13 fined in section 3 of the Trafficking Vic-  
14 tims Protection Act of 1999;

15 “(iii)(I) has not unreasonably refused  
16 to assist in the investigation or prosecution  
17 of acts of trafficking; or

18 “(II) has not attained the age of 14  
19 years; and

20 “(iv) would face a significant possi-  
21 bility of retribution or other hardship if re-  
22 moved from the United States,

23 and, if the Attorney General considers it to be  
24 appropriate, the spouse, married and unmarried  
25 sons and daughters, and parents of an alien de-

1           scribed in this subparagraph if accompanying,  
2           or following to join, the alien, except that no  
3           person shall be eligible for admission to the  
4           United States under this subparagraph if there  
5           is substantial reason to believe that the person  
6           has committed an act of a severe form of traf-  
7           ficking in persons as defined in section 3 of the  
8           Trafficking Victims Protection Act of 1999.”.

9           (2) WAIVER OF GROUNDS FOR INELIGIBILITY  
10          FOR ADMISSION.—Section 212(d) of the Immigra-  
11          tion and Nationality Act (8 U.S.C. 1182(d)) is  
12          amended by adding at the end the following new  
13          paragraph:

14                 “(13) The Attorney General shall determine  
15          whether a ground for inadmissibility exists with re-  
16          spect to a nonimmigrant described in section  
17          101(a)(15)(T). The Attorney General, in the Attor-  
18          ney General’s discretion, may waive the application  
19          of subsection (a) (other than paragraph (3)(E)) in  
20          the case of a nonimmigrant described in section  
21          101(a)(15)(T), if the Attorney General considers it  
22          to be in the national interest to do so. Nothing in  
23          this section shall be regarded as prohibiting the Im-  
24          migration and Naturalization Service from insti-  
25          tuting removal proceedings against an alien admit-

1       ted as a nonimmigrant under section 101(a)(15)(T)  
2       for conduct committed after the alien’s admission  
3       into the United States, or for conduct or a condition  
4       that was not disclosed to the Attorney General prior  
5       to the alien’s admission as a nonimmigrant under  
6       section 101(a)(15)(T).”.

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

11       “(1)(1) If, in the opinion of the Attorney General, a  
12       nonimmigrant admitted into the United States under sec-  
13       tion 101(a)(15)(T)—

14               “(A) has been physically present in the United  
15       States for a continuous period of at least 3 years  
16       since the date of admission as a nonimmigrant  
17       under section 101(a)(15)(T);

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

20               “(C) has not, during such period, unreasonably  
21       refused to provide assistance in the investigation or  
22       prosecution of acts of trafficking; and

23               “(D) would face a significant possibility of ret-  
24       ribution or other hardship if removed from the  
25       United States, the Attorney General may adjust the

1 status of the alien (and the spouse, married and un-  
2 married sons and daughters, and parents of the  
3 alien if admitted under that section) to that of an  
4 alien lawfully admitted for permanent residence if  
5 the alien is not described in section 212(a)(3)(E).

6 “(2) An alien shall be considered to have failed to  
7 maintain continuous physical presence in the United  
8 States under paragraph (1)(A) if the alien has departed  
9 from the United States for any period in excess of 90 days  
10 or for any periods in the aggregate exceeding 180 days.”.

11 **SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF**  
12 **TRAFFICKING.**

13 (a) MINIMUM STANDARDS.—Minimum standards for  
14 the elimination of trafficking for a country that is a coun-  
15 try of origin, of transit, or of destination for a significant  
16 number of victims are as follows:

17 (1) The country should prohibit severe forms of  
18 trafficking in persons and punish acts of such traf-  
19 ficking.

20 (2) For the knowing commission of any act of  
21 sex trafficking involving fraud, force, or coercion or  
22 in which the victim of sex trafficking is a child in-  
23 capable of giving meaningful consent, or of traf-  
24 ficking which includes rape or kidnapping or which  
25 causes a death, the country should prescribe punish-

1       ment commensurate with that for the most serious  
2       crimes, such as forcible sexual assault.

3           (3) For the knowing commission of any act of  
4       a severe form of trafficking in persons, the country  
5       should prescribe punishment which is sufficiently  
6       stringent to deter and which adequately reflects the  
7       heinous nature of the offense.

8           (4) The country should make serious and sus-  
9       tained efforts to eliminate severe forms of trafficking  
10      in persons.

11      (b) CRITERIA.—In determinations under subsection  
12 (a)(3) the following factors should be considered:

13           (1) Whether the country vigorously investigates  
14      and prosecutes acts of severe forms of trafficking in  
15      persons that take place wholly or partly within the  
16      territory of the country.

17           (2) Whether the country cooperates with other  
18      countries in the investigation and prosecution of se-  
19      vere forms of trafficking in persons.

20           (3) Whether the country extradites persons  
21      charged with acts of severe forms of trafficking in  
22      persons on the same terms and to the same extent  
23      as persons charged with other serious crimes.

24           (4) Whether the country monitors immigration  
25      and emigration patterns for evidence of severe forms



1 of trafficking in persons and whether law enforce-  
2 ment agencies of the country respond to any such  
3 evidence in a manner which is consistent with the  
4 vigorous investigation and prosecution of acts of  
5 such trafficking, as well as with the protection of  
6 victims and the internationally recognized human  
7 right to travel.

8 (5) Whether the country protects victims of se-  
9 vere forms of trafficking in persons and encourages  
10 their assistance in the investigation and prosecution  
11 of such trafficking, including provision for legal al-  
12 ternatives to their removal to countries in which they  
13 would face retribution or other hardship.

14 (6) Whether the country vigorously investigates  
15 and prosecutes public officials who participate in or  
16 facilitate severe forms of trafficking in persons, and  
17 takes all appropriate measures against officials who  
18 condone such trafficking.

19 **SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**  
20 **MINIMUM STANDARDS.**

21 The Secretary of State and the Director of the Agen-  
22 cy for International Development are authorized to pro-  
23 vide assistance to foreign countries for programs and ac-  
24 tivities designed to meet the minimum international stand-  
25 ards for the elimination of trafficking, including drafting

1 of legislation to prohibit and punish acts of trafficking,  
2 investigation and prosecution of traffickers, and facilities,  
3 programs, and activities for the protection of victims.

4 **SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO**  
5 **MEET MINIMUM STANDARDS.**

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

10 (b) REPORTS TO CONGRESS.—

11 (1) ANNUAL REPORT.—Not later than April 30  
12 of each year, the Secretary of State shall submit to  
13 the appropriate congressional committees a report  
14 with respect to the status of severe forms of traf-  
15 ficking in persons which shall include a list of those  
16 countries, if any, to which the minimum standards  
17 for the elimination of trafficking under section 8 are  
18 applicable and which do not meet such standards,  
19 and which may include additional information, in-  
20 cluding information about efforts to combat traf-  
21 ficking and about countries which have taken appro-  
22 priate actions to combat trafficking.

23 (2) INTERIM REPORTS.—The Secretary of State  
24 may submit to the appropriate congressional com-  
25 mittees in addition to the annual report under sub-

1 section (b) one or more interim reports with respect  
2 to the status of severe forms of trafficking in per-  
3 sons, including information about countries whose  
4 governments have come into or out of compliance  
5 with the minimum standards for the elimination of  
6 trafficking since the transmission of the last annual  
7 report.

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

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

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

22 (A)(i) the United States will not provide  
23 nonhumanitarian foreign assistance to the gov-  
24 ernment of the country for the subsequent fiscal

1 year until such government complies with the  
2 minimum standards; or

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

12 (B) the President will instruct the United  
13 States Executive Director of each multilateral  
14 development bank and of the International  
15 Monetary Fund to vote against, and to use his  
16 or her best efforts to deny, any loan or other  
17 utilization of the funds of his or her institution  
18 to that country (other than for humanitarian  
19 assistance, or for development assistance which  
20 directly addresses basic human needs, is not ad-  
21 ministered by the government of the sanctioned  
22 country, and confers no benefit to that country)  
23 for the subsequent fiscal year until such govern-  
24 ment complies with the minimum standards.

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

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

11          (e) CERTIFICATION.—Together with any notification  
12 under subsection (c), the President shall provide a certifi-  
13 cation by the Secretary of State that with respect to as-  
14 sistance described in clause (i), (ii), or (iv) of subpara-  
15 graph 3(10)(A) or in subparagraph 3(10)(B), no assist-  
16 ance is intended to be received or used by any agency or  
17 official who has participated in, facilitated, or condoned  
18 a severe form of trafficking in persons.

19 **SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN**  
20 **PERSONS.**

21          (a) AUTHORITY TO SANCTION SIGNIFICANT TRAF-  
22 FICKERS IN PERSONS.—

23           (1) IN GENERAL.—The President may exercise  
24 IEEPA authorities (other than authorities relating  
25 to importation) without regard to section 202 of the

1 International Emergency Economic Powers Act (50  
2 U.S.C. 1705) in the case of any foreign person who  
3 is on the list described in subsection (b).

4 (2) PENALTIES.—The penalties set forth in sec-  
5 tion 206 of the International Emergency Economic  
6 Powers Act (50 U.S.C. 1705) apply to violations of  
7 any license, order, or regulation issued under this  
8 clause (i).

9 (3) IEEPA AUTHORITIES.—For purposes of  
10 clause (i), the term ‘IEEPA authorities’ means the  
11 authorities set forth in section 203(a) of the Inter-  
12 national Emergency Economic Powers Act (50  
13 U.S.C. 1702(a)).

14 (b) LIST OF TRAFFICKERS OF PERSONS.—

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

18 (A) any foreign person that plays a signifi-  
19 cant role in a severe form of trafficking in per-  
20 sons, directly or indirectly in the United States  
21 or any of its territories or possessions;

22 (B) foreign persons who materially assist  
23 in, or provide financial or technological support  
24 for or to, or providing goods or services in sup-  
25 port of, activities of a significant foreign traf-

1           ficker in persons identified pursuant to sub-  
2           paragraph (A); and

3           (C) foreign persons that are owned, con-  
4           trolled, or directed by, or acting for or on behalf  
5           of, a significant foreign trafficker so identified  
6           pursuant to subparagraph (A).

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

11          (3) CONSULTATION.—The Secretary of State  
12          shall consult with the following officers in carrying  
13          out paragraphs (1) and (2).

14                 (A) the Attorney General;

15                 (B) the Director of Central Intelligence;

16                 (C) the Director of the Federal Bureau of  
17          Investigation;

18                 (D) the Secretary of Labor; and

19                 (E) the Secretary of Health and Human  
20          Services.

21          (4) PUBLICATION OF LIST.—Upon compiling  
22          the list referred to in paragraph (1) and within 30  
23          days of any revisions to such list, the Secretary of  
24          State shall submit the list or revisions to such list  
25          to the Committees on the International Relations

1 and Judiciary and the Permanent Select Committee  
2 on Intelligence of the House of Representatives; and  
3 to the Committees on the Foreign Relations and the  
4 Select Committee on Intelligence of the Senate; and  
5 publish the list or revisions to such list in the Fed-  
6 eral Register.

7 (c) REPORT TO CONGRESS ON IDENTIFICATION AND  
8 SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PER-  
9 SONS.—Upon exercising the authority of subsection (a),  
10 the President shall report to the Committees on the Inter-  
11 national Relations and Judiciary and the Permanent Se-  
12 lect Committee on Intelligence of the House of Represent-  
13 atives; and to the Committees on the Foreign Relations  
14 and the Select Committee on Intelligence of the Senate—

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

18 (2) detailing publicly the sanctions imposed  
19 pursuant to this section.

20 (d) EXCLUSION OF CERTAIN INFORMATION.—

21 (1) INTELLIGENCE.—Notwithstanding any  
22 other provision of this section, the list and report de-  
23 scribed in subsections (b) and (c) shall not disclose  
24 the identity of any person, if the Director of Central  
25 Intelligence determines that such disclosure could



1       compromise an intelligence operation, activity,  
2       source, or method of the United States.

3               (2) LAW ENFORCEMENT.—Notwithstanding any  
4       other provision of this section, the list and report de-  
5       scribed in subsections (b) and (c) shall not disclose  
6       the name of any person if the Attorney General, in  
7       coordination as appropriate with the Director of the  
8       Federal Bureau of Investigation, the Administrator  
9       of the Drug Enforcement Administration, and the  
10      Secretary of the Treasury, determines that such dis-  
11      closure could reasonably be expected to—

12               (A) compromise the identity of a confiden-  
13      tial source, including a State, local, or foreign  
14      agency or authority or any private institution  
15      that furnished information on a confidential  
16      basis;

17               (B) jeopardize the integrity or success of  
18      an ongoing criminal investigation or prosecu-  
19      tion;

20               (C) endanger the life or physical safety of  
21      any person; or

22               (D) cause substantial harm to physical  
23      property.

24               (3) NOTIFICATION REQUIRED.—(A) Whenever  
25      either the Director of Central Intelligence or the At-

1       torney General makes a determination under this  
2       subsection, the Director of Central Intelligence or  
3       the Attorney General shall notify the Permanent Se-  
4       lect Committee on Intelligence of the House of Rep-  
5       resentatives and the Select Committee on Intel-  
6       ligence of the Senate, and explain the reasons for  
7       such determination.

8               (B) The notification required under this para-  
9       graph shall be submitted to the Permanent Select  
10      Committee on Intelligence of the House of Rep-  
11      resentatives and the Select Committee on Intel-  
12      ligence of the Senate not later than July 1, 2000,  
13      and on an annual basis thereafter.

14      (e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVI-  
15      TIES NOT AFFECTED.—Nothing in this section prohibits  
16      or otherwise limits the authorized law enforcement or in-  
17      telligence activities of the United States, or the law en-  
18      forcement activities of any State or subdivision thereof.

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

24                       “(H) SIGNIFICANT TRAFFICKERS IN PER-  
25                       SONS.—Any alien who—

1           “(i) is on the most recent list of sig-  
2           nificant traffickers provided in section 10  
3           of the Trafficking Victims Protection Act  
4           of 1999, or who the consular officer or the  
5           Attorney General knows or has reason to  
6           believe is or has been a knowing aider,  
7           abettor, assister, conspirator, or colluder  
8           with such a trafficker in severe forms of  
9           trafficking in persons as defined in the sec-  
10          tion 3 of such Act; or

11           “(ii) who the consular officer or the  
12          Attorney General knows or has reason to  
13          believe is the spouse, son, or daughter of  
14          an alien inadmissible under clause (i), has,  
15          within the previous 5 years, obtained any  
16          financial or other benefit from the illicit  
17          activity of that alien, and knew or reason-  
18          ably should have known that the financial  
19          or other benefit was the product of such il-  
20          licit activity, is inadmissible.”.

21          (g) IMPLEMENTATION.—The Secretary of State, the  
22          Attorney General, and the Secretary of Treasury are au-  
23          thorized to take such actions as may be necessary to carry  
24          out this section, including promulgating rules and regula-  
25          tions permitted under this Act.

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

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

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

10 (1) in each of sections 1581(a), 1583, and  
11 1584—

12 (A) by striking “10 years” and inserting  
13 “20 years”;

14 (B) by adding at the end the following:  
15 “If, in addition to the foregoing elements, death  
16 results from a violation of this section, or if  
17 such violation includes kidnapping or an at-  
18 tempt to kidnap, aggravated sexual abuse or  
19 the attempt to commit aggravated sexual abuse,  
20 or an attempt to kill, the defendant shall be  
21 fined under this title or imprisoned for any  
22 term of years or life, or both.”;

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

1 **“§ 1589. Trafficking into involuntary servitude, peon-**  
2 **age, or slavery-like conditions**

3 “(a) Whoever recruits, harbors, provides, transports,  
4 employs, purchases, sells, or secures, by any means, any  
5 person, knowing or having reason to know that the person  
6 is or will be subjected to involuntary servitude or peonage  
7 or to slavery-like conditions as described in subsection (b)  
8 of this section, or in any way, financially or otherwise,  
9 knowingly benefits from, or makes use of, the labor or  
10 services of a person subjected to a condition of involuntary  
11 servitude or peonage, shall be fined under this title or im-  
12 prisoned not more than 20 years, or both; and if, in addi-  
13 tion to the foregoing elements, death results from an act  
14 committed in violation of this section, or if such act in-  
15 cludes kidnapping or an attempt to kidnap, aggravated  
16 sexual abuse or the attempt to commit aggravated sexual  
17 abuse, or an attempt to kill, shall be fined under this title  
18 or imprisoned for any term of years or life, or both.

19 “(b) As used in this section, the term ‘slavery-like  
20 conditions’ means that the labor or services of a person  
21 are obtained or maintained through any scheme or artifice  
22 to defraud, or by means of any plan or pattern, including  
23 but not limited to false and fraudulent pretense and mis-  
24 representations, such that the person reasonably believes  
25 that if he did not perform the labor or services serious  
26 harm would be inflicted on himself or on another person.



1           “(2) if the offense was not effected by fraud,  
2 force, or coercion, and the person transported had  
3 attained the age of 14 years but had not attained  
4 the age of 18 years at the time of such offense, by  
5 a fine under this title or imprisonment for not more  
6 than 20 years, or both.

7           “(c) DEFINITION OF COMMERCIAL SEXUAL ACT.—  
8 In this section, the term ‘commercial sexual act’ means  
9 any sexual act, on account of which anything of value is  
10 given to or received by any person, and—

11           “(1) which takes place in the United States;

12           “(2) which affects United States foreign com-  
13 merce; or

14           “(3) in which either the person caused or ex-  
15 pected to participate in the act or the person com-  
16 mitting the violation is a United States citizen or an  
17 alien admitted for permanent residence in the  
18 United States.”

19 **§ 1590. Unlawful possession of documents in further-**  
20 **ance of trafficking, involuntary servitude,**  
21 **or peonage**

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

1           “(1) in the course of, or under circumstances  
2           which facilitate a violation of section 1581, 1583,  
3           1584, 1589, or 1589A or a conspiracy or attempt to  
4           commit such a violation; or

5           “(2) to conceal or impair the investigation or  
6           prosecution of a violation of any section described in  
7           paragraph (1); or

8           “(3) to prevent or restrict, without lawful au-  
9           thority, the person’s liberty to move or travel in  
10          interstate or foreign commerce,  
11          shall be fined under this title or imprisoned for not  
12          more than 5 years, or both.

13       **“§ 1591. Mandatory restitution**

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

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

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



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

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

18 **“§ 1592. General provisions**

19       “(a) In a prosecution under sections 1581, 1583,  
20 1584, or 1589, a condition of involuntary servitude or pe-  
21 onage may be established by proof that the defendant ob-  
22 tained or maintained the labor or service of any person—

23               “(1) by the use, or threatened use, of force, vio-  
24       lence, physical restraint, or physical injury, or by ex-

1       tortion or the abuse of threatened abuse of law or  
2       the legal process;

3           “(2) through representations made to any per-  
4       son that physical harm may occur to that person, or  
5       to another, in an effort to wrongfully obtain or  
6       maintain the labor or services of that person; or

7           “(3) by the use of fraud, deceit, or misrepresen-  
8       tation toward any person in an effort to wrongfully  
9       obtain or maintain the labor or services of that per-  
10      son, where the person is a minor, one who is men-  
11      tally disabled, or one who is otherwise particularly  
12      susceptible to coercion.

13       “(b) An attempt or conspiracy to violate sections  
14      1581, 1583, 1584, 1589, or 1589A shall be punishable  
15      in the same manner as a completed violation of each of  
16      these sections, respectively.

17       “(c)(1) The court, in imposing sentence on any per-  
18      son convicted of a violation of this chapter, shall order,  
19      in addition to any other sentence imposed and irrespective  
20      of any provision of State law, that such person shall forfeit  
21      to the United States—

22           “(A) such person’s interest in any property,  
23      real or personal, that was used or intended to be  
24      used to commit or to facilitate the commission of  
25      such violation; and

1           “(B) any property, real or personal, consti-  
2           tuting or derived from, any proceeds that such per-  
3           son obtained, directly or indirectly, as a result of  
4           such violation.

5           “(2) The criminal forfeiture of property under this  
6           subsection, any seizure and disposition thereof, and any  
7           administrative or judicial proceeding in relation thereto,  
8           shall be governed by the provisions of section 413 of the  
9           Comprehensive Drug Abuse Prevention and Control Act  
10          of 1970 (21 U.S.C. 853), except subsection (d) of that  
11          section.

12          “(d)(1) The following shall be subject to forfeiture  
13          to the United States and no property right shall exist in  
14          them—

15                 “(A) any property, real or personal, used or in-  
16                 tended to be used to commit or to facilitate the com-  
17                 mission of any violation of this chapter; and

18                 “(B) any property, real or personal, which con-  
19                 stitutes or is derived from proceeds traceable to any  
20                 violation of this chapter.

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

24          “(f) WITNESS PROTECTION.—Any violation of this  
25          chapter shall be considered an organized criminal activity

1 or other serious offense for the purposes of application of  
2 chapter 224 (relating to witness protection).”; and

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

“1589. Trafficking into involuntary servitude, peonage, or slavery-like condi-  
tions.

“1589A. Sex trafficking of children or by force, fraud, or coercion.

“1590. Unlawful possession of documents in furtherance of trafficking involun-  
tary servitude, or peonage.

“1591. Mandatory restitution.

“1592. General provisions.”.

6 (b) AMENDMENT TO THE SENTENCING GUIDE-  
7 LINES.—

8 (1) Pursuant to its authority under section 994  
9 of title 28, United States Code, and in accordance  
10 with this section, the United States Sentencing Com-  
11 mission shall review and, if appropriate, amend the  
12 sentencing guidelines and policy statements applica-  
13 ble to persons convicted of offenses involving the  
14 trafficking of persons including component or related  
15 crimes of peonage, involuntary servitude, slave trade  
16 offenses, and possession, transfer or sale of false im-  
17 migration documents in furtherance of trafficking,  
18 and the Fair Labor Standards Act and the Migrant  
19 and Seasonal Agricultural Worker Protection Act.

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

1           (A) take all appropriate measures to en-  
2           sure that these sentencing guidelines and policy  
3           statements applicable to the offenses described  
4           in paragraph (1) of this subsection are suffi-  
5           ciently stringent to deter and adequately reflect  
6           the heinous nature of such offenses;

7           (B) consider conforming the sentencing  
8           guidelines applicable to offenses involving traf-  
9           ficking in persons to the guidelines applicable to  
10          peonage, involuntary servitude, and slave trade  
11          offenses; and

12          (C) consider providing sentencing enhance-  
13          ments for those convicted of the offenses de-  
14          scribed in paragraph (1) of this subsection  
15          that—

16               (i) involve a large number of victims;

17               (ii) involve a pattern of continued and  
18               flagrant violations;

19               (iii) involve the use or threatened use  
20               of a dangerous weapon; or

21               (iv) result in the death or bodily in-  
22               jury of any person.

23          (3) The Commission may promulgate the guide-  
24          lines or amendments under this subsection in ac-  
25          cordance with the procedures set forth in section

1       21(a) of the Sentencing Act of 1987, as though the  
2       authority under that Act had not expired.

3       (c) RACKETEERING.—Section 1961(1) of title 18,  
4       United States Code, is amended by inserting “section  
5       1589 (relating to trafficking into involuntary servitude,  
6       peonage, or slavery-like conditions), section 1589A (relat-  
7       ing to sex trafficking of children or by force, fraud, or  
8       coercion),” after “murder-for-hire),”.

9       **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

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

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

21       (c) AUTHORIZATION OF APPROPRIATIONS TO THE  
22       SECRETARY OF STATE.—To carry out the purposes of sec-  
23       tion 7(a) there are authorized to be appropriated to the  
24       Secretary of State \$5,000,000 for fiscal year 2000 and  
25       \$10,000,000 for fiscal year 2001.

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

6 (e) AUTHORIZATION OF APPROPRIATIONS TO PRESI-  
7 DENT.—

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

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

17 (f) AUTHORIZATION OF APPROPRIATIONS TO THE  
18 SECRETARY OF LABOR.—To carry out the purposes of  
19 section 7(b) there are authorized to be appropriated to the  
20 Secretary of Labor \$5,000,000 for fiscal year 2000 and  
21 \$10,000,000 for fiscal year 2001.

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