

REFERENCES IN TEXT

Section 127 of the Trade Deficit Review Commission Act, referred to in subsecs. (b)(3) and (e), is section 127 of Pub. L. 105-277, which is set out in a note under section 2213 of Title 19, Customs Duties.

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The first day of the 107th Congress, referred to in subsec. (h), was Jan. 3, 2001.

CODIFICATION

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the U.S.-China Relations Act of 2000 which comprises this chapter.

CHAPTER 78—TRAFFICKING VICTIMS PROTECTION

- Sec.
7101. Purposes and findings.
 (a) Purposes.
 (b) Findings.
7102. Definitions.
7103. Interagency Task Force to Monitor and Combat Trafficking.
 (a) Establishment.
 (b) Appointment.
 (c) Chairman.
 (d) Activities of the Task Force.
 (e) Support for the Task Force.
7104. Prevention of trafficking.
 (a) Economic alternatives to prevent and deter trafficking.
 (b) Public awareness and information.
 (c) Consultation requirement.
7105. Protection and assistance for victims of trafficking.
 (a) Assistance for victims in other countries.
 (b) Victims in the United States.
 (c) Trafficking victim regulations.
 (d) Construction.
 (e) Protection from removal for certain crime victims.
 (f) Omitted.
 (g) Annual reports.
7106. Minimum standards for the elimination of trafficking.
 (a) Minimum standards.
 (b) Criteria.
7107. Actions against governments failing to meet minimum standards.
 (a) Statement of policy.
 (b) Reports to Congress.
 (c) Notification.
 (d) Presidential determinations.
 (e) Certification.
7108. Actions against significant traffickers in persons.
 (a) Authority to sanction significant traffickers in persons.
 (b) Report to Congress on identification and sanctioning of significant traffickers in persons.
 (c) Law enforcement and intelligence activities not affected.
 (d) Omitted.
 (e) Implementation.
 (f) Definition of foreign persons.
 (g) Construction.
7109. Strengthening prosecution and punishment of traffickers.
 (a) Omitted.
 (b) Amendment to the Sentencing Guidelines.
7110. Authorizations of appropriations.

Sec.

- (a) Authorization of appropriations in support of the Task Force.
(b) Authorization of appropriations to the Secretary of Health and Human Services.
(c) Authorization of appropriations to the Secretary of State.
(d) Authorization of appropriations to Attorney General.
(e) Authorization of appropriations to President.
(f) Authorization of appropriations to the Secretary of Labor.

§ 7101. Purposes and findings

(a) Purposes

The purposes of this chapter are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) Findings

Congress finds that:

(1) As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slav-

ery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as direct threats to inflict such harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

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

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(13) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through non-violent coercion. In *United States v. Kozminski*, 487 U.S. 931 (1988), the Supreme Court found that section 1584 of title 18, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to criminalize only servitude that is brought about through use or threatened use of physical or legal coercion, and to exclude other conduct that can have the same purpose and effect.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry are often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components is not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers.

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

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Additionally, adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(19) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.

(20) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(21) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(22) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which the United States was founded.

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;

the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(24) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

(Pub. L. 106-386, div. A, §102, Oct. 28, 2000, 114 Stat. 1466.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this division” meaning division A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to this chapter. For complete classification of division A to the Code, see section 101 of Pub. L. 106-386, set out as a Short Title below, and Tables.

SHORT TITLE

Pub. L. 106-386, §1, Oct. 28, 2000, 114 Stat. 1464, provided that: “This Act [see Tables for classification] may be cited as the ‘Victims of Trafficking and Violence Protection Act of 2000.’”

Pub. L. 106-386, div. A, §101, Oct. 28, 2000, 114 Stat. 1466, provided that: “This division [enacting this chapter, section 2152d of this title, and sections 1589 to 1594 of Title 18, Crimes and Criminal Procedure, and amending sections 2151n and 2304 of this title, sections 1101, 1182, 1184, and 1255 of Title 8, Aliens and Nationality, and sections 1581, 1583, and 1584 of Title 18] may be cited as the ‘Trafficking Victims Protection Act of 2000.’”

§ 7102. Definitions

In this chapter:

(1) **Appropriate congressional committees**

The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) **Coercion**

The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of the legal process.

(3) **Commercial sex act**

The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

(4) **Debt bondage**

The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(5) **Involuntary servitude**

The term “involuntary servitude” includes a condition of servitude induced by means of—

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(6) **Minimum standards for the elimination of trafficking**

The term “minimum standards for the elimination of trafficking” means the standards set forth in section 7106 of this title.

(7) **Nonhumanitarian, nontrade-related foreign assistance**

The term “nonhumanitarian, nontrade-related foreign assistance” means—

(A) any assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], other than—

(i) assistance under chapter 4 of part II of that Act [22 U.S.C. 2346 et seq.] that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act [22 U.S.C. 2151 et seq.];

(ii) assistance under chapter 8 of part I of that Act [22 U.S.C. 2291 et seq.];

(iii) any other narcotics-related assistance under part I of that Act [22 U.S.C. 2151 et seq.] or under chapter 4 or 5¹ part II of that Act [22 U.S.C. 2346 et seq., 2347 et seq.], but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act [22 U.S.C. 2394-1];

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act [22 U.S.C. 2292 et seq.];

(v) antiterrorism assistance under chapter 8 of part II of that Act [22 U.S.C. 2349aa et seq.];

¹ So in original. Probably should be followed by “of”.