

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION
ACT OF 2003

SEPTEMBER 5, 2003.—Ordered to be printed

Mr. HYDE, from the Committee on International Relations,
submitted the following

R E P O R T

[To accompany H.R. 2620]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 2620) to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

TABLE OF CONTENTS

	Page
The Amendment	2
Purpose and Summary	8
Background and Need for the Legislation	9
Committee Consideration	10
Votes of the Committee	10
Committee Oversight Findings	10
New Budget Authority and Tax Expenditures	10
Congressional Budget Office Cost Estimate	10
Performance Goals and Objectives	14
Constitutional Authority Statement	14
Preemption Clarification	15
Section-by-Section Analysis	15
New Advisory Committees	23
Congressional Accountability Act	23
Federal Mandates	23
Changes in Existing Law Made by the Bill, as Reported	23

THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2003”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Trafficking in persons continues to victimize countless men, women, and children in the United States and abroad.

(2) Since the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), the United States Government has made significant progress in investigating and prosecuting acts of trafficking and in responding to the needs of victims of trafficking in the United States and abroad.

(3) On the other hand, victims of trafficking have faced unintended obstacles in the process of securing needed assistance, including admission to the United States under section 101(a)(15)(T)(i) of the Immigration and Nationality Act.

(4) Additional research is needed to fully understand the phenomenon of trafficking in persons and to determine the most effective strategies for combating trafficking in persons.

(5) Corruption among foreign law enforcement authorities continues to undermine the efforts by governments to investigate, prosecute, and convict traffickers.

(6) International Law Enforcement Academies should be more fully utilized in the effort to train law enforcement authorities, prosecutors, and members of the judiciary to address trafficking in persons-related crimes.

SEC. 3. ENHANCING PREVENTION OF TRAFFICKING IN PERSONS.

(a) BORDER INTERDICTION, PUBLIC INFORMATION PROGRAMS, AND COMBATING INTERNATIONAL SEX TOURISM.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following new subsections:

“(c) BORDER INTERDICTION.—The President shall establish and carry out programs of foreign border interdiction by providing grants to nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims, as well as, to the extent appropriate, monitoring the implementation of border interdiction programs, including helping in the identification of such victims to stop the cross-border transit of victims. The President shall ensure that any program established under this subsection provides the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

“(d) INTERNATIONAL MEDIA.—The President shall establish and carry out programs that support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking, including fostering linkages between individuals working in the media in different countries to determine the best methods for informing such populations through such media.

“(e) COMBATING INTERNATIONAL SEX TOURISM.—

“(1) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—The President, pursuant to such regulations as may be prescribed, shall (A) require that airlines organized under the laws of the United States and other airlines operating in the United States develop and disseminate materials alerting travelers that sex tourism (as defined in section 2423(b-e) of title 18, United States Code) is illegal, will be prosecuted, and presents dangers to those involved, and (B) encourage such airlines to work with nongovernmental organizations in developing these materials. Such materials may include, for example, brochures, public service announcements, and billboards.

“(2) MONITORING OF COMPLIANCE.—The President shall monitor compliance with the requirements of paragraph (1).”; and

(3) in subsection (f) (as redesignated), by striking “initiatives described in subsections (a) and (b)” and inserting “initiatives and programs described in subsections (a) through (e)”.

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.—Section 106 of such Act (as amended by subsection (a)) is further amended by adding at the end the following new subsection:

“(g) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.—

“(1) TERMINATION.—

“(A) IN GENERAL.—The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds described in paragraph (2) are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.

“(B) DEFINITION.—In subparagraph (A), the term ‘severe forms of trafficking in persons’ has the meaning given the term in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).

“(2) ASSISTANCE DESCRIBED.—Funds referred to in paragraph (1) are funds made available to carry out any program, project, or activity funded under major functional budget category 150 (relating to international affairs).”.

SEC. 4. ENHANCING PROTECTION FOR TRAFFICKING VICTIMS.

(a) AMENDMENTS TO TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—

(1) COOPERATION BETWEEN FOREIGN GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Section 107(a)(1)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(a)(1)(B)) is amended by adding at the end before the period the following: “, and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations”.

(2) ASSISTANCE FOR FAMILY MEMBERS OF VICTIMS OF TRAFFICKING IN UNITED STATES.—Section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended—

(A) in subparagraph (A), by inserting “, or an alien classified as a non-immigrant under section 101(a)(15)(T)(ii),” after “in persons”; and

(B) in subparagraph (B), by inserting “and aliens classified as a non-immigrant under section 101(a)(15)(T)(ii),” after “United States,”.

(3) CERTIFICATION OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Section 107(b)(1)(E)(i)(I) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)(i)(I)) is amended by striking “the investigation and prosecution” and inserting “any Federal, State, or local investigation or prosecution”.

(4) PRIVATE RIGHT OF ACTION.—Section 107(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)) is amended by adding at the end the following new paragraph:

“(3) CIVIL ACTION.—An individual who is a victim of a violation of section 1589, 1590, or 1591 of title 18, United States Code, may bring a civil action in any appropriate district court of the United States. The court may award actual damages, punitive damages, reasonable attorneys’ fees, and other litigation costs reasonably incurred.”.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—

(1) DEFINITIONS.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(A) in clause (i)(III)(aa), by inserting “from any Federal, State, or local law enforcement agency” after “reasonable request”;

(B) in clause (i)(III)(bb), by striking “15 years of age,” and inserting “18 years of age,”; and

(C) in clause (ii)(I), by inserting “unmarried siblings under 18 years of age,” before “and parents”.

(2) ADMISSION OF NONIMMIGRANTS.—Section 214(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1184(n)(3)) is amended by inserting “siblings,” before “or parents”.

(3) ADJUSTMENT OF STATUS.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) (as added by section 107(f) of Public Law 106–386) is amended—

(A) in paragraph (1)—

(i) by striking “admitted under that section” and inserting “admitted under section 101(a)(15)(T)(ii)”; and

(ii) by inserting “sibling,” after “parents,”; and

(B) in paragraph (3)(B), by inserting “siblings,” after “daughters,”.

(c) **WAIVER OF PUBLIC CHARGE GROUND FOR INADMISSIBILITY; PENALTIES FOR UNLAWFUL DISCLOSURE OF INFORMATION.**—Section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)) is amended by adding at the end the following:

“(4) In determining the admissibility of an alien under section 101(a)(15)(T), section 212(a)(4) shall not apply.

“(5)(A) Except as otherwise provided in this paragraph, in no case may the Secretary of State, the Secretary of Homeland Security, or any other official or employee of the Department of State or the Department of Homeland Security (including any bureau or agency of either of such Departments) permit use by, or disclosure to, anyone, other than a sworn officer or employee of one of such Departments for legitimate Department purposes, of any information that relates to an alien who has properly filed a bona fide application for, or been granted, a visa or non-immigrant status under section 101(a)(15)(T)(i).

“(B) The limitation under subparagraph (A) shall terminate when the application described in such subparagraph is denied and all opportunities for appeal of the denial have been exhausted.

“(C) The Secretary of State and the Secretary of Homeland Security may each provide, in each Secretary’s discretion, for the disclosure of information described in subparagraph (A) in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

“(D) The Secretary of State and the Secretary of Homeland Security may each provide, in each Secretary’s discretion, for the disclosure of information described in subparagraph (A) to law enforcement officials to be used solely for a legitimate law enforcement purpose, such as the implementation of section 105(a) of this Act, section 414(c) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (8 U.S.C. 1365a note), and the interoperable electronic data system described in section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

“(E) Subparagraph (A) shall not be construed as preventing disclosure of information in connection with judicial review of a determination in a manner that protects the confidentiality of such information.

“(F) Subparagraph (A) shall not be construed to supersede section 222(f).

“(G) Subparagraph (A) shall not apply if the alien is an adult and has waived the restrictions of such subparagraph.

“(H) Whoever willfully uses, publishes, or permits information to be disclosed in violation of this paragraph shall be subject to appropriate disciplinary action and subject to a civil money penalty of not more than \$5,000 for each such violation.”.

SEC. 5. ENHANCING PROSECUTIONS OF TRAFFICKERS.

(a) **SEX TRAFFICKING OF CHILDREN OR BY FORCE, FRAUD, OR COERCION.**—Section 1591 of title 18, United States Code, is amended—

(1) in the heading, by inserting a comma after “fraud”;

(2) in subsection (a)(1), by striking “in or affecting interstate commerce” and inserting “in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States”; and

(3) in subsection (b), by striking “the person transported” each place it appears and inserting “the person recruited, enticed, harbored, transported, provided, or obtained”.

(b) **DEFINITION OF RACKETEERING ACTIVITY.**—Section 1961(1) of title 18, United States Code, is amended by inserting after “murder-for-hire,” the following: “section 1589 (relating to forced labor), section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor), section 1591 (relating to sex trafficking of children or by force, fraud, or coercion),”.

SEC. 6. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING.

(a) **REPORT.**—

(1) **IN GENERAL.**—Section 105(d) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)) is amended by adding at the end the following new paragraph:

“(7) Not later than February 1, 2004, and 2005, the Task Force, acting through the Office to Monitor and Combat Trafficking of the Department of State (established under subsection (e)), shall submit to the Committee on Ways and Means, the Committee on International Relations, and the Committee on

the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this division, or any amendment made by this division, which shall include, at a minimum, information on—

“(A) the number of persons who received benefits or other services under section 107(b) in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

“(B) the number of persons who have been granted continued presence in the United States under section 107(c)(3) during the preceding fiscal year;

“(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i)) during the preceding fiscal year;

“(D) the number of persons who have been charged or convicted under one or more of sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, or 1594 of title 18, United States Code, during the preceding fiscal year and the sentences imposed against each such person;

“(E) the amount, recipient, and purpose of each grant issued by any Federal agency to carry out the purposes of sections 106 and 107 of this Act, or section 134 of the Foreign Assistance Act of 1961, during the preceding fiscal year;

“(F) the nature of training conducted pursuant to section 107(c)(4) during the preceding fiscal year; and

“(G) the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under section 105(f) of this division.”.

(2) CONFORMING AMENDMENT.—Section 107(b)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended by striking subparagraph (D).

(b) SUPPORT FOR THE TASK FORCE.—

(1) AMENDMENT.—The second sentence of section 105(e) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(e)) is amended by inserting at the end before the period the following: “, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large”.

(2) APPLICABILITY.—The individual who holds the position of Director of the Office to Monitor and Combat Trafficking of the Department of State may continue to hold such position notwithstanding the amendment made by paragraph (1).

(c) SENIOR POLICY OPERATING GROUP.—

(1) AMENDMENT.—Section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103) is amended by adding at the end the following new subsection:

“(f) SENIOR POLICY OPERATING GROUP.—

“(1) ESTABLISHMENT.—There shall be established within the Task Force a Senior Policy Operating Group.

“(2) MEMBERSHIP; RELATED MATTERS.—

“(A) IN GENERAL.—The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order 13257 of February 13, 2002).

“(B) CHAIRPERSON.—The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

“(C) MEETINGS.—The Operating Group shall meet on a regular basis at the call of the Chairperson.

“(3) DUTIES.—The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

“(4) AVAILABILITY OF INFORMATION.—Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the department or agency’s plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this division.

“(5) REGULATIONS.—Not later than 90 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).”.

(2) CONFORMING AMENDMENT.—Section 406 of the Department of State and Related Agency Appropriations Act, 2003 (as contained in division B of Public Law 108–7) is hereby repealed.

(d) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—Section 108(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (1)—

(A) by striking “that take place wholly or partly within the territory of the country” and inserting “, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country”; and

(B) by adding at the end the following new sentence: “After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts.”; and

(2) in paragraph (7)—

(A) by striking “and prosecutes” and inserting “, prosecutes, convicts, and sentences”; and

(B) by adding at the end the following new sentence: “After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.”.

(e) ENHANCING UNITED STATES ASSISTANCE.—Section 134(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d(b)) is amended by adding at the end the following new sentence: “Assistance may be provided under this section notwithstanding section 660 of this Act.”.

(f) RESEARCH RELATING TO TRAFFICKING IN PERSONS.—

(1) IN GENERAL.—The Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 112 the following new section:

“SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.

“The President, acting through the Council of Economic Advisors, the National Research Council of the National Academies, the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, the Secretary of State, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall carry out research, including by providing grants to nongovernmental organizations, which furthers the purposes of this division and provides data to address the problems identified in the findings of this division. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

“(1) The economic causes and consequences of trafficking in persons.

“(2) The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking.

“(3) The interrelationship between trafficking in persons and global health risks.”.

(2) CONFORMING AMENDMENT.—The table of contents of the Victims of Trafficking and Violence Protection Act of 2000 is amended by inserting after the item relating to section 112 the following new item:

“Sec. 112A. Research on domestic and international trafficking in persons.”.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; RELATED MATTERS.

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) by striking “105” and inserting “105(e), 105(f),”; and

(B) by striking “and \$3,000,000 for each of the fiscal years 2002 and 2003” and inserting “, \$3,000,000 for each of the fiscal years 2002 and 2003, and \$5,000,000 for each of the fiscal years 2004 and 2005”;

(2) in subsection (b), by adding at the end before the period the following: “and \$15,000,000 for each of the fiscal years 2004 and 2005”;

(3) in subsection (c)—

(A) in paragraph (1) to read as follows:

“(1) BILATERAL ASSISTANCE TO COMBAT TRAFFICKING.—

“(A) PREVENTION.—To carry out the purposes of section 106, there are authorized to be appropriated to the Secretary of State \$10,000,000 for each of the fiscal years 2004 and 2005.

“(B) PROTECTION.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State \$15,000,000 for fiscal year 2003 and \$10,000,000 for each of the fiscal years 2004 and 2005.

“(C) PROSECUTION AND MEETING MINIMUM STANDARDS.—To carry out the purposes of section 134 of the Foreign Assistance Act of 1961, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 2004 and 2005 to assist in promoting prosecution of traffickers and otherwise to assist countries in meeting the minimum standards described in section 108 of this Act, including \$250,000 for each such fiscal year to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.”; and

(B) in paragraph (2), by striking “for each of the fiscal years 2001, 2002, and 2003” and inserting “for each of the fiscal years 2001 through 2005”;

(4) in subsection (d)—

(A) by adding at the end before the period the following: “and \$15,000,000 for each of the fiscal years 2004 and 2005”; and

(B) by adding at the end the following new sentence: “To carry out the purposes of section 134 of the Foreign Assistance Act of 1961 (as added by section 109), there are authorized to be appropriated to the President, acting through the Attorney General, \$250,000 for each of fiscal years 2004 and 2005 to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.”;

(5) in subsection (e)—

(A) in paragraphs (1) and (2), by striking “for fiscal year 2003” each place it appears and inserting “for each of the fiscal years 2003 through 2005”; and

(B) by adding at the end the following new paragraph:

“(3) RESEARCH.—To carry out the purposes of section 112A, there are authorized to be appropriated to the President \$300,000 for fiscal year 2004 and \$300,000 for fiscal year 2005.”;

(6) in subsection (f), by adding at the end before the period the following: “and \$10,000,000 for each of the fiscal years 2004 and 2005”; and

(7) by adding at the end the following new subsection:

“(g) LIMITATION ON USE OF FUNDS.—

“(1) RESTRICTION ON PROGRAMS.—No funds made available to carry out this division, or any amendment made by this division, may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.

“(2) RESTRICTION ON ORGANIZATIONS.—No funds made available to carry out this division, or any amendment made by this division, may be used to implement any program that targets victims of severe forms of trafficking in persons described in section 103(8)(A) of this Act through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.”.

SEC. 8. TECHNICAL CORRECTIONS.

(a) IMMIGRATION AND NATIONALITY ACT.—

(1) CLASSES OF NONIMMIGRANT ALIENS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by moving the margins of subparagraphs (T) and (U) 2 ems to the left;

(B) in subparagraph (T), by striking “214(n),” and inserting “214(o),”;

(C) in subparagraph (U), by striking “214(o),” and inserting “214(p),”;

and

- (D) in subparagraph (V), by striking “214(o),” and inserting “214(q),”.
- (2) CLASSES OF ALIENS INELIGIBLE FOR VISAS AND ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by redesignating the paragraph (13) added by section 1513(e) of the Battered Immigrant Women Protection Act of 2000 (title V of division B of Public Law 106–386; 114 Stat. 1536) as paragraph (14).
- (3) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by redesignating subsections (m) (as added by section 105 of Public Law 106–313), (n) (as added by section 107(e) of Public Law 106–386), (o) (as added by section 1513(c) of Public Law 106–386), (o) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (p) (as added by section 1503(b) of the Legal Immigration Family Equity Act) as subsections (n), (o), (p), (q), and (r), respectively.
- (4) ADJUSTMENT OF STATUS OF NONIMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—
- (A) in the subsection (1) added by section 107(f) of Public Law 106–386, by redesignating the second paragraph (2), and paragraphs (3) and (4), as paragraphs (3), (4), and (5), respectively; and
- (B) by redesignating the subsection (1) added by section 1513(f) of Public Law 106–386 as subsection (m).
- (b) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—(1) Section 103(7)(A)(i) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(7)(A)(i)) is amended by inserting after “part II of that Act” the following: “in support of programs of non-governmental organizations”.
- (2) Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by striking “214(n)(1)” and inserting “214(o)(2)”.

PURPOSE AND SUMMARY

The purpose of H.R. 2620, the Trafficking Victims Protection Reauthorization Act of 2003, is to amend and reauthorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000 (TVPA), P.L. 106–386.

In the 3 years since enactment of the TVPA the United States Government has developed a better understanding of the phenomena of trafficking in persons and the Committee has been able to evaluate U.S. experience under the act and identify areas for improvements and modifications to the act. Based on this experience, H.R. 2620 strengthens the U.S. Government’s ability to combat the worldwide scourge of trafficking in persons by enhancing provisions on prevention of trafficking, protection of victims of trafficking, and prosecution of traffickers.

H.R. 2620 includes new initiatives and modifications to current law with respect to the following items: establishing border interdiction programs, international media programs, and travel initiatives; and authority to terminate U.S. Government funding to private entities that engage in various human trafficking related activities (Sec. 3); assistance to family members of trafficked victims, slight modifications to the eligibility for a “T” visa established by the TVPA, and a private right of action in Federal courts for trafficking victims (Sec. 4); clarification of jurisdiction in human trafficking cases, and classification of human trafficking-related offenses as actionable under Federal racketeering statutes (Sec. 5); establishing a comprehensive reporting requirement for the Inter-agency Task Force to Monitor and Combat Trafficking regarding implementation of Federal trafficking in persons programs and initiatives, elevating the Director of the Office to Monitor and Combat Trafficking to the rank of Ambassador-at-Large, establishing a Senior Policy Operating Group to assist the Task Force in coordinating activities of Federal departments and agencies involved in trafficking in persons programs and initiatives, clarifying the min-

imum standards for the elimination of trafficking by adding that evidence of convictions and sentencing for acts of trafficking be considered when evaluating a country's efforts to eliminate trafficking, shifting the burden of proof to countries to provide data on arrests, prosecutions, convictions, and sentencing, and requiring specialized research in the area of human trafficking (Sec. 6); authorizing appropriations for each of fiscal years 2004 and 2005, and creating prohibitions on the use of funds to promote, support, or advocate the legalization or practice of prostitution, as well as to require an organization receiving funds to indicate that the organization does not promote, support, or advocate the legalization or practice of prostitution (Sec. 7).

BACKGROUND AND NEED FOR THE LEGISLATION

The Trafficking Victims Protection Act was enacted in October 2000 to combat trafficking in persons, ensure the prosecution of traffickers of children, women and men, and to protect the victims of trafficking. The TVPA was amended and funding was reauthorized in the Foreign Relations Authorization Act, Fiscal Year 2003, P.L. 107-228.

On June 26, 2003, Representatives Christopher Smith, Tom Lantos, Joseph Pitts and Louise McIntosh Slaughter introduced H.R. 2620, the Trafficking Victims Protection Reauthorization Act of 2003. The new legislation is based on 3 years of experience in implementing the TVPA and a review of the effectiveness of the measures in the TVPA. H.R. 2620 also draws from the international conference on *Pathbreaking Strategies in the Global Fight Against Sex Trafficking*, convened by the U.S. Department of State on February 23-26, 2003. The bill strengthens U.S. Government efforts to combat trafficking in persons through enhanced provisions on the prevention of trafficking in persons, prosecution of traffickers, and protection of trafficked victims.

On June 25, 2003, the Subcommittee on International Terrorism, Nonproliferation and Human Rights held a hearing on "Global Trends in Trafficking and the Trafficking in Persons Report." Testimony was received from the following witnesses: Mr. John Miller, Senior Advisor to the Secretary and Director of the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State; Rev. Luran Bethell, International Baptist Theological Seminary of the European Baptist Federation; Ms. Holly Burkhalter, U.S. Policy Director of Physicians for Human Rights; Mr. Gary A. Haugen, President, CEO and Founder of the International Justice Mission; Dr. Mohamed Y. Mattar, Co-Director of the Protection Project at Johns Hopkins University School of Advanced International Studies; Ms. Nancy Murphy, Executive Director of the Northwest Family Life Center; and Dr. Louise I. Shelley, Director of the Transnational Crime and Corruption Center at American University.

The Committee notes that much of the public attention on the issue of trafficking in persons focuses on sex trafficking, and indeed many of the most dramatic and horrifying accounts come from women and children forced into the sex trade. However, the Trafficking Victims Protection Act of 2000 addressed both sex slavery and forced labor and, as reflected in several prosecutions pursued by the Department of Justice since enactment of the act, individ-

uals subject to forced labor also face terrible human rights abuses. The Committee remains seized of all severe forms of trafficking in persons, as defined in the act.

COMMITTEE CONSIDERATION

The Committee on International Relations marked up the bill in open session, pursuant to notice, on July 23, 2003. The Committee ordered favorably reported the bill H.R. 2620 with an amendment in the nature of a substitute by voice vote, a quorum being present.

VOTES OF THE COMMITTEE

No recorded votes were taken during the consideration of H.R. 2620.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2620, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 13, 2003.

Hon. HENRY J. HYDE, *Chairman,*
Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2620, the Trafficking Victims Protection Reauthorization Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Sunita D'Monte (for federal costs), who can be reached at 226-2840, and Paige Piper/Bach (for the private-sector impact), who can be reached at 226-2940.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable Tom Lantos,

Ranking Member.

H.R. 2620—Trafficking Victims Protection Reauthorization Act of 2003.

SUMMARY

H.R. 2620 would reauthorize several programs within the Departments of State, Labor, Justice, and Health and Human Services, and within other agencies that combat trafficking in persons. It would expand the current federal prohibitions against such trafficking and would make more victims of trafficking and their relatives eligible to enter and remain in the United States.

The bill would authorize appropriations of almost \$106 million a year in 2004 and 2005. CBO estimates that implementing the bill would cost \$197 million over the 2004–2008 period, assuming appropriation of the authorized amounts. The bill also contains provisions that would affect direct spending and revenues, but CBO estimates these provisions would not have a significant effect.

H.R. 2620 would impose a private-sector mandate, as defined in the Unfunded Mandates Reform Act (UMRA) on airlines organized under the laws of the United States and other airlines that operate in the United States. CBO expects that the direct costs of the mandate would fall well below the annual threshold established by UMRA (\$117 million in 2003, adjusted annually for inflation). H.R. 2620 contains no intergovernmental mandates as defined in UMRA and would impose no significant costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2620 is shown in the following table. The costs of this legislation fall within budget functions 150 (international affairs), 500 (education, employment, training, and social services), 550 (health), 600 (income security), and 750 (administration of justice).

By fiscal year, in millions of dollars

	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ¹					
Overseas Assistance					
Authorization Level	61	61	0	0	0
Estimated Outlays	8	32	37	21	10
Department of Health and Human Services					
Authorization Level	15	15	0	0	0
Estimated Outlays	5	10	8	4	2
Department of Justice					
Authorization Level	15	15	0	0	0
Estimated Outlays	4	10	11	5	0
Department of Labor					
Authorization Level	10	10	0	0	0
Estimated Outlays	*	4	9	6	1
Department of State					
Authorization Level	5	5	0	0	0
Estimated Outlays	4	5	1	*	*
Total					
Authorization Level	106	106	0	0	0
Estimated Outlays	21	61	66	36	13

NOTE: * = less than \$500,000.

¹ In addition to effects on spending subject to appropriation, CBO estimates enacting H.R. 2620 would have an insignificant effect on direct spending and receipts.*Spending Subject to Appropriation*

The bill would authorize appropriations of about \$106 million a year in 2004 and 2005 for various programs to combat trafficking in persons. This compares to less than \$60 million in funding for similar programs in 2003, not counting spending by the Department of Labor that may benefit individual victims of trafficking under more general authority. Assuming that H.R. 2620 will be enacted late in fiscal year 2003, that the amounts authorized are appropriated near the start of each fiscal year, and that outlays follow historical spending patterns, CBO estimates that implementing the bill would cost \$21 million in 2004 and \$197 million over the 2004–2008 period.

Overseas Assistance. The bill would authorize appropriations in 2004 and 2005 of \$30 million a year to the Secretary of State and \$30 million a year to the President for programs to prevent trafficking in persons, to protect victims of trafficking, and to assist foreign states in meeting minimum standards for the elimination of trafficking. In addition, the bill would authorize \$0.3 million a year in 2004 and 2005 for voluntary contributions to international organizations to prevent such trafficking and assist in related legal reform, \$0.25 million a year in 2004 and 2005 for training at the International Law Enforcement Academies, and \$0.3 million a year in 2004 and 2005 for research on domestic and international trafficking in persons. CBO estimates that implementing these provisions would cost \$8 million in 2004 and \$108 million over the 2004–2008 period.

Department of Health and Human Services. The bill also would authorize appropriations of \$15 million in 2004 and 2005 for refugee assistance to trafficking victims. Under current law, the de-

partment plans to spend \$10 million for these activities in 2003. Assuming appropriation of the authorized amounts and that spending from the authorized amounts would be similar to the larger refugee assistance programs administered by the department, CBO estimates that this assistance would cost \$5 million in 2004 and \$29 million over the 2004–2008 period.

Department of Justice. Section 7 would authorize appropriations of \$15 million a year in 2004 and 2005 for the Attorney General to provide assistance to victims of trafficking living in the United States. CBO estimates that implementing this section would cost \$30 million over the 2004–2008 period, assuming appropriation of the authorized amounts.

Department of Labor. H.R. 2620 would authorize appropriations of \$10 million in 2004 and 2005 for services to trafficking victims. Services for these refugees are currently provided through the Employment and Training Administration, and CBO assumes that spending from the authorized amounts would be similar to those employment and training programs. Assuming appropriation of the authorized amounts, CBO estimates that providing these services would cost \$500,000 in 2004 and \$20 million over the 2004–2008 period.

Department of State. Section 7 would authorize appropriations of \$5 million each year in 2004 and 2005 to the State Department for the expenses of monitoring, combating, and reporting on trafficking in persons. Assuming appropriation of the authorized amounts, CBO estimates that implementing this section would cost \$10 million over the 2004–2008 period.

Direct Spending and Revenues

Enacting H.R. 2620 also could affect direct spending and revenues; but CBO estimates that any such changes would not be significant.

Medicaid and Other Entitlement Benefits. Certifications under the Trafficking Victims Protection Act have averaged fewer than 15 individuals a month since the program began early in fiscal year 2001. Only a minority of persons certified in 2001 applied for benefits in that year—the only year for which these data are available—and fewer still actually received Medicaid, Food Stamps, or other entitlement benefits. Although the provisions in H.R. 2620 could increase the number of individuals applying for and becoming entitled to certain federal public benefits, CBO expects the changes would result in few new beneficiaries for these benefits. Thus, CBO estimates that under H.R. 2620 any increase in direct spending for these benefit programs would not be significant.

Immigration Status for Certain Victims. The bill would make it easier for more victims of trafficking and their relatives to enter and remain in the United States. Costs to the Bureau of Citizenship and Immigration Services for adjudicating such cases would be funded from fees collected by the agency. CBO estimates that any such costs would not be significant because of the relatively small number of trafficking victims likely to be involved.

Civil and Criminal Fines. The bill would expand the current federal crimes relating to trafficking in persons. Because those prosecuted and convicted under the bill could be subject to civil and criminal fines, the government might collect additional fines if the

bill is enacted. Collections of civil fines are recorded in the budget as governmental receipts (revenues) and are deposited in the general fund. Collections of criminal fines are recorded as receipts and are deposited in the Crime Victims Fund and later spent. CBO expects that any additional receipts and direct spending would not be significant.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 2620 contains no intergovernmental mandates as defined in UMRA and would impose no significant costs on state, local, or tribal governments.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

H.R. 2620 would impose a new private-sector mandate, as defined in UMRA, on airlines organized under the laws of the United States and other airlines that operate in the United States. The bill would require such airlines to develop and disseminate materials alerting travelers that sex tourism, as defined in the bill, is illegal, will be prosecuted, and presents dangers to those involved. Based on information from industry and government sources, CBO expects that the direct costs of the mandate would fall well below the annual threshold established by UMRA (\$117 million in 2003, adjusted annually for inflation).

ESTIMATE PREPARED BY:

Federal Costs: Department of State—Sunita D'Monte (226–2840); Overseas Assistance—Joseph C. Whitehill (226–2840); Immigration and Department of Justice—Mark Grabowicz (226–2860); Medicaid—Eric Rollins (226–9010); Other Programs—Paul R. Cullinan (226–2820); Impact on State, Local, and Tribal Governments: Melissa Merrell (225–3220); Impact on the Private Sector: Paige Piper/Bach (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

H. R. 2620 will strengthen U.S. Government efforts to combat trafficking in persons through enhanced provisions on the prevention of trafficking in persons, prosecution of traffickers, and protection of trafficked victims. It will increase the provision of public benefits, lead to a more fair approach to visa adjudication of the “T” visa category, and will create the possibility of organized crime prosecutions being brought against traffickers.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any committee on a bill or joint resolution to include a committee statement on the extent to which the bill or joint resolution is intended to preempt State or local law. The Committee states that H.R. 2620 is not intended to preempt any State or local law.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title

This section states that this act may be cited as the “Trafficking Victims Protection Reauthorizat~~on~~ Act of 2003.”

Section 2. Findings

This section states the Congress’ findings that trafficking in persons continues to victimize countless men, women, and children in the United States and abroad. Since the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), the United States Government has made significant progress in investigating and prosecuting acts of trafficking and in responding to the needs of victims of trafficking in the United States and abroad. Nonetheless, victims of trafficking have faced unintended obstacles in the process of securing needed assistance, including admission to the United States under section 101(a)(15)(T)(i) of the Immigration and Nationality Act. Additional research is needed to fully understand the phenomenon of trafficking in persons and to determine the most effective strategies for combating trafficking in persons. Corruption among foreign law enforcement authorities continues to undermine the efforts by governments to investigate, prosecute, and convict traffickers and the International Law Enforcement Academies should be more fully utilized in the effort to train law enforcement authorities, prosecutors, and members of the judiciary to address trafficking in persons-related crimes.

Section 3. Enhancing Prevention of Trafficking in Persons

This section amends section 106 of the Trafficking Victims Protection Act of 2000 by requiring the President to undertake specific initiatives to enhance the prevention of trafficking in persons.

Subsection (a) requires the President to initiate a new foreign assistance program in the form of border interdiction programs at key border crossings between foreign countries through grants to nongovernmental organizations. Such programs should provide transit shelters at borders and should include training survivors of trafficking to educate and train border guards and officials, and other local law enforcement officials to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims. In addition, under appropriate circumstances, such programs should provide for survivors of trafficking to monitor the implementation of border interdiction programs, including helping officials with the identification of trafficking victims. Any program established under this subsection must provide the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

Trafficking can be made more difficult by blocking key border crossings and establishing a program whereby victims educate and train and, where appropriate, work with local law enforcement to identify traffickers and their victims.

Subsection (a) also requires the President to support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking. Explicit mention of the public as potential audiences for anti-trafficking awareness-raising efforts in countries of destination for trafficked persons is intended to signal the need for trafficking awareness-raising programs that target the demand-side of the trafficking equation. Programs created under this section should also foster linkages between individuals working in the media in different countries.

Subsection (a) also seeks to discourage U.S. citizens and others in the United States from creating a demand for trafficking through sex tourism. This section charges the President to require that airlines organized under the laws of the United States and other airlines operating in the United States develop and disseminate materials alerting travelers that sex tourism, as defined by 18 U.S.C. section 2423 (b–e), is illegal, will be prosecuted, and presents dangers to those involved. By giving the President the authority to promulgate regulations the Committee intends for the President to have flexibility to apply this requirement to particular flights and routes implicated as destinations for sex tourism. The provision also encourages affected airlines to work with nongovernmental organizations in developing materials for this purpose, such as brochures, public service announcements, and billboards.

Subsection (b) addresses the complicity of U.S. Government contractors with trafficking-in-persons offenses. During an April 2002 hearing, the Committee heard testimony describing the involvement by some employees or agents of DynCorp International—a recipient of a U.S. Government contract for police work in Bosnia-Herzegovina—in prostitution, human trafficking, and sexual misconduct and of DynCorp’s retaliation against those who endeavored to bring such misconduct to light. The Committee intends for the Department of State and all other relevant government agencies to take necessary action to control the activities of such contractors who are essentially serving as representatives of the United States and often are perceived as such. It is the view of the Committee that contractors, their employees and agents, must be held accountable to a code of conduct with associated consequences for unethical or improper personal conduct while under U.S. Government contracts. This need is made all the more essential when such contractors are operating in areas where they are unlikely to be held accountable under local laws. H.R. 2620 ensures that trafficking will be a matter of discussion between U.S. Government agencies and private entities, such as DynCorp, which receive U.S. Government-funded grants, contracts, or cooperative agreements related to international affairs. This section requires that grants, contracts or cooperative agreements must contain a clause allowing the U.S. Government to terminate the grant, contract or cooperative agreement if the grantee, subgrantee, contractor or subcontractor (a) en-

gages in severe forms of trafficking in persons or procures a commercial sex act while the grant, contract, or cooperative agreement is in effect, or (b) uses forced labor in the performance of the grant, contract, or cooperative agreement.

Section 4. Enhancing Protection for Trafficking Victims

Subsection (a) amends the Trafficking Victims Protection Act of 2000 to provide additional provisions for the protection of trafficking victims.

Subsection (a)(1) amends section 107(a)(1) of the TVPA, as previously amended by the Foreign Relations Authorization Act for Fiscal Year 2003, P.L. 107–228, by suggesting that U.S. Government-sponsored initiatives for the protection and assistance of victims of trafficking in other countries should include efforts to promote contact between foreign government agencies and nongovernmental organizations in order to improve public-private cooperation in foreign countries on issues of trafficking victim assistance.

Subsection (a)(2) amends section 107(b)(1), to authorize that the same benefits and services available to a trafficking victim under that section should also be made available to such family members of the victim as may be admitted to the United States under the derivative “T” visa categories. The TVPA states that benefits and services should be available to victims of trafficking to the same extent as refugees. However, unlike the treatment of refugees, the express language of the TVPA provides only for the provision of benefits and services to the trafficking victim and not to derivative family members who join the trafficking victim in the United States pursuant to section 101(a)(15)(T)(ii) of the Immigration and Nationality Act. Such family members may be hindered in finding employment in the United States due to their inability to speak English or a lack of job skills appropriate to the U.S. labor market. In order to support their integration into U.S. society, it is the Committee’s intention that such family members should be provided with public benefits and services to the same extent as aliens admitted as refugees under sections 207 and 208 of the Immigration and Nationality Act.

Subsection (a)(3) amends section 107(b)(1)(E)(i)(I) of the TVPA to clarify that in determining the eligibility of victims of trafficking to receive benefits and services afforded to them under the TVPA, the Secretary of Health and Human Services shall consider a trafficking victim’s willingness to assist with any Federal, State or local law enforcement investigation or prosecution of severe forms of trafficking in persons. Many trafficking-related crimes are pursued at the State and local levels through the prosecution of such crimes as kidnaping, rape, slavery, or other forced labor offenses, rather than at the Federal level, through no fault of the victim of trafficking. This section is intended to eliminate a barrier by which victims of trafficking may be prevented from receiving assistance from the Department of Health and Human Services (HHS) because HHS has only considered a victim’s willingness to assist with a Federal law enforcement agency’s investigation or prosecution of a trafficking crime. Moreover, where Federal, State or local law enforcement authorities come into contact with a trafficking victim, but decide not to proceed with a formal investigation or prosecution even though the victim is willing to assist in every reasonable way

in the investigation or prosecution, the Committee intends that the victim should be eligible to receive benefits and services if all other requirements set forth in section 107(b)(1)(E) of the TVPA are also satisfied.

Subsection (a)(4) provides trafficking victims a civil right of action in Federal courts for violations of 18 U.S.C. section 1589 (forced labor), 1590 (trafficking with respect to peonage, slavery, involuntary servitude, or forced labor), or 1591 (sex trafficking of children or by force, fraud, or coercion).

Subsection (b) makes amendments to the provisions of the Immigration and Nationality Act (INA) relating to victims of severe forms of trafficking in persons.

In regulations issued to implement 8 U.S.C. section 1101(a)(15)(T)(i), created by the TVPA, the Immigration and Naturalization Service interpreted the statutory language to mean that only Federal law enforcement agencies investigating or prosecuting acts of trafficking are empowered to issue a law enforcement agency endorsement that a victim of trafficking “has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking.” Compliance with such requests for assistance is a requirement for a victim of a severe form of trafficking who has attained 15 years of age to be considered eligible for a “T” visa. Currently, the linchpin of the “T” visa is a law enforcement agency’s interest in investigating and prosecuting a particular case of trafficking and issuing such a law enforcement agency endorsement. There are, however, instances in which Federal law enforcement agents do not investigate or prosecute a particular case, regardless of the merits of the case, and such cases can, and are, investigated and, as appropriate, prosecuted by State or local law enforcement agencies under State anti-trafficking laws or other laws.

Subsection (b)(1) amends 8 U.S.C. section 1101(a)(15)(T)(i) to state explicitly that a victim of trafficking can satisfy the criteria to assist in the investigation or prosecution of acts of trafficking if such victim complies with any reasonable request for assistance from any Federal, State or local law enforcement agency in the investigation or prosecution of acts of trafficking. It is the Committee’s intention to make clear that evidence from a Federal, State or local law enforcement agency shall be sufficient to satisfy the provision that a victim of trafficking comply with any reasonable request for assistance in the investigation or prosecution of acts of trafficking. The Committee stresses that the “T” visa is intended to serve as a tool for assisting law enforcement authorities, but also as a humanitarian tool for victims of trafficking and that every effort should be made to enable a victim of trafficking to benefit from the “T” visa provision when such victim has in good faith cooperated with the investigation and prosecution of acts of trafficking. Indeed, where Federal, State or local law enforcement authorities come into contact with a trafficking victim, but decide not to proceed with a formal investigation or prosecution, the Committee believes that if the victim is ready to comply with a reasonable request for assistance, a law enforcement agency endorsement should be made available to facilitate the victim’s application for a “T” visa.

Moreover, the Committee understands that many State and local law enforcement officials are not aware of the penalties prescribed

in the Federal law for trafficking in persons nor of the visa categories available for certain victims. The Committee strongly encourages the Department of Justice's Office of Victims of Crimes to work with the Criminal Section of the Civil Rights Division to expand outreach and education programs for State and local law enforcement personnel with regard to the Trafficking Victims Protection Act of 2000. This training program should focus, *inter alia*, on improving State and local law enforcement's ability to identify victims of trafficking and persons engaged in trafficking, on the desirability of referring trafficking cases to Federal officers, and the importance of referring victims of trafficking to appropriate social service providers.

Subsection (b)(1) also increases the age at which a victim of trafficking is required to assist in investigations and prosecutions in order to be eligible for a "T" visa. The age requirement is raised from 15 years of age to 18 years of age. Finally, the list of family members of a victim of trafficking under 21 years of age who are eligible to be considered for derivative "T" visas is amended to include unmarried siblings under 18 years of age of such victim. The Committee considers this amendment necessary so as not to place the parents of a trafficking victim in the position of having to leave behind minor children in their home country in order to be with a child in the United States who has experienced the horror of trafficking in persons.

Subsections (b)(2) and (b)(3) make changes to other provisions of the INA to conform those sections to the changes made by subsection (b)(1).

Subsection 4(c) waives the "public charge" ground for inadmissibility of an alien to the United States. Given the slave-like conditions that trafficking victims experience, they are likely to need public benefits and services in order to integrate into U.S. society. In the Trafficking Victims Protection Act, Congress addressed this need by providing that trafficking victims would have access to public benefits and services to the same extent as persons admitted to the United States as refugees. As a result, however, when applying for a "T" visa victims of trafficking often must seek a waiver of the "public charge" ground by which an alien can be deemed inadmissible to the United States. Applying for such a waiver is costly and burdensome for a victim of trafficking, as well as adding another issue for adjudication by the government in determining eligibility for a "T" visa. Subsection 4(c) exempts trafficking victims from the "public charge" ground for inadmissibility and, thereby, eliminates the need for a victim of trafficking to seek such a waiver.

Subsection 4(c) also provides for the confidentiality of "T" visa applications and creates penalties for unlawful disclosure of information contained in a "T" visa application.

Section 5. Enhancing Prosecutions of Traffickers

Subsection (a)(1) makes a technical correction to the title of 18 U.S.C. section 1591.

Subsection (a)(2) amends 18 U.S.C. section 1591 to state that the jurisdictional basis for prosecuting acts of sex trafficking includes acts of trafficking involving foreign commerce between the United States and foreign countries or occurring in the special maritime

or territorial jurisdiction of the United States. It also makes a technical correction to the sentencing provision of section 1591(b) by making the language of the provision correspond fully with the language in the substantive offense provision in section 1591(a).

Subsection (b) adds the trafficking offenses created by P.L. 106–386—specifically 18 U.S.C. section 1589 (relating to forced labor), section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor), section 1591 (relating to sex trafficking of children or by force, fraud, or coercion)—to the list of racketeering activities for purposes of the Federal RICO statute. In light of the well-documented involvement of organized crime networks in the trafficking of persons, the Committee would like to see the Department of Justice Organized Crime Division become engaged in the fight against trafficking and to use the full resources available under U.S. law to prosecute acts of trafficking.

Section 6. Enhancing United States Efforts to Combat Trafficking

Subsection (a) requires the Interagency Task Force to report, no later than February 1, 2004 and 2005, to House and Senate oversight committees on the implementation of Federal trafficking in persons programs and initiatives. The Committee believes that having one integrated report on U.S. Government efforts to combat trafficking will give other countries a basis for comparison between their efforts and United States' efforts as well as providing a useful tool for policy makers and anti-trafficking advocates in the United States.

Subsection (b) calls for the Director of the Office to Monitor and Combat Trafficking to be appointed by the President, by and with the advice and consent of the Senate, and to have the rank of Ambassador-at-Large. The Committee intends for the person serving as Director of the Office to Monitor and Combat Trafficking as of the date of the enactment of this act to be permitted to continue to hold such position during the period of time required for such person to have his or her confirmation voted on by the Senate.

Subsection (c) requires the establishment of a Senior Policy Operating Group, consisting of senior officials designated as representatives of the appointed members of the Task Force, which shall coordinate activities and fully share all information of Federal departments and agencies regarding policies, including grants and grant policies, involving trafficking in persons. Regulations regarding the sharing of information among the Senior Policy Operating Group are required not later than 90 days after the date of enactment of the Trafficking Victims Protection Reauthorization Act of 2003.

Subsection (d) clarifies the minimum standards for the elimination of trafficking by adding that evidence of convictions and sentences for acts of trafficking and official complicity in acts of trafficking, in addition to evidence of investigations and prosecutions, must be considered when evaluating a country's efforts to eliminate trafficking. It is the Committee's view that the true picture of a government's efforts to prosecute acts of trafficking can only be determined based on an analysis of investigations and prosecutions conducted, as well as convictions and sentences rendered. Investigations and prosecutions are of little significance if convictions and appropriately severe sentences do not follow from them. This

section also shifts the burden of proof to foreign governments to provide data on investigations, convictions, prosecutions and sentences for acts of severe forms of trafficking and creates a presumption that a government which does not provide such data to the degree reasonable in light of such government's resources, shall be presumed not to have vigorously engaged in such activities to eliminate trafficking.

Subsection (e) amends section 134(b) of the Foreign Assistance Act of 1961 to state that assistance for foreign police training may be provided under this section notwithstanding section 660 of the FAA.

Subsection (f) creates a new section in the TVPA—"Section 112A Research on Domestic and International Trafficking in Persons"—which requires the President, acting through various departments and agencies, to conduct specialized research in the area of trafficking in persons. The Committee finds that this section is necessary to reinforce the importance of providing grants for research projects in the area of trafficking. The Committee finds that trafficking in persons is an egregious expression of globalization with the capacity to adapt to changing political, social, cultural, economic and legal parameters. Moreover, the Committee believes that many aspects of trafficking remain hidden, substantially increasing the difficulty of combating this terrible human rights abuse. Accordingly, the Committee finds that the causes, manifestations and policy implications of trafficking in persons must be researched, documented and analyzed, and that programs must be evaluated and strategies carefully developed on the basis of sound data.

Section 7. Authorization of Appropriations; Related Matters

This section authorizes funding for fiscal years 2004 and 2005 for programs and activities under the Trafficking Victims Protection Act and makes amendments to that act.

Paragraph (1) authorizes an appropriation in support of the Task Force of \$5,000,000 for each of the fiscal years 2004 and 2005, a \$2,000,000 increase from the fiscal year 2003 authorized appropriation. This subsection also amends Section 113(a) of the TVPA to indicate that the appropriations in support of the Task Force (section 105 of the TVPA) are specifically intended to be used to fund the operations and staffing requirements of the Office to Monitor and Combat Trafficking and the Senior Policy Operating Group. The recommended increase in appropriations is intended to provide for additional staff positions for the Office to Monitor and Combat Trafficking, including country analyst positions to further strengthen the annual reporting process and a position or positions, as needed, to support the Department-led Senior Policy Operating Group to coordinate interagency activities to implement the Trafficking Victims Prevention Act of 2000.

Paragraph (2) authorizes appropriations to the Secretary of Health and Human Services at a level of \$15,000,000 for each of the fiscal years 2004 and 2005.

Paragraph (3) amends Sec. 113(c) of the TVPA by including an authorization of appropriations provision addressing Bilateral Assistance to Combat Trafficking, wherein appropriations to the Secretary of State for prevention programs are authorized at a level

of \$10,000,000 for each of the fiscal years 2004 and 2005. Paragraph (3) also amends the authorization of appropriations to the Secretary of State for protection programs to a level of \$15,000,000 for fiscal year 2003 and \$10,000,000 for each of the fiscal years 2004 and 2005. Paragraph (3) also amends the authorization of appropriations to the Secretary of State for prosecution and meeting minimum standards for the elimination of trafficking programs to a level of \$10,000,000 for each of the fiscal years 2004 and 2005. Additionally, subsection (c) is amended by extending the authorization of appropriations for a voluntary contribution to the Organization for Security and Cooperation in Europe (OSCE) at its current level of \$300,000 for each of the fiscal years 2001 through 2005.

Paragraph (4) authorizes appropriations to the Attorney General of \$15,000,000 for each of the fiscal years 2004 and 2005. An additional authorization of appropriations in the amount of \$250,000 to the President, acting through the Attorney General, for each of fiscal years 2004 and 2005 is made to carry out training activities for law enforcement officers, prosecutors and members of the judiciary regarding trafficking in persons at the International Law Enforcement Academies.

Paragraph (5) extends the authorization of appropriations to the President for foreign victims assistance at its current level of \$15,000,000 for each of the fiscal years 2003 through 2005 and assistance to foreign countries to meet minimum standards for the elimination of trafficking at its current level of \$15,000,000 for each of the fiscal years 2003 through 2005. It also authorizes appropriations to the President in the amount of \$300,000 for each of the fiscal years 2004 and 2005 for carrying out specialized research in trafficking in persons.

Paragraph (6) extends the authorization of appropriations to the Secretary of Labor at a level of \$10,000,000 for each of the fiscal years 2004 and 2005.

Paragraph (7) creates a new subsection 113(g) of the TVPA which prohibits the use of funds under the act for any program that promotes, supports, or advocates the legalization or practice of prostitution. The restriction on programs contains the caveat that it shall not be construed to preclude certain types of assistance to victims of trafficking while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked. The Committee recognizes that victims of trafficking may not immediately accept the offer of well-meaning persons to escape a trafficking situation. In the meantime, it is desirable for such persons to be able to provide to the victim of trafficking assistance designed to ameliorate the victim's suffering, to reduce the risks to the victim's health, or to otherwise promote the purposes of the TVPA. The Committee intends to make clear that the provision of such assistance alone shall not be deemed to constitute promoting, supporting or advocating for the legalization or practice of prostitution.

Paragraph (7) further provides that no funds shall be made available for anti-trafficking programs to any organization that has not stated in a grant application and/or grant agreement that the organization does not promote, support, or advocate the legalization or practice of prostitution. In addition, this provision also states that this restriction shall not apply to organizations that provide serv-

ices to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked. The Committee intends that the restriction apply where organizations are working with individuals in prostitution while they are in the control of traffickers.

Section 8. Technical Corrections

This section makes several technical corrections to various provisions of law contained or originating in the Trafficking Victims Protection Act of 2000.

NEW ADVISORY COMMITTEES

H.R. 2620 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 2620 does not apply to the legislative branch.

FEDERAL MANDATES

H.R. 2620 provides no Federal mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION
ACT OF 2000**

* * * * *

SECTION 1. SHORT TITLE.

This Act may be cited as the “Victims of Trafficking and Violence Protection Act of 2000”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) * * *

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Sec. 101. Short title.

* * * * *

Sec. 112A. Research on domestic and international trafficking in persons.

* * * * *

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

SEC. 101. SHORT TITLE.

This division may be cited as the “Trafficking Victims Protection Act of 2000”.

* * * * *

SEC. 103. DEFINITIONS.

In this division:

(1) * * *

* * * * *

(7) NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.—The term “nonhumanitarian, nontrade-related foreign assistance” means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) assistance under chapter 4 of part II of that Act *in support of programs of nongovernmental organizations* that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act;

* * * * *

SEC. 105. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) * * *

* * * * *

(d) ACTIVITIES OF THE TASK FORCE.—The Task Force shall carry out the following activities:

(1) * * *

* * * * *

(7) *Not later than February 1, 2004, and 2005, the Task Force, acting through the Office to Monitor and Combat Trafficking of the Department of State (established under subsection (e)), shall submit to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this division, or any amendment made by this division, which shall include, at a minimum, information on—*

(A) *the number of persons who received benefits or other services under section 107(b) in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;*

(B) *the number of persons who have been granted continued presence in the United States under section 107(c)(3) during the preceding fiscal year;*

(C) *the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i)) during the preceding fiscal year;*

(D) *the number of persons who have been charged or convicted under one or more of sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, or 1594 of title 18, United States Code, during the preceding fiscal year and the sentences imposed against each such person;*

(E) *the amount, recipient, and purpose of each grant issued by any Federal agency to carry out the purposes of sections 106 and 107 of this Act, or section 134 of the Foreign Assistance Act of 1961, during the preceding fiscal year;*

(F) *the nature of training conducted pursuant to section 107(c)(4) during the preceding fiscal year; and*

(G) *the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under section 105(f) of this division.*

(e) **SUPPORT FOR THE TASK FORCE.**—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director, *who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large.* The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this division and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a nonreimbursable basis.

(f) **SENIOR POLICY OPERATING GROUP.**—

(1) **ESTABLISHMENT.**—*There shall be established within the Task Force a Senior Policy Operating Group.*

(2) **MEMBERSHIP; RELATED MATTERS.**—

(A) **IN GENERAL.**—*The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order 13257 of February 13, 2002).*

(B) **CHAIRPERSON.**—*The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.*

(C) **MEETINGS.**—*The Operating Group shall meet on a regular basis at the call of the Chairperson.*

(3) **DUTIES.**—*The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.*

(4) **AVAILABILITY OF INFORMATION.**—*Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the depart-*

ment or agency's plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this division.

(5) REGULATIONS.—Not later than 90 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).

SEC. 106. PREVENTION OF TRAFFICKING.

*(a) * * **

** * * * **

(c) BORDER INTERDICTION.—The President shall establish and carry out programs of foreign border interdiction by providing grants to nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims, as well as, to the extent appropriate, monitoring the implementation of border interdiction programs, including helping in the identification of such victims to stop the cross-border transit of victims. The President shall ensure that any program established under this subsection provides the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

(d) INTERNATIONAL MEDIA.—The President shall establish and carry out programs that support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking, including fostering linkages between individuals working in the media in different countries to determine the best methods for informing such populations through such media.

(e) COMBATING INTERNATIONAL SEX TOURISM.—

(1) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—The President, pursuant to such regulations as may be prescribed, shall (A) require that airlines organized under the laws of the United States and other airlines operating in the United States develop and disseminate materials alerting travelers that sex tourism (as defined in section 2423(b-e) of title 18, United States Code) is illegal, will be prosecuted, and presents dangers to those involved, and (B) encourage such airlines to work with nongovernmental organizations in developing these materials. Such materials may include, for example, brochures, public service announcements, and billboards.

(2) MONITORING OF COMPLIANCE.—The President shall monitor compliance with the requirements of paragraph (1).

[(c)] (f) CONSULTATION REQUIREMENT.—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of **[i]nitiatives described in subsections (a) and (b)]** initiatives and programs described in subsections (a) through (e).

(g) *TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.*—

(1) *TERMINATION.*—

(A) *IN GENERAL.*—*The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds described in paragraph (2) are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.*

(B) *DEFINITION.*—*In subparagraph (A), the term “severe forms of trafficking in persons” has the meaning given the term in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).*

(2) *ASSISTANCE DESCRIBED.*—*Funds referred to in paragraph (1) are funds made available to carry out any program, project, or activity funded under major functional budget category 150 (relating to international affairs).*

SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) *ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.*—

(1) *IN GENERAL.*—*The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force. In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:*

(A) * * *

(B) *Support for nongovernmental organizations and advocates to provide legal, social, and other services and assistance to trafficked individuals, particularly those individuals in detention, and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations.*

* * * * *

(b) *VICTIMS IN THE UNITED STATES.*—

(1) *ASSISTANCE.*—

(A) *ELIGIBILITY FOR BENEFITS AND SERVICES.*—*Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons, or an alien classified as a nonimmigrant under section*

101(a)(15)(T)(ii), shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) REQUIREMENT TO EXPAND BENEFITS AND SERVICES.—Subject to subparagraph (C) and, in the case of non-entitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, *and aliens classified as a nonimmigrant under section 101(a)(15)(T)(ii)*, without regard to the immigration status of such victims.

* * * * *

[(D) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.]

(E) CERTIFICATION.—

(i) IN GENERAL.—Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—

(I) is willing to assist in every reasonable way in [the investigation and prosecution] *any Federal, State, or local investigation or prosecution of severe forms of trafficking in persons; and*

* * * * *

(3) CIVIL ACTION.—*An individual who is a victim of a violation of section 1589, 1590, or 1591 of title 18, United States Code, may bring a civil action in any appropriate district court of the United States. The court may award actual damages, punitive damages, reasonable attorneys' fees, and other litigation costs reasonably incurred.*

* * * * *

(g) ANNUAL REPORTS.—On or before October 31 of each year, the Attorney General shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding

fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), or who were unable to adjust their status under section 245(l) of such Act, solely on account of the unavailability of visas due to a limitation imposed by section ~~214(n)(1)~~ 214(o)(2) or 245(l)(4)(A) of such Act.

SEC. 108. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) * * *

(b) **CRITERIA.**—In determinations under subsection (a)(4), the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons ~~that take place wholly or partly within the territory of the country~~, *and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts.*

* * * * *

(7) Whether the government of the country vigorously investigates ~~and prosecutes~~, *prosecutes, convicts, and sentences* public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking. *After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.*

* * * * *

SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.

The President, acting through the Council of Economic Advisors, the National Research Council of the National Academies, the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, the Secretary of State, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall carry out research, including by providing grants to nongovernmental organizations, which furthers the purposes of this division and provides data to address the problems identified in the findings of this division. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

(1) *The economic causes and consequences of trafficking in persons.*

(2) *The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking.*

(3) The interrelationship between trafficking in persons and global health risks.

SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.—To carry out the purposes of sections 104, [105] 105(e), 105(f), and 110, there are authorized to be appropriated to the Secretary of State \$1,500,000 for fiscal year 2001 [and \$3,000,000 for each of the fiscal years 2002 and 2003], \$3,000,000 for each of the fiscal years 2002 and 2003, and \$5,000,000 for each of the fiscal years 2004 and 2005.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Health and Human Services \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002 and \$15,000,000 for each of the fiscal years 2004 and 2005.

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

[(1) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State \$5,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$15,000,000 for fiscal year 2003.]

(1) BILATERAL ASSISTANCE TO COMBAT TRAFFICKING.—

(A) PREVENTION.—To carry out the purposes of section 106, there are authorized to be appropriated to the Secretary of State \$10,000,000 for each of the fiscal years 2004 and 2005.

(B) PROTECTION.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State \$15,000,000 for fiscal year 2003 and \$10,000,000 for each of the fiscal years 2004 and 2005.

(C) PROSECUTION AND MEETING MINIMUM STANDARDS.—To carry out the purposes of section 134 of the Foreign Assistance Act of 1961, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 2004 and 2005 to assist in promoting prosecution of traffickers and otherwise to assist countries in meeting the minimum standards described in section 108 of this Act, including \$250,000 for each such fiscal year to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.

(2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To carry out the purposes of section 109, there is authorized to be appropriated to the Secretary of State [for each of the fiscal years 2001, 2002, and 2003] for each of the fiscal years 2001 through 2005 \$300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for such fiscal year.

* * * * *

(d) **AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.**—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Attorney General \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002 and \$15,000,000 for each of the fiscal years 2004 and 2005. To carry out the purposes of section 134 of the Foreign Assistance Act of 1961 (as added by section 109), there are authorized to be appropriated to the President, acting through the Attorney General, \$250,000 for each of fiscal years 2004 and 2005 to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.

(e) **AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.**—

(1) **FOREIGN VICTIM ASSISTANCE.**—To carry out the purposes of section 106, there are authorized to be appropriated to the President \$5,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$15,000,000 [for fiscal year 2003] for each of the fiscal years 2003 through 2005.

(2) **ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.**—To carry out the purposes of section 109, there are authorized to be appropriated to the President \$5,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$15,000,000 [for fiscal year 2003] for each of the fiscal years 2003 through 2005.

(3) **RESEARCH.**—To carry out the purposes of section 112A, there are authorized to be appropriated to the President \$300,000 for fiscal year 2004 and \$300,000 for fiscal year 2005.

(f) **AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.**—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Labor \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002 and \$10,000,000 for each of the fiscal years 2004 and 2005.

(g) **LIMITATION ON USE OF FUNDS.**—

(1) **RESTRICTION ON PROGRAMS.**—No funds made available to carry out this division, or any amendment made by this division, may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.

(2) **RESTRICTION ON ORGANIZATIONS.**—No funds made available to carry out this division, or any amendment made by this division, may be used to implement any program that targets victims of severe forms of trafficking in persons described in section 103(8)(A) of this Act through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.

* * * * *

IMMIGRATION AND NATIONALITY ACT

* * * * *

TITLE I—GENERAL

DEFINITIONS

SECTION 101. (a) As used in this Act—

(1) * * *

* * * * *

(15) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

(A) * * *

* * * * *

(T)(i) subject to section [214(n),] 214(o), an alien who the Attorney General determines—

(I) * * *

* * * * *

(III)(aa) has complied with any reasonable request from any Federal, State, or local law enforcement agency for assistance in the investigation or prosecution of acts of trafficking, or

(bb) has not attained [15 years of age,] 18 years of age, and

* * * * *

(ii) if the Attorney General considers it necessary to avoid extreme hardship—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, *unmarried siblings under 18 years of age*, and parents of such alien; and

* * * * *

(U)(i) subject to section [214(o),] 214(p), an alien who files a petition for status under this subparagraph, if the Attorney General determines that—

(I) * * *

* * * * *

(V) subject to section [214(o),] 214(q), an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 203(d)) of a petition to accord a status under section 203(a)(2)(A) that was filed with the Attorney General under section 204 on or before the date of the enactment of the Legal Immigration Family Equity Act, if—

(i) * * *

* * * * *

TITLE II—IMMIGRATION

CHAPTER 1—SELECTION SYSTEM

* * * * *

GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND
INELIGIBLE FOR ADMISSION; WAIVERS OF INADMISSIBILITY

SEC. 212. (a) * * *

* * * * *
(d)(1) * * *

* * * * *
[(13)] (14) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(U). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(U), if the Attorney General considers it to be in the public or national interest to do so.

* * * * *

ADMISSION OF NONIMMIGRANTS

SEC. 214. (a) * * *

* * * * *

[(m)] (n)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

(A) who has been lawfully admitted into the United States;

(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.

[(n)] (o)(1) * * *

* * * * *

(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, *siblings*, or parents of such aliens.

(4) *In determining the admissibility of an alien under section 101(a)(15)(T), section 212(a)(4) shall not apply.*

(5)(A) *Except as otherwise provided in this paragraph, in no case may the Secretary of State, the Secretary of Homeland Security, or any other official or employee of the Department of State or the Department of Homeland Security (including any bureau or agency of either of such Departments) permit use by, or disclosure to, anyone, other than a sworn officer or employee of one of such Departments for legitimate Department purposes, of any information that relates to an alien who has properly filed a bona fide application*

for, or been granted, a visa or nonimmigrant status under section 101(a)(15)(T)(i).

(B) The limitation under subparagraph (A) shall terminate when the application described in such subparagraph is denied and all opportunities for appeal of the denial have been exhausted.

(C) The Secretary of State and the Secretary of Homeland Security may each provide, in each Secretary's discretion, for the disclosure of information described in subparagraph (A) in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(D) The Secretary of State and the Secretary of Homeland Security may each provide, in each Secretary's discretion, for the disclosure of information described in subparagraph (A) to law enforcement officials to be used solely for a legitimate law enforcement purpose, such as the implementation of section 105(a) of this Act, section 414(c) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (8 U.S.C. 1365a note), and the interoperable electronic data system described in section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(E) Subparagraph (A) shall not be construed as preventing disclosure of information in connection with judicial review of a determination in a manner that protects the confidentiality of such information.

(F) Subparagraph (A) shall not be construed to supersede section 222(f).

(G) Subparagraph (A) shall not apply if the alien is an adult and has waived the restrictions of such subparagraph.

(H) Whoever willfully uses, publishes, or permits information to be disclosed in violation of this paragraph shall be subject to appropriate disciplinary action and subject to a civil money penalty of not more than \$5,000 for each such violation.

[(o)] (p) REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS.—

(1) * * *

* * * * *

[(o)] (q)(1) In the case of a nonimmigrant described in section 101(a)(15)(V)—

(A) * * *

* * * * *

[(p)] (r)(1) A visa shall not be issued under the provisions of section 101(a)(15)(K)(ii) until the consular officer has received a petition filed in the United States by the spouse of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe.

* * * * *

CHAPTER 5—ADJUSTMENT AND CHANGE OF STATUS

ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON
ADMITTED FOR PERMANENT RESIDENCE

SEC. 245. (a) * * *

* * * * *

(1)(1) If, in the opinion of the Attorney General, a non-immigrant admitted into the United States under section 101(a)(15)(T)(i)—

(A) * * *

* * * * *

the Attorney General may adjust the status of the alien (and any person [admitted under that section] *admitted under section 101(a)(15)(T)(ii)* as the spouse, parent, *sibling*, or child of the alien) to that of an alien lawfully admitted for permanent residence.

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

[(3)] (4)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.

(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, *siblings*, or parents of such aliens.

[(4)] (5) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.

[(1)] (m)(1) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided non-immigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), unless the Attorney General determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if—

(A) * * *

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TITLE 18, UNITED STATES CODE

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PART I—CRIMES

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CHAPTER 77—PEONAGE AND SLAVERY

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§ 1591. Sex trafficking of children or by force, fraud, or coercion

(a) Whoever knowingly—

(1) ~~in or affecting interstate commerce~~ *in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States*, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

* * * * *

(b) The punishment for an offense under subsection (a) is—

(1) if the offense was effected by force, fraud, or coercion or if ~~the person transported~~ *the person recruited, enticed, harbored, transported, provided, or obtained* had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

(2) if the offense was not so effected, and ~~the person transported~~ *the person recruited, enticed, harbored, transported, provided, or obtained* had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 40 years, or both.

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CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

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§ 1961. Definitions

As used in this chapter—

(1) “racketeering activity” means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the

sale of naturalization or citizenship papers), sections 1461–1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581–1588 (relating to peonage and slavery), *section 1589 (relating to forced labor), section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor), section 1591 (relating to sex trafficking of children or by force, fraud, or coercion)*, section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341–2346 (relating to trafficking in contraband cigarettes), sections 2421–24 (relating to white slave traffic), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain

aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B).

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SECTION 406 OF THE DEPARTMENT OF STATE AND RELATED AGENCY APPROPRIATIONS ACT, 2003

【SEC. 406. (a) The Interagency Task Force to Monitor and Combat Trafficking shall establish a Senior Policy Operating Group.

【(b) The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (established under Executive Order No. 13257 of February 13, 2002).

【(c) The Operating Group shall coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

【(d) The Operating Group shall fully share information regarding agency plans, before and after final agency decisions are made, on all matters regarding grants, grant policies, and other significant actions regarding the international trafficking of persons and the implementation of this division.

【(e) The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

【(f) The Operating Group shall meet on a regular basis at the call of the chair.】

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SECTION 134 OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 134. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) * * *

(b) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section. *Assistance may be provided under this section notwithstanding section 660 of this Act.*

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