

106TH CONGRESS
2D SESSION

S. 2414

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.

IN THE SENATE OF THE UNITED STATES

APRIL 12, 2000

Mr. WELLSTONE introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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,*

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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; interim reports.
- 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 traffickers in persons.
- Sec. 12. Strengthening prosecution and punishment of traffickers.
- Sec. 13. Authorization of appropriations.

3 **SEC. 2. PURPOSES AND FINDINGS.**

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

9 (b) FINDINGS.—Congress finds that:

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

15 (2) Many of these persons are trafficked into
 16 the international sex trade, often by means of force,
 17 fraud, or coercion. The sex industry has rapidly ex-
 18 panded over the past several decades. It involves sex-
 19 ual exploitation of persons, predominantly women

1 and girls, within activities related to prostitution,
2 pornography, sex tourism, and other commercial sexual
3 services. The rapid expansion of the sex industry
4 and the low status of women in many parts of the
5 world have contributed to a burgeoning of the traf-
6 ficking industry.

7 (3) Trafficking in persons is not limited to the
8 sex industry. Such trafficking also involves forced
9 labor and other violations of internationally recog-
10 nized human rights. The worldwide trafficking of
11 persons is a growing transnational crime, migration,
12 economics, labor, public health, and human rights
13 problem that is significant on nearly every continent.

14 (4) Traffickers primarily target women and
15 girls, who are disproportionately affected by poverty,
16 lack of access to education, chronic unemployment,
17 discrimination, and lack of viable economic opportu-
18 nities in countries of origin. Traffickers lure women
19 and girls into their networks through false promises
20 of decent working conditions at relatively good pay
21 as nannies, maids, dancers, factory workers, res-
22 taurant workers, sales clerks, or models. Traffickers
23 also buy children from poor families and sell them
24 into prostitution or into various types of forced or
25 bonded labor.

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

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

12 (7) Traffickers often make representations to
13 their victims that physical harm may occur to them
14 or to others should the victim escape or attempt to
15 escape. Such representations can have the same co-
16 ercive effects on victims as specific threats to inflict
17 such harm.

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

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

3 (9) Trafficking, when it involves the involuntary
4 participation of another person in sex acts by means
5 of fraud, force, or coercion, includes all the elements
6 of the crime of forcible rape.

7 (10) Trafficking also involves violations of other
8 laws, including labor and immigration codes and
9 laws against kidnapping, slavery, false imprison-
10 ment, assault, battery, pandering, fraud, and extor-
11 tion.

12 (11) Trafficking exposes victims to serious
13 health risk. Women and children trafficked into the
14 sex industry are exposed to deadly diseases, includ-
15 ing HIV and AIDS. Trafficking victims are some-
16 times worked or physically brutalized to death.

17 (12) Trafficking in persons involving slavery-
18 like practices substantially affects interstate and for-
19 eign commerce. The United States must take action
20 to eradicate the substantial burdens on commerce
21 that result from trafficking in persons and to pre-
22 vent the channels of commerce from being used for
23 immoral and injurious purposes.

24 (13) Trafficking of persons in all its forms is
25 an evil requiring concerted and vigorous action by

1 countries of origin, transit or destination, and by
2 international organizations.

3 (14) Existing legislation and law enforcement in
4 the United States and in other countries have
5 proved inadequate to deter trafficking and to bring
6 traffickers to justice, principally because such legis-
7 lation and enforcement do not reflect the gravity of
8 the offenses involved. No comprehensive law exists in
9 the United States that penalizes the range of of-
10 fenses involved in the trafficking scheme. Instead,
11 even the most brutal instances of trafficking into the
12 sex industry are often punished under laws that also
13 apply to lesser offenses such as consensual sexual
14 activity and illegal immigration, so that traffickers
15 typically escape severe punishment.

16 (15) In the United States, the seriousness of
17 the crime of trafficking in persons is not reflected in
18 current sentencing guidelines for component crimes
19 of the trafficking scheme, which results in weak pen-
20 alties for convicted traffickers. Additionally adequate
21 services and facilities do not exist to meet the health
22 care, housing, education, and legal assistance needs
23 for the safe reintegration of domestic trafficking vic-
24 tims.

1 (16) In some countries, enforcement against
2 traffickers is also hindered by official indifference,
3 by corruption, and sometimes even by active official
4 participation in trafficking.

5 (17) Because existing laws and law enforcement
6 procedures often fail to make clear distinctions be-
7 tween victims of trafficking and persons who have
8 knowingly and willfully violated laws, and because
9 such victims often do not have legal immigration
10 status in the countries into which they are traf-
11 ficked, the victims are often punished more harshly
12 than the traffickers themselves.

13 (18) Because victims of trafficking are fre-
14 quently unfamiliar with the laws, cultures, and lan-
15 guages of the countries into which they have been
16 trafficked, and because they are often subjected to
17 coercion and intimidation including physical deten-
18 tion, debt bondage, fear of retribution, and fear of
19 forcible removal to countries in which they will face
20 retribution or other hardship, these victims often
21 find it difficult or impossible to report the crimes
22 committed against them or to assist in the investiga-
23 tion and prosecution of such crimes.

24 (19) The United States and the international
25 community are in agreement that trafficking in per-

1 sons involves grave violations of human rights and
2 is a matter of pressing international concern. The
3 international community has repeatedly condemned
4 slavery and involuntary servitude, violence against
5 women, and other elements of trafficking, through
6 declarations, treaties, United Nations resolutions
7 and reports, including the Universal Declaration of
8 Human Rights; the 1956 Supplementary Convention
9 on the Abolition of Slavery, the Slave Trade, and In-
10 stitutions and Practices Similar to Slavery; the 1957
11 Abolition of Forced Labor Convention; the Inter-
12 national Covenant on Civil and Political Rights; the
13 Convention on the Elimination of All Forms of Dis-
14 crimination Against Women; the Convention Against
15 Torture and Other Cruel, Inhuman or Degrading
16 Treatment or Punishment; United Nations General
17 Assembly Resolutions 50/167, 51/66, and 52/98; the
18 Final Report of the World Congress against Sexual
19 Exploitation of Children (Stockholm, 1996); the
20 Fourth World Conference on Women (Beijing,
21 1995); and the 1991 Moscow Document of the Or-
22 ganization for Security and Cooperation in Europe.

23 (20) Trafficking in persons is a transnational
24 crime with national implications. In order to deter
25 international trafficking and to bring its perpetra-

1 tors to justice, nations including the United States
2 must recognize that trafficking is a serious offense
3 by prescribing appropriate punishment, by giving
4 priority to investigation and prosecution of traf-
5 ficking offenses, and by protecting rather than pun-
6 ishing the victims of such offenses. The United
7 States must work bilaterally and multilaterally to
8 abolish the trafficking industry by taking steps to
9 promote and facilitate cooperation among countries
10 linked together by international trafficking routes.
11 The United States must also urge the international
12 community to take strong action in multilateral fora
13 to engage recalcitrant countries in serious and sus-
14 tained efforts to eliminate trafficking and protect
15 trafficking victims.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) ACT OF A SEVERE FORM OF TRAFFICKING
19 IN PERSONS.—The term “act of a severe form of
20 trafficking in persons” means any act at any point
21 in the process of a severe form of trafficking in per-
22 sons, including—

23 (A) any act of recruitment, harboring,
24 transport, provision, employment, securing,

1 transfer, purchase, sale or receipt of a victim of
2 such trafficking; or

3 (B) any act of—

4 (i) operation, management, or owner-
5 ship of an enterprise in which a victim of
6 such trafficking engages in a commercial
7 sex act, is subjected to slavery or a slavery-
8 like practice, or is expected or induced to
9 engage in such acts or be subjected to such
10 condition or practice; or

11 (ii) sharing in the profits of a severe
12 form of trafficking in persons or any part
13 thereof.

14 (2) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means the Committee on Foreign Relations
17 of the Senate and the Committee on International
18 Relations of the House of Representatives.

19 (3) COERCION.—The term “coercion” means
20 the use of force, violence, physical restraint, decep-
21 tion, or acts or circumstances not necessarily includ-
22 ing physical force but calculated to have the same
23 effect, such as the credible threat of force or of the
24 infliction of serious harm.

1 (4) COMMERCIAL SEX ACT.—The term “com-
2 mercial sex act” means any sex act whereby any-
3 thing of value is given to or received by any person.

4 (5) MINIMUM STANDARDS FOR THE ELIMI-
5 NATION OF TRAFFICKING.—The term “minimum
6 standards for the elimination of trafficking” means
7 the standards set forth in section 8.

8 (6) SEVERE FORMS OF TRAFFICKING IN PER-
9 SONS.—The term “severe forms of trafficking in
10 persons” means—

11 (A) sex trafficking in which either a com-
12 mercial sex act or any act or event contributing
13 to such act is effected or induced by fraud,
14 force, coercion, or deception, or in which the
15 person induced to perform such act has not at-
16 tained 18 years of age; or

17 (B) the recruitment, harboring, provision,
18 transportation, employment, transfer, receipt,
19 purchase, sale, or securing, by any means, of a
20 person, through the use of force, coercion,
21 fraud, or deception, for the purpose of subjec-
22 tion to involuntary servitude, peonage, or slav-
23 ery or slavery-like practices.

24 (7) SEX TRAFFICKING.—The term “sex traf-
25 ficking” means the purchase, sale, recruitment, har-

1 boring, transportation, transfer, or receipt of a per-
2 son for the purpose of a commercial sex act.

3 (8) SLAVERY-LIKE PRACTICES.—The term
4 “slavery-like practices” means the inducement of a
5 person to perform labor or other services, or an act
6 by force, fraud, coercion, or any scheme, plan, or
7 pattern to cause the person to believe that failure to
8 perform the work will result in—

9 (A) the infliction of serious harm;

10 (B) debt bondage in which labor or serv-
11 ices are pledged for debt on terms calculated
12 never to allow full payment of the debt or oth-
13 erwise amounting to indentured servitude for
14 life or for an indefinite period; or

15 (C) subjection of the person to conditions
16 so harsh or degrading as to provide a clear indi-
17 cation that the person has been subjected to
18 them by force, fraud, or coercion.

19 (9) VICTIM OF TRAFFICKING.—The term “vic-
20 tim of trafficking” means a person subjected to an
21 act or practice described in paragraph (6) or (7).

22 (10) VICTIM OF A SEVERE FORM OF TRAF-
23 FICKING.—The term “victim of a severe form of
24 trafficking” means a person subject to an act or
25 practice described in paragraph (6).

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

3 (a) ANNUAL COUNTRY REPORTS.—The Secretary of
4 State, with the assistance of the Assistant Secretary of
5 Democracy, Human Rights and Labor, shall, as part of
6 the annual Country Reports on Human Rights Practices,
7 include information on the status of trafficking in persons,
8 including the following information:

9 (1) A list of foreign countries that are countries
10 of origin, transit, or destination for a significant
11 number of victims of severe forms of trafficking and
12 which do not meet the minimum standards set forth
13 in section 8.

14 (2) A description of the nature and extent of
15 severe forms of trafficking in persons in each coun-
16 try.

17 (3) An assessment of the efforts by the govern-
18 ments described in paragraph (1) to combat severe
19 forms of trafficking. Such an assessment shall
20 address—

21 (A) whether any governmental authorities
22 tolerate or are involved in such trafficking;

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

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

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

7 (E) what steps the government has taken
8 to prohibit other individuals from participating
9 in such trafficking, including the investigation,
10 prosecution, and conviction of individuals in-
11 volved in severe forms of trafficking in persons,
12 the criminal and civil penalties for such traf-
13 ficking, and the efficacy of those penalties in
14 eliminating or reducing such trafficking;

15 (F) what steps the government has taken
16 to assist victims of such trafficking, including
17 efforts to prevent victims from being further
18 victimized by traffickers, government officials,
19 or others, grants of stays of deportation, and
20 provision of humanitarian relief, including pro-
21 vision of mental and physical health care and
22 shelter;

23 (G) whether the government—

1 (i) is cooperating with governments of
2 other countries to extradite traffickers
3 when requested;

4 (ii) is assisting in international inves-
5 tigation of transnational trafficking net-
6 works and in other cooperative efforts to
7 combat trafficking;

8 (iii) refrains from prosecuting victims
9 of severe forms of trafficking and from
10 other discriminatory treatment of such vic-
11 tims due to such victims having been traf-
12 ficked, or due to their having left or en-
13 tered the country illegally; and

14 (iv) recognizes the rights of victims
15 and ensures their access to justice.

16 (4) Information described in paragraph (2) and,
17 where appropriate, in paragraph (3) shall be in-
18 cluded in the annual Country Reports on Human
19 Rights Practices on a country-by-country basis.

20 (5) In addition to the information described in
21 this section, the Annual Country Reports on Human
22 Rights Practices may contain such other information
23 relating to trafficking in persons as the Secretary
24 determines to be appropriate.

1 (b) INTERIM REPORTS.—In addition to the list pro-
2 vided under subsection (a)(1), the Secretary of State, in
3 the capacity as chair of the Interagency Task Force, may
4 submit to the appropriate congressional committees 1 or
5 more interim reports with respect to the status of severe
6 forms of trafficking in persons, including information
7 about countries whose governments have come into or out
8 of compliance with the minimum standards for the elimi-
9 nation of trafficking since the transmission of the last an-
10 nual report.

11 **SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COM-**
12 **BAT TRAFFICKING.**

13 (a) ESTABLISHMENT.—The President shall establish
14 an Interagency Task Force to Monitor and Combat Traf-
15 ficking (in this Act referred to as the “Task Force”).

16 (b) APPOINTMENT.—The President shall appoint the
17 members of the Task Force, which shall include the Sec-
18 retary of State, the Administrator of the United States
19 Agency for International Development, the Attorney Gen-
20 eral, the Secretary of Labor, the Secretary of Health and
21 Human Services, the Director of Central Intelligence, and
22 such other officials as may be designated by the President.

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

1 (d) SUPPORT FOR THE TASK FORCE.—The Secretary
2 of State is authorized to establish within the Department
3 of State an Office to Monitor and Combat Trafficking,
4 which shall provide assistance to the Task Force. Any
5 such Office shall be headed by a Director. The Director
6 shall have the primary responsibility for assisting the Sec-
7 retary of State in carrying out the purposes of this Act
8 and may have additional responsibilities as determined by
9 the Secretary. The Director shall consult with domestic,
10 international nongovernmental organizations, and multi-
11 lateral organizations, including the Organization of Amer-
12 ican States, the Organization for Security and Coopera-
13 tion in Europe, and the United Nations, and with traf-
14 ficking victims or other affected persons. The Director
15 shall have the authority to take evidence in public hearings
16 or by other means. The Office is authorized to retain staff
17 members from agencies represented on the Task Force.

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

21 (1) Coordinate the implementation of this Act.

22 (2) Measure and evaluate progress of the
23 United States and other countries in the areas of
24 trafficking prevention, protection and assistance to
25 victims of trafficking, and prosecution and enforce-

1 ment against traffickers, including the role of public
2 corruption in facilitating trafficking.

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

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

18 (5) Examine the role of the international “sex
19 tourism” industry in the trafficking of persons and
20 in the sexual exploitation of women and children
21 around the world.

22 **SEC. 6. PREVENTION OF TRAFFICKING.**

23 (a) ECONOMIC ALTERNATIVES TO PREVENT AND
24 DETER TRAFFICKING.—The President, acting through
25 the Administrator of the United States Agency for Inter-

1 national Development and the heads of other appropriate
2 agencies, shall establish and carry out initiatives to en-
3 hance economic opportunity for potential victims of traf-
4 ficking as a method to deter trafficking. Such initiatives
5 may include—

6 (1) microcredit lending programs, training in
7 business development, skills training, and job coun-
8 seling;

9 (2) programs to promote women’s participation
10 in economic decisionmaking;

11 (3) programs to keep children, especially girls,
12 in elementary and secondary schools, and to educate
13 children, women, and men who have been victims of
14 trafficking;

15 (4) development of educational curricula re-
16 garding the dangers of trafficking; and

17 (5) grants to nongovernmental organizations to
18 accelerate and advance the political, economic, so-
19 cial, and educational roles and capacities of women
20 in their countries.

21 (b) PUBLIC AWARENESS AND INFORMATION.—The
22 President, acting through the Secretary of Labor, the Sec-
23 retary of Health and Human Services, the Attorney Gen-
24 eral, and the Secretary of State, shall establish and carry
25 out programs to increase public awareness, particularly

1 among potential victims of trafficking, of the dangers of
2 trafficking and the protections that are available for vic-
3 tims of trafficking.

4 (c) CONSULTATION REQUIREMENT.—The President
5 shall consult with appropriate nongovernmental organiza-
6 tions with respect to the establishment and conduct of ini-
7 tiatives described in subsections (a) and (b).

8 **SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
9 **TRAFFICKING.**

10 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-
11 TRIES.—

12 (1) IN GENERAL.—The Secretary of State and
13 the Administrator of the United States Agency for
14 International Development, in consultation with ap-
15 propriate nongovernmental organizations, shall es-
16 tablish and carry out programs and initiatives in for-
17 eign countries to assist in the safe integration, re-
18 integration, or resettlement, as appropriate, of vic-
19 tims of trafficking and their children and, if appro-
20 priate, their spouses and parents. Such programs
21 and initiatives shall be designed to meet the mental
22 and physical health, housing, legal, and other assist-
23 ance needs of such persons and their children, as
24 identified by the Inter-Agency Task Force to Mon-

1 itor and Combat Trafficking established under sec-
2 tion 5.

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

13 (b) VICTIMS IN THE UNITED STATES.—

14 (1) ASSISTANCE.—Subject to the availability of
15 appropriations and notwithstanding title IV of the
16 Personal Responsibility and Work Opportunity Rec-
17 onciliation Act of 1996, the Attorney General, the
18 Secretary of Health and Human Services, the Sec-
19 retary of Labor, and the Board of Directors of the
20 Legal Services Corporation shall expand existing
21 services to provide assistance to victims of severe
22 forms of trafficking in persons within the United
23 States, without regard to the immigration status of
24 such victims.

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

10 (3) GRANTS.—

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

21 (B) To receive a grant under this para-
22 graph, an eligible unit of government or organi-
23 zation shall certify that its laws, policies, and
24 practices, as appropriate, do not punish or deny
25 services to victims of severe forms of trafficking

1 in persons on account of the nature of their
2 work or services performed in connection with
3 such trafficking.

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

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

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

21 (c) TRAFFICKING VICTIM REGULATIONS.—Not later
22 than 180 days after the date of enactment of this Act,
23 the Attorney General and the Secretary of State shall pro-
24 mulgate regulations for law enforcement personnel, immi-

1 gration officials, and Department of State officials to im-
2 plement the following:

3 (1) Victims of severe forms of trafficking, while
4 in the custody of the Federal Government and to the
5 extent practicable, shall—

6 (A) be housed in appropriate housing as
7 quickly as possible;

8 (B) receive prompt medical care, food, and
9 other assistance; and

10 (C) be provided protection if a victim's
11 safety is at risk or if there is danger of addi-
12 tional harm by recapture of the victim by a
13 trafficker, including—

14 (i) taking measures to protect traf-
15 ficked persons and their family members
16 from intimidation and threats of reprisals
17 and reprisals from traffickers and their as-
18 sociates; and

19 (ii) ensuring that the names and iden-
20 tifying information of trafficked persons
21 and their family members are not disclosed
22 to the public.

23 (2) Victims of severe forms of trafficking shall
24 not be jailed, fined, or otherwise penalized for un-
25 lawful acts due to having been trafficked, including

1 for having used false documents, entering the coun-
2 try without documentation, or working without docu-
3 mentation.

4 (3) Victims of severe forms of trafficking shall
5 have access to legal assistance, information about
6 their rights, and translation services.

7 (4) Federal law enforcement officials shall act
8 to ensure an alien individual's continued presence in
9 the United States, if after an assessment, it is deter-
10 mined that such individual is a victim of trafficking
11 or a material witness, in order to effectuate prosecu-
12 tion of those responsible and to further the humani-
13 tarian interests of the United States, and such offi-
14 cials in investigating and prosecuting traffickers
15 shall protect the safety and integrity of trafficking
16 victims, including taking measures to protect traf-
17 ficked persons and their family members from in-
18 timidation, threats of reprisals and reprisals from
19 traffickers and their associates.

20 (5) Appropriate personnel of the Department of
21 State and the Department of Justice are trained in
22 identifying victims of severe forms of trafficking and
23 providing for the protection of such victims. Train-
24 ing under this paragraph should include methods for
25 achieving antitrafficking objectives through the non-

1 discriminatory application of immigration and other
2 related laws.

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

6 (e) FUNDING.—Funds from asset forfeiture under
7 section 1592 of title 18, United States Code (as added
8 by section 12 of this Act) should be first disbursed to sat-
9 isfy any judgments awarded victims of trafficking under
10 subsection (b)(4) and section 1591 of title 18, United
11 States Code (as added by such section 12). The remaining
12 funds from asset forfeiture are authorized to be available
13 in equal amounts for the purposes of subsections (a) and
14 (b) and shall remain available for obligation until ex-
15 pended.

16 (f) PROTECTION FROM REMOVAL FOR CERTAIN VIC-
17 TIMS OF TRAFFICKING.—

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

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

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

1 (C) by adding at the end the following new
2 subparagraph:

3 “(T) an alien who the Attorney General
4 determines—

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

7 “(ii) is or has been a victim of a se-
8 vere form of trafficking in persons as de-
9 fined in section 3 of the Trafficking Vic-
10 tims Protection Act of 2000;

11 “(iii)(I) has not unreasonably refused
12 to assist in the investigation or prosecution
13 of acts of trafficking; or

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

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

19 and, if the Attorney General considers it to be
20 appropriate, the spouse, married and unmarried
21 sons and daughters, and parents of an alien de-
22 scribed in this subparagraph if accompanying,
23 or following to join, the alien, except that no
24 person shall be eligible for admission to the
25 United States under this subparagraph if there

1 is substantial reason to believe that the person
2 has committed an act of a severe form of traf-
3 ficking in persons as defined in section 3 of the
4 Trafficking Victims Protection Act of 2000.”.

5 (2) DUTIES OF THE ATTORNEY GENERAL WITH
6 RESPECT TO “T” VISA NONIMMIGRANTS.—Section
7 101 of the Immigration and Nationality Act (8
8 U.S.C. 1101) is amended by adding at the end the
9 following new subsection:

10 “(i) With respect to nonimmigrant aliens described
11 in subsection (a)(15)(T)—

12 “(1) the Attorney General and other govern-
13 ment officials, where appropriate, shall provide those
14 aliens with referrals to nongovernmental organiza-
15 tions that would educate the aliens regarding their
16 options while in the United States and the resources
17 available to them; and

18 “(2) the Attorney General shall, during the pe-
19 riod those aliens are in lawful temporary resident
20 status under that subsection, grant the aliens au-
21 thorization to engage in employment in the United
22 States and provide the aliens with an ‘employment
23 authorized’ endorsement or other appropriate work
24 permit.”.

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

6 “(13) The Attorney General shall determine whether
7 a ground for inadmissibility exists with respect to a non-
8 immigrant described in section 101(a)(15)(T). The Attor-
9 ney General, in the Attorney General’s discretion, may
10 waive the application of subsection (a) (other than para-
11 graph (3)(E)) in the case of a nonimmigrant described in
12 section 101(a)(15)(T), if the Attorney General considers
13 it to be in the national interest to do so. Nothing in this
14 section shall be regarded as prohibiting the Attorney Gen-
15 eral from instituting removal proceedings against an alien
16 admitted as a nonimmigrant under section 101(a)(15)(T)
17 for material nontrafficking related conduct committed
18 after the alien’s admission into the United States, or for
19 material nontrafficking related conduct or a condition that
20 was not disclosed to the Attorney General prior to the
21 alien’s admission as a nonimmigrant under section
22 101(a)(15)(T).”.

23 (4) ADJUSTMENT TO PERMANENT RESIDENT
24 STATUS.—Section 245 of the Immigration and Na-

1 tionality Act (8 U.S.C. 1255) is amended by adding
2 at the end the following new subsection:

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

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

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

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

15 “(D) would face a significant possibility of ret-
16 ribution or other hardship if removed from the
17 United States, the Attorney General may adjust the
18 status of the alien (and the spouse, married and un-
19 married sons and daughters, and parents of the
20 alien if admitted under that section) to that of an
21 alien lawfully admitted for permanent residence if
22 the alien is not described in section 212(a)(3)(E).

23 “(2) An alien shall be considered to have failed to
24 maintain continuous physical presence in the United
25 States under paragraph (1)(A) if the alien has departed

1 from the United States for any period in excess of 90 days
2 or for any periods in the aggregate exceeding 180 days.”.

3 **SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF**
4 **TRAFFICKING.**

5 (a) MINIMUM STANDARDS.—For purposes of this
6 Act, the minimum standards for the elimination of traf-
7 ficking for a country that is a country of origin, transit,
8 or destination for a significant number of victims are the
9 following standards:

10 (1) The country should prohibit severe forms of
11 trafficking in persons and punish acts of such traf-
12 ficking.

13 (2) For the knowing commission of any act of
14 sex trafficking involving fraud, force, coercion, or de-
15 ception, or in which the victim of sex trafficking is
16 a child incapable of giving meaningful consent, or of
17 trafficking which includes rape or kidnapping or
18 which causes a death, the country should prescribe
19 punishment commensurate with that for the most
20 serious crimes, such as forcible sexual assault.

21 (3) For the knowing commission of any act of
22 a severe form of trafficking in persons, the country
23 should prescribe punishment which is sufficiently
24 stringent to deter and which adequately reflects the
25 heinous nature of the offense.

1 (4) The country should make serious and sus-
2 tained efforts to eliminate severe forms of trafficking
3 in persons.

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

6 (1) Whether the country vigorously investigates
7 and prosecutes acts of severe forms of trafficking in
8 persons that take place wholly or partly within the
9 territory of the country.

10 (2) Whether the country cooperates with other
11 countries in the investigation and prosecution of se-
12 vere forms of trafficking in persons.

13 (3) Whether the country extradites persons
14 charged with acts of severe forms of trafficking in
15 persons on the same terms and to the same extent
16 as persons charged with other serious crimes.

17 (4) Whether the country monitors immigration
18 and emigration patterns for evidence of severe forms
19 of trafficking in persons and whether law enforce-
20 ment agencies of the country respond to any such
21 evidence in a manner which is consistent with the
22 vigorous investigation and prosecution of acts of
23 such trafficking, as well as with the protection of
24 human rights of victims and the internationally rec-

1 tion of victims, and the expansion of exchange programs
2 and international visitor programs for governmental and
3 nongovernmental personnel to combat trafficking.

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

6 (a) **AUTHORITY TO IMPOSE SANCTIONS.**—The Presi-
7 dent may impose any of the measures described in sub-
8 section (b) against any foreign country to which the min-
9 imum standards for the elimination of trafficking under
10 section 8 are applicable and which do not meet such stand-
11 ards.

12 (b) **SANCTIONS THAT MAY BE IMPOSED.**—The meas-
13 ures described in this subsection are the following:

14 (1) **FOREIGN ASSISTANCE.**—

15 (A) **IN GENERAL.**—Subject to subpara-
16 graph (B), the President may deny to the coun-
17 try assistance of any kind which is provided by
18 grant, sale, loan, lease, credit, guaranty, or in-
19 surance, or by any other means, by any agency
20 or instrumentality of the United States Govern-
21 ment.

22 (B) **EXCEPTION.**—Subparagraph (A) shall
23 not apply to assistance under the Foreign As-
24 sistance Act of 1961 (22 U.S.C. 2151 et seq.),
25 or any successor provision of law, or the Arms

1 Export Control Act (22 U.S.C. 2751 et seq.)
2 that is intended to benefit the people of that
3 country directly and that is not channeled
4 through governmental agencies or entities of
5 that country.

6 (2) MULTILATERAL DEVELOPMENT BANK AS-
7 SISTANCE.—

8 (A) IN GENERAL.—The President may in-
9 struct the United States Executive Director to
10 each international financial institution described
11 in subparagraph (B) to use the voice and vote
12 of the United States to oppose any loan or fi-
13 nancial or technical assistance to the country by
14 such international financial institution.

15 (B) INTERNATIONAL FINANCIAL INSTITU-
16 TIONS DESCRIBED.—The international financial
17 institutions described in this subparagraph are
18 the International Bank for Reconstruction and
19 Development, the International Development
20 Association, the International Finance Corpora-
21 tion, the Inter-American Development Bank,
22 the African Development Bank, the European
23 Bank for Reconstruction and Development, and
24 the International Monetary Fund.

1 (3) PROHIBITION OF ARMS SALES.—The Presi-
2 dent may prohibit the transfer of defense articles,
3 defense services, or design and construction services
4 under the Arms Export Control Act (22 U.S.C.
5 2751 et seq.), including defense articles and defense
6 services licensed or approved for export under sec-
7 tion 38 of that Act (22 U.S.C. 2778), to the country
8 or any national of the country.

9 (4) EXPORT RESTRICTIONS.—The President
10 may prohibit or otherwise substantially restrict ex-
11 ports to the country of goods, technology, and serv-
12 ices (excluding agricultural commodities and prod-
13 ucts otherwise subject to control) and may suspend
14 existing licenses for the transfer to that person of
15 items the export of which is controlled under the Ex-
16 port Administration Act of 1979 or the Export Ad-
17 ministration Regulations.

18 (c) REPORT TO CONGRESS.—Upon exercising the au-
19 thority of subsection (a), the President shall submit a re-
20 port to Congress on the measures applied under this sec-
21 tion and the reasons for the application of the measures.

22 **SEC. 11. ACTIONS AGAINST TRAFFICKERS IN PERSONS.**

23 (a) AUTHORITY TO SANCTION TRAFFICKERS IN PER-
24 SONS.—

1 (1) IN GENERAL.—The President may exercise
2 IEEPA authorities (other than authorities relating
3 to importation) without regard to section 202 of the
4 International Emergency Economic Powers Act (50
5 U.S.C. 1701) in the case of any foreign person who
6 is on the list described in subsection (b).

7 (2) PENALTIES.—The penalties set forth in sec-
8 tion 206 of the International Emergency Economic
9 Powers Act (50 U.S.C. 1705) apply to violations of
10 any license, order, or regulation issued under para-
11 graph (1).

12 (3) IEEPA AUTHORITIES.—For purposes of
13 clause (i), the term “IEEPA authorities” means the
14 authorities set forth in section 203(a) of the Inter-
15 national Emergency Economic Powers Act (50
16 U.S.C. 1702(a)).

17 (b) LIST OF TRAFFICKERS OF PERSONS.—

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

21 (A) Any foreign person that plays a signifi-
22 cant role in a severe form of trafficking in per-
23 sons, directly or indirectly in the United States
24 or any of its territories or possessions.

1 (B) Foreign persons who materially assist
2 in, or provide financial or technological support
3 for or to, or providing goods or services in sup-
4 port of, activities of a significant foreign traf-
5 ficker in persons identified pursuant to sub-
6 paragraph (A).

7 (C) Foreign persons that are owned, con-
8 trolled, or directed by, or acting for or on behalf
9 of, a significant foreign trafficker so identified
10 pursuant to subparagraph (A).

11 (2) REVISIONS TO LIST.—The Secretary of
12 State shall make additions or deletions to any list
13 compiled under paragraph (1) on an ongoing basis
14 based on the latest information available.

15 (3) CONSULTATION.—The Secretary of State
16 shall consult with the following officers in carrying
17 out paragraphs (1) and (2).

18 (A) The Attorney General.

19 (B) The Director of Central Intelligence.

20 (C) The Director of the Federal Bureau of
21 Investigation.

22 (D) The Secretary of Labor.

23 (E) The Secretary of Health and Human
24 Services.

1 (4) PUBLICATION OF LIST.—Upon compiling
2 the list referred to in paragraph (1) and within 30
3 days of any revisions to such list, the Secretary of
4 State shall submit the list or revisions to such list
5 to the Committees on the International Relations
6 and Judiciary and the Permanent Select Committee
7 on Intelligence of the House of Representatives; and
8 to the Committees on Foreign Relations, the Judici-
9 ary, and the Select Committee on Intelligence of the
10 Senate; and publish the list or revisions to such list
11 in the Federal Register after such persons on the
12 list have admitted, been convicted, or been formally
13 found to have participated in the acts described in
14 paragraph (1) (A), (B), and (C).

15 (c) REPORT TO CONGRESS ON IDENTIFICATION AND
16 SANCTIONING OF TRAFFICKERS IN PERSONS.—Upon ex-
17 ercising the authority of subsection (a), the President shall
18 submit a report to the Committees on the International
19 Relations and the Judiciary, and the Permanent Select
20 Committee on Intelligence of the House of Representatives
21 and to the Committees on Foreign Relations and the Judi-
22 ciary, and the Select Committee on Intelligence of the
23 Senate—

24 (1) identifying publicly the foreign persons from
25 the list published under subsection (b)(4) that the

1 President determines are appropriate for sanctions
2 pursuant to this section; and

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

5 (d) EXCLUSION OF CERTAIN INFORMATION.—

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

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

22 (A) compromise the identity of a confiden-
23 tial source, including a State, local, or foreign
24 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, 2001,
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 adding at
10 the end the following new subparagraph:

11 “(H) TRAFFICKERS IN PERSONS.—Any
12 alien who—

13 “(i) is on the most recent list of traf-
14 fickers provided in section 11 of the Traf-
15 ficking Victims Protection Act of 2000, or
16 who the consular officer or the Attorney
17 General knows or has reason to believe is
18 or has been a knowing aider, abettor, as-
19 sister, conspirator, or colluder with such a
20 trafficker in severe forms of trafficking in
21 persons, as defined in the section 3 of such
22 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.—The Secretary of State, the
9 Attorney General, and the Secretary of the Treasury are
10 authorized to take such actions as may be necessary to
11 carry out this section, including promulgating rules and
12 regulations permitted under this Act.

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

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

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

22 (1) in each of sections 1581(a), 1583, and
23 1584—

24 (A) by striking “10 years” and inserting
25 “20 years”;

1 (B) by adding at the end the following:

2 “If, in addition to the foregoing elements, death
3 results from a violation of this section, or if
4 such violation includes kidnapping or an at-
5 tempt to kidnap, aggravated sexual abuse or
6 the attempt to commit aggravated sexual abuse,
7 or an attempt to kill, the defendant shall be
8 fined under this title or imprisoned for any
9 term of years or life, or both.”;

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

11 **“§ 1589. Trafficking into involuntary servitude, peon-**
12 **age, or slavery-like conditions**

13 “(a) Whoever recruits, harbors, provides, transports,
14 employs, transfers, receives, purchases, sells, or secures,
15 by any means, any person, knowing or having reason to
16 know that the person is or will be subjected to involuntary
17 servitude or peonage or to slavery-like conditions as de-
18 scribed in subsection (b) of this section, or in any way,
19 financially or otherwise, knowingly benefits from, or
20 makes use of, the labor or services of a person subjected
21 to a condition of involuntary servitude, peonage, or slav-
22 ery-like conditions, shall be fined under this title or impris-
23 oned not more than 20 years, or both; and if, in addition
24 to the foregoing elements, death results from an act com-
25 mitted in violation of this section, or if such act includes

1 kidnapping or an attempt to kidnap, aggravated sexual
2 abuse or the attempt to commit aggravated sexual abuse,
3 or an attempt to kill, shall be fined under this title or
4 imprisoned for any term of years or life, or both.

5 “(b) In this section—

6 “(1) the term ‘slavery-like conditions’ means
7 that the labor or services of a person are obtained
8 or maintained through any scheme or artifice to de-
9 fraud, by debt bondage, by subjection of the person
10 to conditions so harsh or degrading as to provide a
11 clear indication that the person has been subjected
12 to them by force, fraud, or coercion, or by means of
13 any plan or pattern, including false and fraudulent
14 pretense and misrepresentations, such that the per-
15 son reasonably believes that if he did not perform
16 the act, labor, or services, serious harm would be in-
17 flicted on himself or on another person, or the per-
18 son reasonably believes that the person has no op-
19 tion but to perform the act, labor, or services; and

20 “(2) the term ‘debt bondage’ means a relation-
21 ship in which labor or services are pledged for debt
22 on terms calculated never to allow full payment of
23 the debt or otherwise amounting to indentured ser-
24 vitude for life or for an indefinite period.

1 fense, by a fine under this title or imprisonment for
 2 any term of years or for life, or both; or

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

9 “(c) DEFINITION OF COMMERCIAL SEX ACT.—In
 10 this section, the term ‘commercial sex act’ means any sex
 11 act, whereby anything of value is given to or received by
 12 any person, and—

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

14 “(2) which affects United States foreign com-
 15 merce; or

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

21 **“§ 1590. Unlawful possession of documents in further-**
 22 **ance of trafficking, involuntary servitude,**
 23 **peonage, or slavery-like conditions**

24 “(a) Except as provided in subsection (b), whoever
 25 destroys, conceals, removes, confiscates, or possesses any

1 identification, passport, or other immigration documents,
2 or any other documentation of another person—

3 “(1) in the course of, or under circumstances
4 which facilitate a violation of section 1581, 1583,
5 1584, 1589, or 1589A or a conspiracy or attempt to
6 commit such a violation; or

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

10 “(3) to prevent or restrict, without lawful au-
11 thority, the person’s liberty to move or travel in
12 interstate or foreign commerce,

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

15 “(b) The provisions of subsection (a) shall not apply
16 to persons who have been trafficked as defined in section
17 7(c)(2) of the Trafficking Victims Protection Act of 2000.

18 **“§ 1591. Mandatory restitution**

19 “(a) Notwithstanding section 3663 or 3663A, and in
20 addition to any other civil or criminal penalties authorized
21 by law, the court shall order restitution for any offense
22 under this chapter.

23 “(b)(1) The order of restitution under this section
24 shall direct the defendant to pay the victim (through the
25 appropriate court mechanism) the full amount of the vic-

1 tim's losses, as determined by the court under paragraph
2 (3) of this subsection.

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

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

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

23 **“§ 1592. General provisions**

24 “(a) In a prosecution under section 1581, 1583,
25 1584, or 1589, a condition of involuntary servitude or pe-

1 onage may be established by proof that the defendant ob-
2 tained or maintained the labor or service of any person—

3 “(1) by the use, or threatened use, of force, vio-
4 lence, physical restraint, or physical injury, or by ex-
5 tortion or the abuse of threatened abuse of law or
6 the legal process;

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

11 “(3) by the use of fraud, deceit, or misrepresen-
12 tation toward any person in an effort to wrongfully
13 obtain or maintain the labor or services of that per-
14 son.

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

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

24 “(A) such person’s interest in any property,
25 real or personal, that was used or intended to be

1 used to commit or to facilitate the commission of
2 such violation; and

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

7 “(2) The criminal forfeiture of property under this
8 subsection, any seizure and disposition thereof, and any
9 administrative or judicial proceeding in relation thereto,
10 shall follow the guidelines of section 7(e) of the Traf-
11 ficking Victims Protection Act of 2000.

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).”;

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, peonage, or slavery-like conditions.

“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 2001 and
14 \$3,000,000 for fiscal year 2002.

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 author-
18 ized to be appropriated to the Secretary of Health and
19 Human Services \$5,000,000 for fiscal year 2001 and
20 \$10,000,000 for fiscal year 2002.

21 (c) AUTHORIZATION OF APPROPRIATIONS TO THE
22 SECRETARY OF STATE.—

23 (1) ASSISTANCE FOR VICTIMS IN OTHER COUN-
24 TRIES.—To carry out the purposes of section 7(a),
25 there are authorized to be appropriated to the Sec-

1 retary of State \$5,000,000 for fiscal year 2001 and
2 \$10,000,000 for fiscal year 2002.

3 (2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To
4 carry out the purposes of section 9, there are au-
5 thorized to be appropriated to the Secretary of State
6 \$100,000 for voluntary contributions to the Organi-
7 zation for Security and Cooperation in Europe
8 (OSCE) for fiscal year 2001.

9 (3) PREPARATION OF ANNUAL COUNTRY RE-
10 PORTS ON HUMAN RIGHTS.—To carry out the pur-
11 poses of section 4, there are authorized to be appro-
12 priated to the Secretary of State such sums as may
13 be necessary to include the additional information
14 required by that section in the annual Country Re-
15 ports on Human Rights Practices, including the
16 preparation and publication of the list described in
17 subsection (a)(1) of that section.

18 (d) AUTHORIZATION OF APPROPRIATIONS TO ATTOR-
19 NEY GENERAL.—To carry out the purposes of section
20 7(b), there are authorized to be appropriated to the Attor-
21 ney General \$5,000,000 for fiscal year 2001 and
22 \$10,000,000 for fiscal year 2002.

23 (e) AUTHORIZATION OF APPROPRIATIONS TO PRESI-
24 DENT.—

1 (1) FOREIGN VICTIM ASSISTANCE.—To carry
2 out the purposes of section 6, there are authorized
3 to be appropriated to the President \$5,000,000 for
4 fiscal year 2001 and \$10,000,000 for fiscal year
5 2002.

6 (2) ASSISTANCE TO FOREIGN COUNTRIES TO
7 MEET MINIMUM STANDARDS.—To carry out the pur-
8 poses of section 9, there are authorized to be appro-
9 priated to the President \$5,000,000 for fiscal year
10 2001 and \$10,000,000 for fiscal year 2002.

11 (f) AUTHORIZATION OF APPROPRIATIONS TO THE
12 SECRETARY OF LABOR.—To carry out the purposes of
13 section 7(b), there are authorized to be appropriated to
14 the Secretary of Labor \$5,000,000 for fiscal year 2001
15 and \$10,000,000 for fiscal year 2002.

○