

106TH CONGRESS
1ST SESSION

S. 1842

To combat trafficking of persons in the United States and countries around the world through prevention, prosecution and enforcement against traffickers, and protection and assistance to victims of trafficking.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 1999

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 in the United States and countries around the world through prevention, prosecution and enforcement against traffickers, and 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 “Comprehensive Antitrafficking in Persons Act of 1999”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes and findings.
- Sec. 3. Definitions.

- Sec. 4. Interagency task force to monitor and combat trafficking.
- Sec. 5. Prevention of trafficking.
- Sec. 6. Protection and assistance for victims of trafficking.
- Sec. 7. Humanitarian/material witness nonimmigrant visa.
- Sec. 8. Sanctions against countries involved in trafficking.
- Sec. 9. Strengthening prosecution and punishment of traffickers.
- Sec. 10. Annual Country Reports on Human Rights Practices.
- Sec. 11. Authorization of appropriations.

1 **SEC. 2. PURPOSES AND FINDINGS.**

2 (a) PURPOSES.—The purposes of this Act are to com-
 3 bat both domestically and internationally the
 4 transnational offense of trafficking in persons, a contem-
 5 porary manifestation of slavery in which women and chil-
 6 dren are predominant victims, through prevention, pros-
 7 ecution and enforcement against traffickers, and protec-
 8 tion and assistance to victims of this egregious violation
 9 of human rights.

10 (b) FINDINGS.—Congress finds that:

11 (1) The worldwide trafficking of persons is a
 12 growing transnational crime, migration, economics,
 13 labor, public health, and human rights problem that
 14 is significant on nearly every continent.

15 (2) It is estimated that more than 1,000,000
 16 individuals, primarily women and children, are traf-
 17 ficked within or across borders annually. Approxi-
 18 mately 50,000 women and children are trafficked
 19 into the United States each year.

20 (3) Traffickers primarily target women and
 21 girls, who are disproportionately affected by poverty,

1 lack of access to education, chronic unemployment,
2 discrimination, and lack of viable economic opportu-
3 nities in countries of origin. Traffickers lure women
4 and girls into their networks through false promises
5 of good working conditions at relatively high pay as
6 nannies, maids, dancers, factory workers, restaurant
7 workers, sales clerks, or models. Traffickers also buy
8 girls from poor families and sell them into many
9 types of bonded labor.

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

15 (5) Traffickers force victims to perform labor or
16 services such as prostitution and sexual servitude,
17 domestic servitude, bonded sweatshop labor, or other
18 work or services. Victims are forced to perform labor
19 or services through physical violence, including rape
20 and other forms of sexual abuse, torture, starvation,
21 and imprisonment, and threats of violence and other
22 forms of psychological abuse and coercion.

23 (6) Women and children trafficked into the sex
24 industry are exposed to deadly diseases, including

1 HIV and AIDS. Trafficking victims are sometimes
2 worked or physically brutalized to death.

3 (7) Trafficking is perpetrated increasingly by
4 organized and sophisticated criminal enterprises.
5 Worldwide, the industry is the fastest growing and
6 third largest source of profits for organized criminal
7 enterprises, behind only drugs and firearms. Profits
8 from the trafficking industry contribute to the ex-
9 pansion of organized criminal activity in the United
10 States and around the world. Trafficking often is
11 aided by official corruption in countries of origin,
12 transit, and destination, thereby threatening the rule
13 of law.

14 (8) The United States and the international
15 community are in agreement that trafficking of per-
16 sons is a grave violation of human rights and a mat-
17 ter of pressing international concern. The Universal
18 Declaration of Human Rights; the Supplementary
19 Convention on the Abolition of Slavery, the Slave
20 Trade, and Institutions and Practices Similar to
21 Slavery; the International Covenant on Civil and Po-
22 litical Rights; the Convention on the Elimination of
23 All Forms of Discrimination Against Women; the
24 Convention Against Torture and Other Cruel, Inhu-
25 man or Degrading Treatment or Punishment, and

1 other relevant instruments condemn slavery and in-
2 voluntary servitude, violence and discrimination
3 against women, and components of the trafficking
4 scheme.

5 (9) No comprehensive law exists in the United
6 States that penalizes the range of offenses involved
7 in the trafficking scheme. Existing United States
8 laws and infrastructure are not sufficient to deter
9 trafficking to and from the United States and pro-
10 tect domestic trafficking victims. At present, traf-
11 fickers are prosecuted in the United States for vio-
12 lating laws related to components of the trafficking
13 scheme, such as involuntary servitude, slave trade
14 offenses, peonage, transportation for coerced or ille-
15 gal sexual activities, and immigration laws.

16 (10) The seriousness of the crime of trafficking
17 in persons is not reflected in current sentencing
18 guidelines for component crimes of the trafficking
19 scheme, which results in weak penalties for convicted
20 traffickers. Adequate services and facilities do not
21 exist to meet the healthcare, housing, education, and
22 legal assistance needs for the safe reintegration of
23 domestic trafficking victims.

24 (11) Trafficking in persons substantially affects
25 interstate and foreign commerce and has an impact

1 on the nationwide employment network and labor
2 market. Trafficking victims may be subjected to
3 dangerous work and living environments, isolation
4 and restriction of movement, and denial of pay. The
5 United States must take action to eradicate the sub-
6 stantial burdens on commerce that result from traf-
7 ficking in persons and to prevent the channels of
8 commerce from being used for an immoral and inju-
9 rious purpose.

10 (12) Traffickers may make representations to a
11 victim that physical harm may occur to them or to
12 others should the victim escape or attempt to escape.
13 These representations may have an equally coercive
14 effect on the victim as specific threats of harm. It
15 is therefore the intent of Congress that proof of in-
16 voluntary servitude or peonage, as it is used in pros-
17 ecutions under sections 241, 1581, 1583, 1584, and
18 1589 of title 18, United States Code, not be limited
19 to labor or services compelled by the use, or threat-
20 ened use, of force or legal coercion. Rather, viola-
21 tions of these sections may also be established by
22 proof that the labor or service of a person was ob-
23 tained or maintained through representations of
24 harm to the victim or to others. Violations under
25 these sections may also be created by the use of

1 fraud, deceit, or misrepresentation toward any per-
2 son in an effort to wrongfully obtain or maintain the
3 labor or services of that person, where the person is
4 a minor, an immigrant, one who is mentally dis-
5 abled, or one who is otherwise particularly suscep-
6 tible to coercion.

7 (13) Trafficking in persons is a transnational
8 crime with national implications. In order to end
9 this egregious violation of human rights, the United
10 States must take measures to strengthen the local
11 and regional capacity of countries of origin, transit
12 and destination to prevent trafficking, enforce
13 antitrafficking laws, prosecute traffickers, and pro-
14 tect trafficking victims. The United States must
15 work bilaterally and multilaterally to abolish the
16 trafficking industry and take steps to promote and
17 facilitate cooperation among countries linked to-
18 gether by international trafficking routes. The
19 United States must urge the international commu-
20 nity to take strong action in multilateral fora to en-
21 gage recalcitrant countries in serious and sustained
22 efforts to eliminate trafficking and protect traf-
23 ficking victims.

24 **SEC. 3. DEFINITIONS.**

25 For the purposes of this Act (other than section 8):

1 (1) The term “trafficking” means recruiting or
2 abducting, facilitating, transferring, harboring or
3 transporting a person, by the threat or use of force,
4 coercion, fraud or deception, or by the purchase,
5 sale, trade, transfer or receipt of a person, for the
6 purpose of subjecting that person to involuntary ser-
7 vitude, peonage, slavery, slavery-like practices, or
8 forced or bonded labor or services.

9 (2) The term “victim of trafficking” generally
10 means any person subjected to the actions set forth
11 in paragraph (1).

12 **SEC. 4. 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 section 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 Director of the Agency for Inter-
20 national Development, the Attorney General, the Sec-
21 retary of Labor, the Secretary of Health and Human Serv-
22 ices, the Director of the Central Intelligence Agency, 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 administered by a Director. The Di-
6 rector shall have the primary responsibility for assisting
7 the Secretary of State in carrying out the purposes of this
8 Act and may have additional responsibilities as determined
9 by the Secretary. The Director shall consult with domestic,
10 international nongovernmental and intergovernmental or-
11 ganizations, and with trafficking victims or other affected
12 persons. The Director shall have the authority to take evi-
13 dence in public hearings or by other means. The Office
14 is authorized to retain staff members from agencies rep-
15 resented on the Task Force.

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

19 (1) Coordinate the implementation of this Act.

20 (2) Measure and evaluate progress of the
21 United States and countries around the world in the
22 areas of trafficking prevention, protection and as-
23 sistance to victims of trafficking, and prosecution
24 and enforcement against traffickers, including the
25 role of public corruption in facilitating trafficking.

1 (3) Expand interagency procedures to collect
2 and organize data, including significant research and
3 resource information on domestic and international
4 trafficking in persons. Any data collection proce-
5 dures established under this subsection shall respect
6 the confidentiality of victims of trafficking.

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

16 **SEC. 5. PREVENTION OF TRAFFICKING.**

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

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

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

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

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

10 (5) grants to nongovernmental organizations to
11 accelerate the empowerment of women in local and
12 regional, political, economic, social, and educational
13 roles in their countries.

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

22 (c) CONSULTATION REQUIREMENT.—The President
23 shall consult with appropriate nongovernmental organiza-
24 tions with respect to the establishment and conduct of ini-
25 tiatives described in subsection (a).

1 **SEC. 6. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
2 **TRAFFICKING.**

3 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-
4 TRIES.—

5 (1) IN GENERAL.—The Secretary of State and
6 the Administrator of the United States Agency for
7 International Development, in consultation with ap-
8 propriate nongovernmental organizations, shall es-
9 tablish and carry out programs and initiatives in for-
10 eign countries to assist in the safe reintegration of
11 victims of trafficking and their children. Such pro-
12 grams and initiatives shall be designed to meet the
13 mental and physical health, housing, legal, and other
14 assistance needs of such victims and their children,
15 as identified by the Inter-Agency Task Force to
16 Monitor and Combat Trafficking established under
17 section 4.

18 (2) ADDITIONAL REQUIREMENT.—The Sec-
19 retary of State and the Administrator of the United
20 States Agency for International Development shall
21 take all appropriate steps to enhance cooperative ef-
22 forts among foreign countries, including countries of
23 origin of victims of trafficking, and to assist in the
24 appropriate reintegration of stateless victims of traf-
25 ficking with respect to the establishment and con-

1 duct of programs and initiatives described in para-
2 graph (1).

3 (b) VICTIMS IN THE UNITED STATES.—

4 (1) ASSISTANCE.—Subject to the availability of
5 appropriations and notwithstanding title IV of the
6 Personal Responsibility and Work Opportunity Rec-
7 onciliation Act of 1996, the Attorney General, the
8 Secretary of Health and Human Services, the Sec-
9 retary of Labor, and the Board of Directors of the
10 Legal Services Corporation shall expand existing
11 services to provide assistance to victims of traf-
12 ficking within the United States, without regard to
13 the immigration status of such victims.

14 (2) BENEFITS.—Subject to the availability of
15 appropriations and notwithstanding any other provi-
16 sion of law, victims of trafficking in the United
17 States shall be eligible, without regard to their immi-
18 gration status, for any benefits that are otherwise
19 available under the Crime Victims Fund, established
20 under the Victims of Crime Act of 1984, including
21 victims' services, compensation, and assistance.

22 (3) GRANTS.—

23 (A) Subject to the availability of appro-
24 priations, the Attorney General may make
25 grants to States, territories, and possessions of

1 the United States (including the Common-
2 wealths of Puerto Rico and the Northern Mar-
3 iana Islands), Indian tribes, units of local gov-
4 ernment, and nonprofit, nongovernmental vic-
5 tims' service organizations to develop, expand,
6 or strengthen victim service programs for vic-
7 tims of trafficking.

8 (B) To receive a grant under this para-
9 graph, an eligible unit of government or organi-
10 zation shall certify that its laws, policies, and
11 practices, as appropriate, do not punish or deny
12 services to victims of trafficking on account of
13 the nature of their employment or services per-
14 formed in connection with such trafficking.

15 (C) Of amounts made available for grants
16 under this paragraph, there shall be set aside 3
17 percent for research, evaluation and statistics; 2
18 percent for training and technical assistance;
19 and 1 percent for management and administra-
20 tion.

21 (D) The Federal share of a grant made
22 under this paragraph may not exceed 75 per-
23 cent of the total costs of the projects described
24 in the application submitted.

1 (4) CIVIL ACTION.—An individual who is a vic-
2 tim of a violation of section 1589 of title 18, United
3 States Code, regarding trafficking and criminal ex-
4 ploitation of workers may bring a civil action in
5 United States district court. The court may award
6 actual damages, punitive damages, reasonable attor-
7 neys’ fees, and other litigation costs reasonably in-
8 curred.

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

15 (1) Trafficking victims, while in the custody or
16 control of the Federal Government and to the extent
17 practicable, shall be housed in appropriate shelter as
18 quickly as possible; receive prompt medical care,
19 food, and other assistance; and be provided protec-
20 tion if a victim’s safety is at risk or if there is dan-
21 ger of additional harm by recapture of the victim by
22 a trafficker.

23 (2) Federal law enforcement officials should
24 act, to ensure an alien individual’s continued pres-
25 ence in the United States, if after an assessment, it

1 is determined that such individual is a victim of traf-
2 ficking or a material witness, in order to effectuate
3 prosecution of those responsible and to further the
4 humanitarian interests of the United States.

5 (3) Appropriate personnel of the Department of
6 State and the Department of Justice are trained in
7 identifying victims of trafficking and providing for
8 the protection of such victims. Training under this
9 paragraph should include methods for achieving
10 antitrafficking objectives through the nondiscrim-
11 inatory application of immigration and other related
12 laws.

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

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

21 **SEC. 7. HUMANITARIAN/MATERIAL WITNESS NON-**
22 **IMMIGRANT VISA.**

23 (a) ESTABLISHMENT OF A NEW NONIMMIGRANT
24 CLASSIFICATION.—Section 101(a)(15) of the Immigration
25 and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

1 (1) in subparagraph (R), by striking “or” at
2 the end;

3 (2) in subparagraph (S), by striking the comma
4 at the end and inserting “; or”; and

5 (3) by inserting after subparagraph (S) the fol-
6 lowing:

7 “(T) subject to 214(n), an alien (and the alien
8 spouse, children, and parents of the alien if accom-
9 panying or following to join the alien) who the At-
10 torney General determines—

11 “(i) possesses material information con-
12 cerning criminal or other unlawful activity;

13 “(ii) is willing to supply or has supplied
14 such information to Federal or State law en-
15 forcement officials;

16 “(iii) would be helpful, were the alien to
17 remain in the United States, to a properly au-
18 thorized Federal or State investigation or pros-
19 ecution of the criminal or other unlawful activ-
20 ity; and

21 “(iv) has suffered significant physical or
22 mental abuse as a result of the criminal or
23 other unlawful activity.”.

1 (b) NUMERICAL LIMITATIONS; PERIOD OF ADMIS-
2 SIONS.—Section 214 of the Immigration and Nationality
3 Act (8 U.S.C. 1184) is amended—

4 (1) by redesignating the subsection (l) added by
5 section 625(a) of the Illegal Immigration Reform
6 and Immigrant Responsibility Act of 1996 (Public
7 Law 104–208; 110 Stat. 3009–1820) as subsection
8 (m); and

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

10 “(n)(1) The number of aliens who may be provided
11 a visa as nonimmigrants under section 101(a)(15)(T) in
12 any fiscal year may not exceed 1,000.

13 “(2) No alien may be admitted into the United States
14 as such a nonimmigrant more than 5 years after the date
15 of the enactment of this subsection.

16 “(3) The period of authorized admission of an alien
17 as such a nonimmigrant may not exceed 3 years. Such
18 period may not be extended by the Attorney General.

19 “(4) As a condition for admission, and continued stay
20 in lawful status of such a nonimmigrant, the
21 nonimmigrant—

22 “(A) may not be convicted of any criminal of-
23 fense punishable by a term of imprisonment of 1
24 year or more after the date of such admission;

1 “(B) must have executed a form that waives the
2 nonimmigrant’s right to contest, other than on the
3 basis of an application for withholding of removal,
4 any action for removal of the alien instituted before
5 the alien obtains lawful permanent resident status;
6 and

7 “(C) shall abide by any other condition, limita-
8 tion, or restriction imposed by the Attorney Gen-
9 eral.”.

10 (c) PROHIBITION OF CHANGE OF STATUS.—Section
11 248(1) of the Immigration and Nationality Act (8 U.S.C.
12 1258(1)) is amended by striking “or (S)” and inserting
13 “(S), or (T)”.

14 (d) ADJUSTMENT TO PERMANENT RESIDENT STA-
15 TUS.—Section 245 of the Immigration and Nationality
16 Act (8 U.S.C. 1255) is amended by adding at the end the
17 following:

18 “(l)(1) The Attorney General may adjust the status
19 of an alien admitted into the United States under section
20 101(a)(15)(T) (and the spouse, children, and parents of
21 the alien if admitted under that section) to that of an alien
22 lawfully admitted for permanent residence if—

23 “(A) in the opinion of the Attorney General, the
24 alien’s continued presence in the United States is

1 justified on humanitarian grounds or is otherwise in
2 the national interest; and

3 “(B) the alien is not described in subparagraph
4 (A)(i)(I), (A)(ii), (A)(iii), (C), or (E) of section
5 212(a)(3).

6 “(2) Upon the approval of adjustment of status under
7 paragraph (1), the Attorney General shall record the
8 alien’s lawful admission for permanent residence as of the
9 date of such approval and the Secretary of State shall re-
10 duce by one the number of visas authorized to be issued
11 under sections 201(d) and 203(b)(4) for the fiscal year
12 then current.”.

13 (e) EXCLUSIVE MEANS OF ADJUSTMENT.—Section
14 245(c)(5) of the Immigration and Nationality Act (8
15 U.S.C. 1255(c)(5)) is amended by striking “section
16 101(a)(15)(S),” and inserting “subparagraph (S) or (T)
17 of section 105(a)(15);”.

18 **SEC. 8. SANCTIONS AGAINST COUNTRIES INVOLVED IN**
19 **TRAFFICKING.**

20 (a) AUTHORITY TO IMPOSE SANCTIONS.—The Presi-
21 dent may impose any of the measures described in sub-
22 section (b) against any foreign country that has made lit-
23 tle or no progress on reducing trafficking, implementing
24 any necessary antitrafficking laws, enforcing

1 antitrafficking laws (including the prosecution of traf-
2 fickers), or protecting and assisting victims of trafficking.

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

5 (1) FOREIGN ASSISTANCE.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), the President may deny to the coun-
8 try assistance of any kind which is provided by
9 grant, sale, loan, lease, credit, guaranty, or in-
10 surance, or by any other means, by any agency
11 or instrumentality of the United States Govern-
12 ment.

13 (B) EXCEPTION.—Subparagraph (A) shall
14 not apply to assistance under the Foreign As-
15 sistance Act of 1961 (22 U.S.C. 2151 et seq.),
16 or any successor provision of law, or the Arms
17 Export Control Act (22 U.S.C. 2751 et seq.)
18 that is intended to benefit the people of that
19 country directly and that is not channeled
20 through governmental agencies or entities of
21 that country.

22 (2) MULTILATERAL DEVELOPMENT BANK AS-
23 SISTANCE.—

24 (A) IN GENERAL.—The President may in-
25 struct the United States Executive Director to

1 each international financial institution described
2 in subparagraph (B) to use the voice and vote
3 of the United States to oppose any loan or fi-
4 nancial or technical assistance to the country by
5 such international financial institution.

6 (B) INTERNATIONAL FINANCIAL INSTITU-
7 TIONS DESCRIBED.—The international financial
8 institutions described in this subparagraph are
9 the International Bank for Reconstruction and
10 Development, the International Development
11 Association, the International Finance Corpora-
12 tion, the Inter-American Development Bank,
13 the African Development Bank, the European
14 Bank for Reconstruction and Development, and
15 the International Monetary Fund.

16 (3) PROHIBITION OF ARMS SALES.—The Presi-
17 dent may prohibit the transfer of defense articles,
18 defense services, or design and construction services
19 under the Arms Export Control Act (22 U.S.C.
20 2751 et seq.), including defense articles and defense
21 services licensed or approved for export under sec-
22 tion 38 of that Act (22 U.S.C. 2778), to the country
23 or any national of the country.

24 (4) EXPORT RESTRICTIONS.—The President
25 may prohibit or otherwise substantially restrict ex-

1 ports to the country of goods, technology, and serv-
2 ices (excluding agricultural commodities and prod-
3 ucts otherwise subject to control) and may suspend
4 existing licenses for the transfer to that person of
5 items the export of which is controlled under the Ex-
6 port Administration Act of 1979 or the Export Ad-
7 ministration Regulations.

8 (5) ADDITIONAL MEASURES UNDER IEEPA.—

9 (A) AUTHORITY.—

10 (i) IN GENERAL.—The President may
11 exercise IEEPA authorities (other than au-
12 thorities relating to importation) without
13 regard to section 202 of the International
14 Emergency Economic Powers Act (50
15 U.S.C. 1701) in the case of any foreign
16 country that has made little or no progress
17 on reducing trafficking, implementing any
18 necessary antitrafficking laws (including
19 the prosecution of traffickers), or in the
20 case of a person that is on the list pub-
21 lished under subparagraph (B).

22 (ii) PENALTIES.—The penalties set
23 forth in section 206 of the International
24 Emergency Economic Powers Act (50
25 U.S.C. 1705) apply to violations of any li-

1 cense, order, or regulation issued under
2 this clause (i).

3 (iii) IEEPA AUTHORITIES.—For pur-
4 poses of clause (i), the term “IEEPA au-
5 thorities” means the authorities set forth
6 in section 203(a) of the International
7 Emergency Economic Powers Act (50
8 U.S.C. 1702(a)).

9 (B) SANCTIONS AGAINST PERSONS.—

10 (i) INITIAL DETERMINATION AND
11 PUBLICATION.—The Secretary of State
12 may make a determination of those per-
13 sons who are trafficking directly or indi-
14 rectly in the United States or any of its
15 territories and possessions and shall, if
16 such a determination is made, publish the
17 list of such persons in the Federal Reg-
18 ister.

19 (ii) REVISIONS TO LIST.—The Sec-
20 retary of State shall make additions or de-
21 letions to any list published under clause
22 (i) on an ongoing basis based on the latest
23 information available.

1 (iii) CONSULTATION.—The Secretary
2 of State shall consult with the following of-
3 ficers in carrying out clauses (i) and (ii):

4 (I) The Attorney General.

5 (II) The Director of Central In-
6 telligence.

7 (III) The Director of the Federal
8 Bureau of Investigation.

9 (IV) The Secretary of Labor.

10 (V) The Secretary of Health and
11 Human Services.

12 (c) REPORT TO CONGRESS.—Upon exercising the au-
13 thority of subsection (a), the President shall report to
14 Congress on the measures applied and the reasons for the
15 application of the measures.

16 **SEC. 9. STRENGTHENING PROSECUTION AND PUNISHMENT**
17 **OF TRAFFICKERS.**

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

20 (1) in each of sections 1581(a), 1583, and
21 1584—

22 (A) by striking “10 years” and inserting
23 “20 years”

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

25 “If, in addition to the foregoing elements, death

1 results from a violation of this section, or if
2 such violation includes kidnaping or an attempt
3 to kidnap, aggravated sexual abuse or the at-
4 tempt to commit aggravated sexual abuse, or an
5 attempt to kill, the defendant shall be fined
6 under this title or imprisoned for any term of
7 years or life, or both.”;

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

9 **“§ 1589. Trafficking and criminal exploitation of**
10 **workers**

11 “(a) Whoever—

12 “(1) recruits, harbors, provides, transports, em-
13 ploys, purchases, sells, or secures, by any means,
14 any person, knowing or having reason to know that
15 person is or will be subjected to involuntary ser-
16 vitude or peonage or to unlawfully exploitative labor
17 conditions as described in subsection (b) of this sec-
18 tion, shall be fined under this title or imprisoned not
19 more than 20 years, or both; and if, in addition to
20 the foregoing elements, death results from an act
21 committed in violation of this section, or if such act
22 includes kidnaping or an attempt to kidnap, aggra-
23 vated sexual abuse or the attempt to commit aggra-
24 vated sexual abuse, or an attempt to kill, shall be

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

3 “(2) in any way, financially or otherwise, know-
4 ingly benefits from, or makes use of, the labor or
5 services of a person held to a condition of involun-
6 tary servitude or peonage, shall be fined under this
7 title or imprisoned not more than 10 years, or both.

8 “(b) As used in this section, the term ‘unlawfully ex-
9 ploitative labor conditions’ means that the labor or serv-
10 ices of a person are obtained or maintained through any
11 scheme or artifice to defraud, or by means of any plan
12 or pattern, including but not limited to false and fraudu-
13 lent pretenses and misrepresentations, such that the per-
14 son reasonably believes that he has no viable alternative
15 but to perform the labor or services.

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

19 **“§ 1590. Unlawful possession of documents in further-**
20 **ance of trafficking, criminal worker ex-**
21 **ploitation, involuntary servitude, or pe-**
22 **onage**

23 “(a) Whoever destroys, conceals, removes, con-
24 fiscates, or possesses any identification, passport, or other

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

3 “(1) in the course of, or under circumstances
4 which facilitate—

5 “(A) a violation of section 1581, 1583,
6 1584, or 1589 or a conspiracy or attempt to
7 commit such a violation;

8 “(B) the unlawful entry or attempted un-
9 lawful entry of the person into the United
10 States;

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

14 “(3) to conceal or impair the investigation or
15 prosecution of a violation of Federal criminal law,
16 shall be fined under this title or imprisoned for not
17 more than 5 years, or both.

18 **“§ 1591. Mandatory restitution**

19 “(a) Notwithstanding sections 3663 or 3663A, and
20 in addition to any other civil or criminal penalties author-
21 ized by law, the court shall order restitution for any of-
22 fense 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
4 shall be issued and enforced in accordance with sec-
5 tion 3664 in the same manner as an order under
6 section 3663A.

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

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

1 **“§ 1592. General provisions**

2 “(a) In a prosecution under sections 1581, 1583,
3 1584, or 1589, a condition of involuntary servitude or pe-
4 onage may be established by proof that the defendant ob-
5 tained or maintained the labor or service of any person—

6 “(1) by the use, or threatened use, of force, vio-
7 lence, physical restraint, or physical injury, or by the
8 use or threatened use of coercion through law or the
9 legal process;

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

14 “(3) by the use of fraud, deceit, or misrepresen-
15 tation toward any person in an effort to wrongfully
16 obtain or maintain the labor or services of that per-
17 son, where the person is a minor, an immigrant, one
18 who is mentally disabled, or one who is otherwise
19 particularly susceptible to coercion.

20 “(b) An attempt to violate sections 1581, 1583, 1584,
21 or 1589 shall be punishable in the same manner as a com-
22 pleted violation of each of these sections, respectively.

23 “(c)(1) The court, in imposing sentence on any per-
24 son convicted of a violation of this chapter, shall order,
25 in addition to any other sentence imposed and irrespective

1 of any provision of State law, that such person forfeit to
2 the United States—

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

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

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

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

21 “(A) any property, real or personal, used or in-
22 tended to be used to commit or to facilitate the com-
23 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.”; and

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

“1589. Trafficking and criminal exploitation of workers.

“1590. Unlawful possession of documents in furtherance of trafficking, criminal
worker exploitation, involuntary servitude, or peonage.

“1591. Mandatory restitution.

“1592. General provisions.”.

10 (b) AMENDMENT TO THE SENTENCING GUIDE-
11 LINES.—

12 (1) Pursuant to its authority under section 994
13 of title 28, United States Code, and in accordance
14 with this section, the United States Sentencing Com-
15 mission shall review and, if appropriate, amend the
16 sentencing guidelines and policy statements applica-
17 ble to persons convicted of offenses involving the
18 trafficking of persons including component or related
19 crimes of peonage, involuntary servitude, slave trade
20 offenses, coercive worker exploitation, and posses-
21 sion, transfer or sale of false immigration documents
22 to further exploitation of workers, and the Fair

1 Labor Standards Act and the Migrant and Seasonal
2 Agricultural Worker Protection Act.

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

5 (A) to ensure that these sentencing guide-
6 lines and policy statements applicable to the of-
7 fenses described in paragraph (1) of this sub-
8 section are sufficiently stringent to deter and
9 adequately reflect the heinous nature of such
10 offenses;

11 (B) consider conforming the sentencing
12 guidelines applicable to offenses involving work-
13 er exploitation to the guidelines applicable to
14 peonage, involuntary servitude, and slave trade
15 offenses; and

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

20 (i) involve a large number of victims;

21 (ii) involve a pattern of continued and
22 flagrant violations;

23 (iii) involve the use or threatened use
24 of a dangerous weapon; or

1 (iv) result in the death or bodily in-
2 jury of any person.

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

8 **SEC. 10. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
9 **PRACTICES.**

10 (a) IN GENERAL.—The Secretary of State, acting
11 through the Assistant Secretary of Democracy, Human
12 Rights and Labor, shall, as part of the annual Country
13 Reports on Human Rights Practices, include information
14 to address the status of international trafficking in per-
15 sons, including—

16 (1) a description of the nature and extent of
17 trafficking in persons in each country;

18 (2) a description and assessment of the efforts
19 of countries to combat trafficking through preven-
20 tion, prosecution, and enforcement against traf-
21 fickers, and to protect and assist trafficking victims;
22 and

23 (3) the role of official corruption in facilitating
24 trafficking of persons in each country.

1 (b) ADDITIONAL REQUIREMENT.—Information de-
2 scribed in subsection (a) shall be included in the annual
3 Country Reports on Human Rights Practices separately
4 on a country-by-country basis.

5 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) AUTHORIZATION OF APPROPRIATIONS FOR THE
7 INTERAGENCY TASK FORCE.—To carry out the purposes
8 of section 4, there are authorized to be appropriated to
9 the Secretary of State \$3,000,000 for fiscal year 2001 and
10 \$3,000,000 for fiscal year 2002.

11 (b) AUTHORIZATION OF APPROPRIATIONS TO THE
12 SECRETARY OF HEALTH AND HUMAN SERVICES.—To
13 carry out the purposes of section 6(b) there are authorized
14 to be appropriated to the Secretary of Health and Human
15 Services \$10,000,000 for fiscal year 2001 and
16 \$10,000,000 for fiscal year 2002.

17 (c) AUTHORIZATION OF APPROPRIATIONS TO THE
18 SECRETARY OF STATE.—To carry out the purposes of sec-
19 tion 6(a) there are authorized to be appropriated to the
20 Secretary of State \$10,000,000 for fiscal year 2001 and
21 \$10,000,000 for fiscal year 2002.

22 (d) AUTHORIZATION OF APPROPRIATIONS TO ATTOR-
23 NEY GENERAL.—To carry out the purposes of section 6(b)
24 there are authorized to be appropriated to the Attorney

1 General \$10,000,000 for fiscal year 2001 and
2 \$10,000,000 for fiscal year 2002.

3 (e) AUTHORIZATION OF APPROPRIATIONS TO PRESI-
4 DENT.—To carry out the purposes of Section 5 there are
5 authorized to be appropriated to the President
6 \$10,000,000 for fiscal year 2001 and \$10,000,000 for fis-
7 cal year 2002.

8 (f) AUTHORIZATION OF APPROPRIATIONS TO THE
9 SECRETARY OF LABOR.—To carry out the purposes of
10 section 6(b) there are authorized to be appropriated to the
11 Secretary of Labor \$10,000,000 for fiscal year 2001 and
12 \$10,000,000 for fiscal year 2002.

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