

106TH CONGRESS
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S. 2449

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, prosecution, and enforcement against traffickers, and through protection and assistance to victims of trafficking.

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2000

Mr. BROWNBACK 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, 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 “International Trafficking 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.
- 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) As we begin the 21st century, the degrading
 11 institution of slavery continues throughout the
 12 world. Sex trafficking is a modern day form of slav-
 13 ery and it is the largest manifestation of slavery
 14 today. Millions of people every year, primarily
 15 women and children, are trafficked within or across
 16 international borders. Approximately 50,000 women
 17 and children are trafficked into the United States
 18 each year.

1 (2) Many of these persons are trafficked into
2 the international sex trade, often by force, fraud, or
3 coercion. The sex industry has rapidly expanded over
4 the past several decades. It involves sexual exploi-
5 tation of persons, predominantly women and girls,
6 involving activities related to prostitution, pornog-
7 raphy, sex tourism, and other commercial sexual
8 services. The low status of women in many parts of
9 the world has contributed to a burgeoning of the
10 trafficking industry.

11 (3) Trafficking in persons is not limited to the
12 sex industry. This growing transnational crime also
13 includes forced labor, and involves significant viola-
14 tions of minimal labor, public health, and human
15 rights standards worldwide.

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

1 into prostitution or into various types of forced or
2 bonded labor.

3 (5) Traffickers often transport victims from
4 their home communities to unfamiliar destinations,
5 including different countries away from family and
6 friends, religious institutions, and other sources of
7 protection and support, leaving the victims defense-
8 less and vulnerable.

9 (6) Victims are often forced through physical
10 violence to engage in sex acts or perform slavery-like
11 labor. Such force includes rape and other forms of
12 sexual abuse, torture, starvation, imprisonment,
13 threats, psychological abuse, and coercion.

14 (7) Traffickers often make representations to
15 their victims that physical harm may occur to them
16 or others should they escape or attempt to escape.
17 Such threats can have the same coercive effects on
18 victims as actual infliction of harm.

19 (8) Trafficking in persons is increasingly per-
20 petrated by organized, sophisticated criminal enter-
21 prises. Such trafficking is the fastest growing source
22 of profits for organized criminal enterprises world-
23 wide. Profits from the trafficking industry con-
24 tribute to the expansion of organized crime in the
25 United States and worldwide. Trafficking often is

1 aided by official corruption in countries of origin,
2 transit, and destination, thereby threatening the rule
3 of law.

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

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

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

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

1 (13) Trafficking of persons is an evil requiring
2 concerted and vigorous action by countries of origin,
3 transit or destination, and by international organiza-
4 tions.

5 (14) Existing legislation and law enforcement in
6 the United States and other countries are inad-
7 equate to deter trafficking and bring traffickers to
8 justice, failing to reflect the gravity of the offenses
9 involved. No comprehensive law exists in the United
10 States that penalizes the range of offenses involved
11 in the trafficking scheme. Instead, even the most
12 brutal instances of trafficking into the sex industry
13 are often punished under laws that also apply to
14 lesser offenses such as consensual sexual activity
15 and illegal immigration, so that traffickers typically
16 escape deserved punishment.

17 (15) In the United States, the seriousness of
18 this crime and its components are not reflected in
19 current sentencing guidelines, resulting in weak pen-
20 alties for convicted traffickers. Additionally adequate
21 services and facilities do not exist to meet the needs
22 of health care, housing, education, and legal assist-
23 ance, which safely reintegrate domestic trafficking
24 victims.

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

5 (17) Existing laws often fail to distinguish be-
6 tween victims of trafficking and traffickers, and
7 often because victims are illegal immigrants in the
8 destination country, they are repeatedly punished
9 more harshly than the traffickers themselves.

10 (18) Victims of trafficking often find it difficult
11 or impossible to report the crimes committed against
12 them or to assist in the investigation and prosecu-
13 tion of such crimes. This is because they are fre-
14 quently unfamiliar with the laws, culture, and lan-
15 guage of the countries into which they are traf-
16 ficked. Also, they are often subjected to coercion, in-
17 timidation, physical detention, debt bondage, and
18 fear of forcible removal to countries where they face
19 hardship.

20 (19) The United States and the international
21 community agree that trafficking in persons involves
22 grave violations of human rights and is a matter of
23 pressing international concern. The international
24 community has repeatedly condemned slavery and
25 involuntary servitude, violence against women, and

1 other elements of trafficking, through declarations,
2 treaties, United Nations resolutions and reports, in-
3 cluding the Universal Declaration of Human Rights;
4 the 1956 Supplementary Convention on the Aboli-
5 tion of Slavery, the Slave Trade, and Institutions
6 and Practices Similar to Slavery; the 1957 Abolition
7 of Forced Labor Convention; the International Coven-
8 ant on Civil and Political Rights; the Convention
9 on the Elimination of All Forms of Discrimination
10 Against Women; the Convention Against Torture
11 and Other Cruel, Inhuman or Degrading Treatment
12 or Punishment; United Nations General Assembly
13 Resolutions 50/167, 51/66, and 52/98; the Final Re-
14 port of the World Congress against Sexual Exploi-
15 tation of Children (Stockholm, 1996); the Fourth
16 World Conference on Women (Beijing, 1995); and
17 the 1991 Moscow Document of the Organization for
18 Security and Cooperation in Europe.

19 (20) Trafficking in persons is a transnational
20 crime with national implications. To deter inter-
21 national trafficking and bring its perpetrators to jus-
22 tice, nations including the United States must recog-
23 nize that trafficking is a serious offense. This is
24 done by prescribing appropriate punishment, giving
25 priority to the prosecution of trafficking offenses,

1 and protecting rather than punishing the victims of
2 such offenses. The United States must work bilat-
3 erally and multilaterally to abolish the trafficking in-
4 dustry by taking steps to promote cooperation
5 among countries linked together by international
6 trafficking routes. The United States must also urge
7 the international community to take strong action in
8 multilateral fora to engage recalcitrant countries in
9 serious and sustained efforts to eliminate trafficking
10 and protect trafficking victims.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) ACT OF A SEVERE FORM OF TRAFFICKING
14 IN PERSONS.—The term “act of a severe form of
15 trafficking in persons” means any act at any point
16 in the process of a severe form of trafficking in per-
17 sons, including—

18 (A) any act of recruitment, harboring,
19 transport, provision, employment, securing,
20 transfer, purchase, sale or receipt of a victim of
21 such trafficking; or

22 (B) any act of—

23 (i) operation, management, or owner-
24 ship of an enterprise in which a victim of
25 such trafficking engages in a commercial

1 sex act, is subjected to slavery or a slavery-
2 like practice, or is expected or induced to
3 engage in such acts or is subjected to such
4 condition or practice; or

5 (ii) sharing in the profits of a severe
6 form of trafficking in persons or any part
7 thereof.

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means the Committee on Foreign Relations
11 of the Senate and the Committee on International
12 Relations of the House of Representatives.

13 (3) COERCION.—The term “coercion” means
14 the use of force, violence, physical restraint, decep-
15 tion, or acts or circumstances not necessarily includ-
16 ing physical force but calculated to have the same
17 effect, such as the credible threat of force or of the
18 infliction of serious harm.

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

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

1 (6) NONHUMANITARIAN NONTRADE FOREIGN
2 ASSISTANCE.—The term “nonhumanitarian nontrade
3 foreign assistance” means—

4 (A) any assistance under the Foreign As-
5 sistance Act of 1961, other than—

6 (i) assistance under chapter 4 of part
7 II of that Act that is made available for
8 any program, project, or activity eligible
9 for assistance under chapter 1 of part I of
10 that Act;

11 (ii) assistance under chapter 8 of part
12 I of that Act;

13 (iii) any other narcotics-related assist-
14 ance under part I of that Act or under
15 chapter 4 or 5 of part II of that Act, but
16 any such assistance provided under this
17 clause shall be subject to the prior notifica-
18 tion procedures applicable to
19 reprogrammings pursuant to section 634A
20 of that Act;

21 (iv) disaster relief assistance, includ-
22 ing any assistance under chapter 9 of part
23 I of that Act;

24 (v) antiterrorism assistance under
25 chapter 8 of part II of that Act;

1 (vi) assistance which involves the pro-
2 vision of food (including monetization of
3 food) or medicine;

4 (vii) assistance for refugees;

5 (viii) humanitarian and other develop-
6 ment assistance in support of programs of
7 nongovernmental organizations under
8 chapters 1 and 10 of that Act;

9 (ix) programs under title IV of chap-
10 ter 2 of part I of that Act, relating to the
11 Overseas Private Investment Corporation;

12 or

13 (x) programs involving trade-related
14 assistance; and

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

22 (7) SEVERE FORMS OF TRAFFICKING IN PER-
23 SONS.—The term “severe forms of trafficking in
24 persons” means—

1 (A) sex trafficking in which either a com-
2 mercial sex act or any act or event contributing
3 to such act is effected or induced by fraud,
4 force, coercion, or deception, or in which the
5 person induced to perform such act has not at-
6 tained 18 years of age; or

7 (B) the recruitment, harboring, provision,
8 transportation, employment, transfer, receipt,
9 purchase, sale, or securing, by any means, of a
10 person, through the use of force, coercion,
11 fraud, or deception, for the purpose of subjec-
12 tion to involuntary servitude, peonage, or slav-
13 ery or slavery-like practices.

14 (8) SEX TRAFFICKING.—The term “sex traf-
15 ficking” means the purchase, sale, recruitment, har-
16 boring, transportation, transfer, or receipt of a per-
17 son for the purpose of a commercial sex act.

18 (9) SLAVERY-LIKE PRACTICES.—The term
19 “slavery-like practices” means the inducement of a
20 person to perform labor or other services, or an act
21 by force, fraud, coercion, or any scheme, plan, or
22 pattern to cause the person to believe that failure to
23 perform the work will result in—

24 (A) the infliction of serious harm;

1 (B) debt bondage in which labor or serv-
 2 ices are pledged for debt on terms calculated
 3 never to allow full payment of the debt or oth-
 4 erwise amounting to indentured servitude for
 5 life or for an indefinite period; or

6 (C) subjection of the person to conditions
 7 so harsh or degrading as to provide a clear indi-
 8 cation that the person has been subjected to
 9 them by force, fraud, or coercion.

10 (10) VICTIM OF TRAFFICKING.—The term “vic-
 11 tim of trafficking” means a person subjected to an
 12 act or practice described in paragraph (7) or (8).

13 (11) VICTIM OF A SEVERE FORM OF TRAF-
 14 FICKING.—The term “victim of a severe form of
 15 trafficking” means a person subject to an act or
 16 practice described in paragraph (7).

17 **SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
 18 **PRACTICES.**

19 The Secretary of State, with the assistance of the As-
 20 sistant Secretary of Democracy, Human Rights and
 21 Labor, shall, as part of the annual Country Reports on
 22 Human Rights Practices, include information on the sta-
 23 tus of trafficking in persons, including the following infor-
 24 mation:

1 (1) A list of foreign countries that are countries
2 of origin, transit, or destination for a significant
3 number of victims of severe forms of trafficking.

4 (2) A description of the nature and extent of
5 severe forms of trafficking in persons in each coun-
6 try.

7 (3) An assessment of the efforts by the govern-
8 ments described in paragraph (1) to combat severe
9 forms of trafficking. Such an assessment shall
10 address—

11 (A) whether any governmental authorities
12 tolerate or are involved in such trafficking;

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

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

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

21 (E) what steps the government has taken
22 to prohibit other individuals from participating
23 in such trafficking, including the investigation,
24 prosecution, and conviction of individuals in-
25 volved in severe forms of trafficking in persons,

1 the criminal and civil penalties for such traf-
2 ficking, and the efficacy of those penalties in
3 eliminating or reducing such trafficking;

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

12 (G) whether the government—

13 (i) is cooperating with governments of
14 other countries to extradite traffickers
15 when requested;

16 (ii) is assisting in international inves-
17 tigation of transnational trafficking net-
18 works and in other cooperative efforts to
19 combat trafficking;

20 (iii) refrains from prosecuting victims
21 of severe forms of trafficking and from
22 other discriminatory treatment of such vic-
23 tims due to such victims having been traf-
24 ficked, or due to their having left or en-
25 tered the country illegally; and

1 (iv) recognizes the rights of victims
2 and ensures their access to justice.

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

7 (5) In addition to the information described in
8 this section, the Annual Country Reports on Human
9 Rights Practices may contain such other information
10 relating to trafficking in persons as the Secretary
11 determines to be appropriate.

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

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

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

24 (c) CHAIRMAN.—The Task Force shall be chaired by
25 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 (6) Engage in advocacy, with governmental and
23 nongovernmental organizations, among other enti-
24 ties, to advance the purposes of this Act.

1 **SEC. 6. PREVENTION OF TRAFFICKING.**

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

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

13 (2) programs to promote women’s participation
14 in economic decisionmaking;

15 (3) programs to keep children, especially girls,
16 in elementary and secondary schools, and to educate
17 children, women, and men who have been victims of
18 trafficking;

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.

25 (b) **PUBLIC AWARENESS AND INFORMATION.**—The
26 President, acting through the Secretary of Labor, the Sec-

1 retary of Health and Human Services, the Attorney Gen-
2 eral, and the Secretary of State, shall establish and carry
3 out programs to increase public awareness, particularly
4 among potential victims of trafficking, of the dangers of
5 trafficking and the protections that are available for vic-
6 tims of trafficking.

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

11 **SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
12 **TRAFFICKING.**

13 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-
14 TRIES.—

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

1 ance needs of such persons and their children, as
2 identified by the Inter-Agency Task Force to Mon-
3 itor and Combat Trafficking established under sec-
4 tion 5.

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

15 (b) **VICTIMS IN THE UNITED STATES.**—

16 (1) **ASSISTANCE.**—Subject to the availability of
17 appropriations and notwithstanding title IV of the
18 Personal Responsibility and Work Opportunity Rec-
19 onciliation Act of 1996, the Attorney General, the
20 Secretary of Health and Human Services, the Sec-
21 retary of Labor, and the Board of Directors of the
22 Legal Services Corporation shall expand existing
23 services to provide assistance to victims of severe
24 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
4 work or services performed in connection with
5 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 traf-
19 ficking, may bring a civil action in United States
20 district court. The court may award actual damages,
21 punitive damages, reasonable attorneys' fees, and
22 other 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—

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

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

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

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

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

24 (2) Victims of severe forms of trafficking shall
25 not be jailed, fined, or otherwise penalized for un-

1 lawful acts due to having been trafficked, including
2 for having used false documents, entering the coun-
3 try without documentation, or working without docu-
4 mentation.

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

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

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

1 achieving antitrafficking objectives through the non-
2 discriminatory application of immigration and other
3 related laws.

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

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

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

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

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

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

3 (C) by adding at the end the following new
4 subparagraph:

5 “(T) an alien who the Attorney General
6 determines—

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

9 “(ii) is or has been a victim of a se-
10 vere form of trafficking in persons as de-
11 fined in section 3 of the Interantional
12 Anti-Trafficking Act of 2000;

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

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

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

21 and, if the Attorney General considers it to be
22 appropriate, the spouse, married and unmarried
23 sons and daughters, and parents of an alien de-
24 scribed in this subparagraph if accompanying,
25 or following to join, the alien, except that no

1 person shall be eligible for admission to the
2 United States under this subparagraph if there
3 is substantial reason to believe that the person
4 has committed an act of a severe form of traf-
5 ficking in persons as defined in section 3 of the
6 Interantional Anti-Trafficking Act of 2000.”.

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

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

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

20 “(2) the Attorney General shall, during the pe-
21 riod those aliens are in lawful temporary resident
22 status under that subsection, grant the aliens au-
23 thorization to engage in employment in the United
24 States and provide the aliens with an ‘employment

1 authorized' endorsement or other appropriate work
2 permit.”.

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

8 “(13) The Attorney General shall determine whether
9 a ground for inadmissibility exists with respect to a non-
10 immigrant described in section 101(a)(15)(T). The Attor-
11 ney General, in the Attorney General’s discretion, may
12 waive the application of subsection (a) (other than para-
13 graph (3)(E)) in the case of a nonimmigrant described in
14 section 101(a)(15)(T), if the Attorney General considers
15 it to be in the national interest to do so. Nothing in this
16 section shall be regarded as prohibiting the Attorney Gen-
17 eral from instituting removal proceedings against an alien
18 admitted as a nonimmigrant under section 101(a)(15)(T)
19 for material nontrafficking related conduct committed
20 after the alien’s admission into the United States, or for
21 material nontrafficking related conduct or a condition that
22 was not disclosed to the Attorney General prior to the
23 alien’s admission as a nonimmigrant under section
24 101(a)(15)(T).”.

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

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

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

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

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

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

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

6 **SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF**
7 **TRAFFICKING.**

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

13 (1) The country should prohibit severe forms of
14 trafficking in persons and punish acts of such traf-
15 ficking.

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

24 (3) For the knowing commission of any act of
25 a severe form of trafficking in persons, the country

1 should prescribe punishment which is sufficiently
2 stringent to deter and which adequately reflects the
3 heinous nature of the offense.

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

7 (b) CRITERIA.—In determinations of whether a coun-
8 try is making serious and sustained efforts under sub-
9 section (a)(4) the following factors should be considered
10 as indicia of a good faith effort to eliminate severe forms
11 of trafficking in persons:

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

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

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

23 (4) Whether the country monitors immigration
24 and emigration patterns for evidence of severe forms
25 of trafficking in persons and whether law enforce-

1 ment agencies of the country respond to any such
2 evidence in a manner which is consistent with the
3 vigorous investigation and prosecution of acts of
4 such trafficking, as well as with the protection of
5 human rights of victims and the internationally rec-
6 ognized human right to leave and return to one's
7 own country.

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 Administrator of the
22 United States Agency for International Development are
23 authorized to provide assistance to foreign countries di-
24 rectly, or through nongovernmental, intergovernmental
25 and multilateral organizations, for programs and activities

1 designed to meet the minimum international standards for
2 the elimination of trafficking, including drafting of legisla-
3 tion to prohibit and punish acts of trafficking, investiga-
4 tion and prosecution of traffickers, creation and mainte-
5 nance of facilities, programs, and activities for the protec-
6 tion of victims, and the expansion of exchange programs
7 and international visitor programs for governmental and
8 nongovernmental personnel to combat trafficking.

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

11 (a) STATEMENT OF POLICY.—It is the policy of the
12 United States not to provide nonhumanitarian non-trade
13 foreign assistance to countries which do not meet min-
14 imum standards for the elimination of trafficking.

15 (b) REPORTS TO CONGRESS.—

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

1 ficking and about countries which have taken appro-
2 priate actions to combat trafficking.

3 (2) INTERIM REPORTS.—In addition to the an-
4 nual report under paragraph (1), the Secretary of
5 State may submit to the appropriate congressional
6 committees one or more interim reports with respect
7 to the status of severe forms of trafficking in per-
8 sons, including information about countries whose
9 governments have come into or out of compliance
10 with the minimum standards for the elimination of
11 trafficking since the transmission of the last annual
12 report.

13 (c) NOTIFICATION.—For fiscal year 2003 and each
14 subsequent fiscal year, for each foreign country to which
15 the minimum standards for the elimination of trafficking
16 are applicable and which has failed to meet such stand-
17 ards, as described in an annual or interim report under
18 subsection (b), not less than 45 days and not more than
19 90 days after the submission of such a report, the Presi-
20 dent shall submit a notification to the appropriate con-
21 gressional committees of one of the determinations de-
22 scribed in subsection (d).

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

1 (1) WITHHOLDING OF NONHUMANITARIAN NON-
2 TRADE ASSISTANCE.—The President has determined
3 that—

4 (A)(i) the United States will not provide
5 nonhumanitarian nontrade foreign assistance to
6 the government of the country for the subse-
7 quent fiscal year until such government com-
8 plies with the minimum standards; or

9 (ii) in the case of a country whose govern-
10 ment received no nonhumanitarian nontrade
11 foreign assistance from the United States dur-
12 ing the previous fiscal year, the United States
13 will not provide funding for participation by of-
14 ficials or employees of such governments in edu-
15 cational and cultural exchange programs for the
16 subsequent fiscal year until such government
17 complies with the minimum standards; and

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

1 government of the sanctioned country, and con-
2 fers no benefit to that government) for the sub-
3 sequent fiscal year until such government com-
4 plies with the minimum standards.

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

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

15 (4) EXERCISE OF AUTHORITY.—In the exercise
16 of the authority under paragraph (3), the President
17 may exercise such authority with respect to all for-
18 eign assistance to a country or with respect to any
19 specific programs, projects, or activities, and the
20 President shall exercise such authority so as to avoid
21 adverse effects on vulnerable populations, including
22 women and children.

23 (e) CERTIFICATION.—Together with any notification
24 under subsection (c), the President shall provide a certifi-
25 cation by the Secretary of State that, with respect to as-

1 sistance described in clause (i), (ii), or (iv) of section
2 3(6)(A) or in section 3(6)(B), no assistance is intended
3 to be received or used by any agency or official who has
4 participated in, facilitated, or condoned a severe form of
5 trafficking in persons.

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

7 (a) **AUTHORITY TO SANCTION TRAFFICKERS IN PER-**
8 **SONS.—**

9 (1) **IN GENERAL.—**The President may exercise
10 IEEPA authorities (other than authorities relating
11 to importation) without regard to section 202 of the
12 International Emergency Economic Powers Act (50
13 U.S.C. 1701) in the case of any foreign person who
14 is on the list described in subsection (b).

15 (2) **PENALTIES.—**The penalties set forth in sec-
16 tion 206 of the International Emergency Economic
17 Powers Act (50 U.S.C. 1705) apply to violations of
18 any license, order, or regulation issued under para-
19 graph (1).

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

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

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

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

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

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

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

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

25 (A) The Attorney General.

1 (B) The Director of Central Intelligence.

2 (C) The Director of the Federal Bureau of
3 Investigation.

4 (D) The Secretary of Labor.

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

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

21 (c) REPORT TO CONGRESS ON IDENTIFICATION AND
22 SANCTIONING OF TRAFFICKERS IN PERSONS.—Upon ex-
23 ercising the authority of subsection (a), the President shall
24 submit a report to the Committees on the International
25 Relations and the Judiciary, and the Permanent Select

1 Committee on Intelligence of the House of Representatives
2 and to the Committees on Foreign Relations and the Judi-
3 ciary, and the Select Committee on Intelligence of the
4 Senate—

5 (1) identifying publicly the foreign persons from
6 the list published under subsection (b)(4) that the
7 President determines are appropriate for sanctions
8 pursuant to this section; and

9 (2) detailing publicly the sanctions imposed
10 pursuant to this section.

11 (d) EXCLUSION OF CERTAIN INFORMATION.—

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

19 (2) LAW ENFORCEMENT.—Notwithstanding any
20 other provision of this section, the list and report de-
21 scribed in subsections (b) and (c) shall not disclose
22 the name of any person if the Attorney General, in
23 coordination as appropriate with the Director of the
24 Federal Bureau of Investigation, the Administrator
25 of the Drug Enforcement Administration, and the

1 Secretary of the Treasury, determines that such dis-
2 closure could reasonably be expected to—

3 (A) compromise the identity of a confiden-
4 tial source, including a State, local, or foreign
5 agency or authority or any private institution
6 that furnished information on a confidential
7 basis;

8 (B) jeopardize the integrity or success of
9 an ongoing criminal investigation or prosecu-
10 tion;

11 (C) endanger the life or physical safety of
12 any person; or

13 (D) cause substantial harm to physical
14 property.

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

24 (B) The notification required under this para-
25 graph shall be submitted to the Permanent Select

1 Committee on Intelligence of the House of Rep-
2 resentatives and the Select Committee on Intel-
3 ligence of the Senate not later than July 1, 2001,
4 and on an annual basis thereafter.

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

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

15 “(H) TRAFFICKERS IN PERSONS.—Any
16 alien who—

17 “(i) is on the most recent list of traf-
18 fickers provided in section 11 of the Inter-
19 national Anti-Trafficking Act of 2000, or
20 who the consular officer or the Attorney
21 General knows or has reason to believe is
22 or has been a knowing aider, abettor, as-
23 sistant, conspirator, or colluder with such a
24 trafficker in severe forms of trafficking in

1 persons, as defined in the section 3 of such
2 Act; or

3 “(ii) who the consular officer or the
4 Attorney General knows or has reason to
5 believe is the spouse, son, or daughter of
6 an alien inadmissible under clause (i), has,
7 within the previous 5 years, obtained any
8 financial or other benefit from the illicit
9 activity of that alien, and knew or reason-
10 ably should have known that the financial
11 or other benefit was the product of such il-
12 licit activity, is inadmissible.”.

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

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

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

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

5 (1) in each of sections 1581(a), 1583, and
6 1584—

7 (A) by striking “10 years” and inserting
8 “20 years”;

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

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

19 **“§ 1589. Trafficking into involuntary servitude, peon-**
20 **age, or slavery-like conditions**

21 “(a) Whoever recruits, harbors, provides, transports,
22 employs, transfers, receives, purchases, sells, or secures,
23 by any means, any person, knowing or having reason to
24 know that the person is or will be subjected to involuntary
25 servitude or peonage or to slavery-like conditions as de-
26 scribed in subsection (b) of this section, or in any way,

1 financially or otherwise, knowingly benefits from, or
2 makes use of, the labor or services of a person subjected
3 to a condition of involuntary servitude, peonage, or slav-
4 ery-like conditions, shall be fined under this title or impris-
5 oned not more than 20 years, or both; and if, in addition
6 to the foregoing elements, death results from an act com-
7 mitted in violation of this section, or if such act includes
8 kidnapping or an attempt to kidnap, aggravated sexual
9 abuse or the attempt to commit aggravated sexual abuse,
10 or an attempt to kill, shall be fined under this title or
11 imprisoned for any term of years or life, or both.

12 “(b) In this section—

13 “(1) the term ‘slavery-like conditions’ means
14 that the labor or services of a person are obtained
15 or maintained through any scheme or artifice to de-
16 fraud, by debt bondage, by subjection of the person
17 to conditions so harsh or degrading as to provide a
18 clear indication that the person has been subjected
19 to them by force, fraud, or coercion, or by means of
20 any plan or pattern, including false and fraudulent
21 pretense and misrepresentations, such that the per-
22 son reasonably believes that if he did not perform
23 the act, labor, or services, serious harm would be in-
24 flicted on himself or on another person, or the per-

1 son reasonably believes that the person has no op-
2 tion but to perform the act, labor, or services; and

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

8 “(c) This section does not apply to labor performed
9 as a punishment for a crime whereof the party shall have
10 been duly convicted.

11 **“§ 1589A. Sex trafficking of children or by force,
12 fraud, or coercion**

13 “(a) IN GENERAL.—Whoever—

14 “(1) recruits, entices, harbors, provides, trans-
15 ports, employs, transfers, receives, purchases, sells,
16 or secures, by any means, any person, or

17 “(2) owns, manages, or operates the premises,
18 or shares in the proceeds of an enterprise in which
19 a person has been recruited, enticed, harbored, pur-
20 chased, sold, transported, or transferred,

21 knowing or having reason to know that the person will
22 be caused by force, fraud, or coercion to engage in a com-
23 mercial sex act, or that the person has not attained the
24 age of 18 years and will be caused or expected to engage

1 in a commercial sexual act, shall be punished as provided
2 in subsection (b).

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

5 “(1) if the offense was effected by fraud, force,
6 or coercion, or if the person transported had not at-
7 tained the age of 14 years at the time of such of-
8 fense, by a fine under this title or imprisonment for
9 any term of years or for life, or both; or

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

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

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

21 “(2) which affects United States foreign com-
22 merce; or

23 “(3) in which either the person caused or ex-
24 pected to participate in the act or the person com-
25 mitting the violation is a United States citizen or an

1 alien admitted for permanent residence in the
2 United States.

3 **“§ 1590. Unlawful possession of documents in further-**
4 **ance of trafficking, involuntary servitude,**
5 **peonage, or slavery-like conditions**

6 “(a) Except as provided in subsection (b), whoever
7 destroys, conceals, removes, confiscates, or possesses any
8 identification, passport, or other immigration documents,
9 or any other documentation of another person—

10 “(1) in the course of, or under circumstances
11 which facilitate a violation of section 1581, 1583,
12 1584, 1589, or 1589A or a conspiracy or attempt to
13 commit such a violation; or

14 “(2) to conceal or impair the investigation or
15 prosecution of a violation of any section described in
16 paragraph (1);

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

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

22 “(b) The provisions of subsection (a) shall not apply
23 to persons who have been trafficked as defined in section
24 7(c)(2) of the International Anti-Trafficking Act of 2000.

1 **“§ 1591. Mandatory restitution**

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

6 “(b)(1) The order of restitution under this section
7 shall direct the defendant to pay the victim (through the
8 appropriate court mechanism) the full amount of the vic-
9 tim’s losses, as determined by the court under paragraph
10 (3) of this subsection.

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

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

22 “(c) As used in this section, the term ‘victim’ means
23 the individual harmed as a result of a crime under this
24 chapter, including, in the case of a victim who is under
25 18 years of age, incompetent, incapacitated, or deceased,
26 the legal guardian of the victim or a representative of the

1 victim’s estate, or another family member, or any other
2 person appointed as suitable by the court, but in no event
3 shall the defendant be named such representative or
4 guardian.

5 **“§ 1592. General provisions**

6 “(a) In a prosecution under section 1581, 1583,
7 1584, or 1589, a condition of involuntary servitude or pe-
8 onage may be established by proof that the defendant ob-
9 tained or maintained the labor or service of any person—

10 “(1) by the use, or threatened use, of force, vio-
11 lence, physical restraint, or physical injury, or by ex-
12 tortion or the abuse of threatened abuse of law or
13 the legal process;

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

18 “(3) by the use of fraud, deceit, or misrepresen-
19 tation toward any person in an effort to wrongfully
20 obtain or maintain the labor or services of that per-
21 son.

22 “(b) An attempt or conspiracy to violate section
23 1581, 1583, 1584, 1589, or 1589A shall be punishable
24 in the same manner as a completed violation of each of
25 these sections, respectively.

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

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

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

14 “(2) The criminal forfeiture of property under this
15 subsection, any seizure and disposition thereof, and any
16 administrative or judicial proceeding in relation thereto,
17 shall follow the guidelines of section 7(e) of the Inter-
18 national Anti-Trafficking Act of 2000.

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

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

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

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

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

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

“1589. 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.”.

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

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

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

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

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

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

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

23 (i) involve a large number of victims;

24 (ii) involve a pattern of continued and
25 flagrant violations;

- 1 (iii) involve the use or threatened use
2 of a dangerous weapon; or
3 (iv) result in the death or bodily in-
4 jury of any person.

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

10 (c) RACKETEERING.—Section 1961(1) of title 18,
11 United States Code, is amended by inserting “section
12 1589 (relating to trafficking into involuntary servitude,
13 peonage, or slavery-like conditions), section 1589A (relat-
14 ing to sex trafficking of children or by force, fraud, or
15 coercion),” after “murder-for-hire),”.

16 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) AUTHORIZATION OF APPROPRIATIONS FOR THE
18 INTERAGENCY TASK FORCE.—To carry out the purposes
19 of section 5, there are authorized to be appropriated to
20 the Secretary of State \$1,500,000 for fiscal year 2001 and
21 \$3,000,000 for fiscal year 2002.

22 (b) AUTHORIZATION OF APPROPRIATIONS TO THE
23 SECRETARY OF HEALTH AND HUMAN SERVICES.—To
24 carry out the purposes of section 7(b), there are author-
25 ized to be appropriated to the Secretary of Health and

1 Human Services \$5,000,000 for fiscal year 2001 and
2 \$10,000,000 for fiscal year 2002.

3 (c) AUTHORIZATION OF APPROPRIATIONS TO THE
4 SECRETARY OF STATE.—

5 (1) ASSISTANCE FOR VICTIMS IN OTHER COUN-
6 TRIES.—To carry out the purposes of section 7(a),
7 there are authorized to be appropriated to the Sec-
8 retary of State \$5,000,000 for fiscal year 2001 and
9 \$10,000,000 for fiscal year 2002.

10 (2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To
11 carry out the purposes of section 9, there are au-
12 thorized to be appropriated to the Secretary of State
13 \$300,000 for voluntary contributions to advance
14 projects aimed at preventing trafficking, promote re-
15 spect for human rights of trafficking victims, and
16 assisting the Organization for Security and Coopera-
17 tion in Europe participating states in related legal
18 reform for fiscal year 2001.

19 (3) PREPARATION OF ANNUAL COUNTRY RE-
20 PORTS ON HUMAN RIGHTS.—To carry out the pur-
21 poses of section 4, there are authorized to be appro-
22 priated to the Secretary of State such sums as may
23 be necessary to include the additional information
24 required by that section in the annual Country Re-
25 ports on Human Rights Practices, including the

1 preparation and publication of the list described in
2 subsection (a)(1) of that section.

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

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

10 (1) FOREIGN VICTIM ASSISTANCE.—To carry
11 out the purposes of section 6, there are authorized
12 to be appropriated to the President \$5,000,000 for
13 fiscal year 2001 and \$10,000,000 for fiscal year
14 2002.

15 (2) ASSISTANCE TO FOREIGN COUNTRIES TO
16 MEET MINIMUM STANDARDS.—To carry out the pur-
17 poses of section 9, there are authorized to be appro-
18 priated to the President \$5,000,000 for fiscal year
19 2001 and \$10,000,000 for fiscal year 2002.

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

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