

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION
ACT OF 2005

NOVEMBER 18, 2005.—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. 972]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 972) to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2005”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Prevention of trafficking in conjunction with post-conflict and humanitarian emergency assistance.
Sec. 102. Protection of victims of trafficking in persons.
Sec. 103. Enhancing prosecutions of trafficking in persons offenses.
Sec. 104. Enhancing United States efforts to combat trafficking in persons.
Sec. 105. Additional activities to monitor and combat forced labor and child labor.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

Sec. 201. Prevention of domestic trafficking in persons.
Sec. 202. Establishment of grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking.
Sec. 203. Protection of juvenile victims of trafficking in persons.
Sec. 204. Enhancing State and local efforts to combat trafficking in persons.
Sec. 205. Report to Congress.
Sec. 206. Definitions.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Authorizations of appropriations.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States has demonstrated international leadership in combating human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193).

(2) The United States Government currently estimates that 600,000 to 800,000 individuals are trafficked across international borders each year and exploited through forced labor and commercial sex exploitation. An estimated 80 percent of such individuals are women and girls.

(3) Since the enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States.

(4) Trafficking in persons also occurs within the borders of a country, including the United States.

(5) No known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation in the United States. According to a report issued by researchers at the University of Pennsylvania in 2001, as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

(6) Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. According to the National Runaway Switchboard, every day in the United States, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18.

(7) Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies.

(8) There is a need to protect populations in post-conflict settings and humanitarian emergencies from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there is a need for further integrated programs and strategies at the United States Agency for International Development, the Department of State, and the Department of Defense to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

(9) International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions.

(10) The involvement of employees and contractors of the United States Government and members of the Armed Forces in trafficking in persons, facilitating the trafficking in persons, or exploiting the victims of trafficking in persons is inconsistent with United States laws and policies and undermines the credibility and mission of United States Government programs in post-conflict regions.

(11) Further measures are needed to ensure that United States Government personnel and contractors are held accountable for involvement with acts of trafficking in persons, including by expanding United States criminal jurisdiction to all United States Government contractors abroad.

TITLE I—COMBATting INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.

(a) AMENDMENT.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

“(h) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.”.

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Secretary of Defense, shall conduct a study regarding the threat and practice of trafficking in persons generated by post-conflict and humanitarian emergencies in foreign countries.

(B) FACTORS.—In carrying out the study, the Secretary of State and the Administrator of the United States Agency for International Development shall examine—

(i) the vulnerabilities to human trafficking of commonly affected populations, particularly women and children, generated by post-conflict and humanitarian emergencies;

(ii) the various forms of trafficking in persons, both internal and trans-border, including both sexual and labor exploitation;

(iii) a collection of best practices implemented to date to combat human trafficking in such areas; and

(iv) proposed recommendations to better combat trafficking in persons in conjunction with post-conflict reconstruction and humanitarian emergencies assistance.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development, with the concurrence of the Secretary of Defense, shall transmit to the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report that contains the results of the study conducted pursuant to paragraph (1).

SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS.

(a) ACCESS TO INFORMATION.—Section 107(c)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(2)) is amended by adding at the end the following new sentence: “To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.”.

(b) ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.

(B) FACTORS.—In carrying out the study under subparagraph (A), the Administrator shall—

(i) investigate factors relating to the rehabilitation of victims of trafficking in group residential facilities, such as the appropriate size of such facilities, services to be provided, length of stay, and cost; and

(ii) give consideration to ensure the safety and security of victims of trafficking, provide alternative sources of income for such victims, assess and provide for the educational needs of such victims, including literacy, and assess the psychological needs of such victims and provide professional counseling, as appropriate.

(2) PILOT PROGRAM.—Upon completion of the study carried out pursuant to paragraph (1), the Administrator of the United States Agency for International Development shall establish and carry out a pilot program to establish residential treatment facilities in foreign countries for victims of trafficking based upon the best practices identified in the study.

(3) PURPOSES.—The purposes of the pilot program established pursuant to paragraph (2) are to—

(A) provide benefits and services to victims of trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(C) assess the need for and feasibility of establishing additional residential treatment facilities for victims of trafficking.

(4) SELECTION OF SITES.—The Administrator of the United States Agency for International Development shall select 2 sites at which to operate the pilot program established pursuant to paragraph (2).

(5) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this subsection, the Administrator of the United States Agency for International Development shall enter into contracts with, or make grants to, organizations with relevant expertise in the delivery of services to victims of trafficking.

(6) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the United States Agency for International Development to carry out this subsection \$2,500,000 for each of the fiscal years 2006 and 2007.

SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING IN PERSONS OFFENSES.

(a) EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES.—

(1) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 212 the following new chapter:

“CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES

“Sec.

“3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States.

“3272. Definitions.

“§ 3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States

“(a) Whoever, while employed by or accompanying the Federal Government outside the United States, engages in conduct outside the United States that would constitute an offense under chapter 77 or 117 of this title if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

“§ 3272. Definitions

“As used in this chapter:

“(1) The term ‘employed by the Federal Government outside the United States’ means—

“(A) employed as a civilian employee of the Federal Government, as a Federal contractor (including a subcontractor at any tier), or as an employee of a Federal contractor (including a subcontractor at any tier);

“(B) present or residing outside the United States in connection with such employment; and

“(C) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying the Federal Government outside the United States’ means—

“(A) a dependant of—

“(i) a civilian employee of the Federal Government; or

“(ii) a Federal contractor (including a subcontractor at any tier) or an employee of a Federal contractor (including a subcontractor at any tier);

“(B) residing with such civilian employee, contractor, or contractor employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.”

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of such part is amended by inserting after the item relating to chapter 212 the following new item:

“212A. Extraterritorial jurisdiction over certain trafficking in persons offenses 3271”.

(b) LAUNDERING OF MONETARY INSTRUMENTS.—Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (v), by striking “or” at the end;

(2) in clause (vi), by adding “or” at the end; and

(3) by adding at the end the following new clause:

“(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;”.

(c) DEFINITION OF RACKETEERING ACTIVITY.—Section 1961(1)(B) of title 18, United States Code, is amended by striking “1581–1591” and inserting “1581–1592”.

(d) CIVIL AND CRIMINAL FORFEITURES.—

(1) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 2428. Forfeitures

“(a) IN GENERAL.—The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

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

“(2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

“(b) PROPERTY SUBJECT TO FORFEITURE.—

“(1) IN GENERAL.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

“(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

“(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

“(2) APPLICABILITY OF CHAPTER 46.—The provisions of chapter 46 of this title relating to civil forfeitures shall apply to any seizure or civil forfeiture under this subsection.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2428. Forfeitures.”.

SEC. 104. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) APPOINTMENT TO INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended—

(1) by striking “the Director of Central Intelligence” and inserting “the Director of National Intelligence”; and

(2) by inserting “, the Secretary of Defense, the Secretary of Homeland Security” after “the Director of National Intelligence” (as added by paragraph (1)).

(b) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—

(1) AMENDMENTS.—Section 108(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(A) in paragraph (3), by adding at the end before the period the following: “, measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards”; and

(B) in the first sentence of paragraph (7), by striking “persons,” and inserting “persons, including nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking.”

(2) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B) of paragraph (1) take effect beginning two years after the date of the enactment of this Act.

(c) RESEARCH.—

(1) AMENDMENTS.—Section 112A of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a) is amended—

(A) in the first sentence of the matter preceding paragraph (1)—

(i) by striking “The President” and inserting “(a) IN GENERAL.—The President”; and

(ii) by striking “the Director of Central Intelligence” and inserting “the Director of National Intelligence”;

(B) in paragraph (3), by adding at the end before the period the following: “, particularly HIV/AIDS”;

(C) by adding at the end the following new paragraphs:

“(4) Subject to subsection (b), the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism.

“(5) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.

“(6) The abduction and enslavement of children for use as soldiers, including steps taken to eliminate the abduction and enslavement of children for use as soldiers and recommendations for such further steps as may be necessary to rapidly end the abduction and enslavement of children for use as soldiers.”; and

(D) by further adding at the end the following new subsections:

“(b) ROLE OF HUMAN SMUGGLING AND TRAFFICKING CENTER.—The research initiatives described in subsection (a)(4) shall be carried out by the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)).

“(c) DEFINITIONS.—In this section:

“(1) AIDS.—The term ‘AIDS’ means the acquired immune deficiency syndrome.

“(2) HIV.—The term ‘HIV’ means the human immunodeficiency virus, the pathogen that causes AIDS.

“(3) HIV/AIDS.—The term ‘HIV/AIDS’ means, with respect to an individual, an individual who is infected with HIV or living with AIDS.”.

(2) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)) shall submit to the appropriate congressional committees a report on the results of the research initiatives carried out pursuant to section 112A(4) of the Trafficking Victims Protection Act of 2000 (as added by paragraph (1)(C) of this subsection).

(B) DEFINITION.—In this paragraph, the term “appropriate congressional committees” means—

(i) the Committee on International Relations and the Committee on the Judiciary of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(d) FOREIGN SERVICE OFFICER TRAINING.—Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “, the Director of the Office to Monitor and Combat Trafficking,” after “the International Religious Freedom Act of 1998”;

(2) in paragraph (1), by striking “and” at the end;

(3) in paragraph (2), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(3) instruction on international documents and United States policy on trafficking in persons, including provisions of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) which may affect the United States bilateral relationships.”.

(e) PREVENTION OF TRAFFICKING BY PEACEKEEPERS.—

(1) INCLUSION IN TRAFFICKING IN PERSONS REPORT.—Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

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

“(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization’s employees, contractor personnel, and peacekeeping forces in trafficking in persons or the exploitation of victims of trafficking.”.

(2) REPORT BY SECRETARY OF STATE.—At least 15 days prior to voting for a new or reauthorized peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates (or in an emergency, as far in advance as is practicable), the Secretary of State shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and any other appropriate congressional committee a report that contains—

(A) a description of measures taken by the organization to prevent the organization’s employees, contractor personnel, and peacekeeping forces serving in the peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation or abuse, and the measures in place to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and

(B) an analysis of the effectiveness of each of the measures referred to in subparagraph (A).

SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.

(a) ACTIVITIES OF THE DEPARTMENT OF STATE.—

(1) FINDING.—Congress finds that in the report submitted to Congress by the Secretary of State in June 2005 pursuant to section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the list of countries whose governments do not comply with the minimum standards for the elimination of trafficking and are not making significant efforts to bring themselves into compliance was composed of a large number of countries in which the trafficking involved forced labor, including the trafficking of women into domestic servitude.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the Office to Monitor and Combat Trafficking of the Department of State should intensify the focus of the Office on forced labor in the countries described in paragraph (1) and other countries in which forced labor continues to be a serious human rights concern.

(b) ACTIVITIES OF THE DEPARTMENT OF LABOR.—

(1) IN GENERAL.—The Secretary of Labor, acting through the head of the Bureau of International Labor Affairs of the Department of Labor, shall carry out additional activities to monitor and combat forced labor and child labor in foreign countries as described in paragraph (2).

(2) ADDITIONAL ACTIVITIES DESCRIBED.—The additional activities referred to in paragraph (1) are—

(A) to monitor the use of forced labor and child labor in violation of international standards;

(B) to provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in trafficking in persons report required

by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b));

(C) to develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards;

(D) to work with persons who are involved in the production of goods on the list described in subparagraph (C) to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described in such subparagraph; and

(E) to consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States.

TITLE II—COMBATting DOMESTIC TRAFFICKING IN PERSONS

SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN PERSONS.

(a) PROGRAM TO REDUCE DEMAND FOR COMMERCIAL SEX ACTS.—

(1) PROGRAM.—The Secretary of Health and Human Services and the Attorney General shall identify best practices to reduce the demand for commercial sex acts in the United States and shall carry out a program to implement such best practices.

(2) REPORTS.—The Secretary and the Attorney General shall prepare and post on the respective Internet Web sites of the Department of Health and Human Services and the Department of Justice reports on the best practices identified under paragraph (1).

(3) DEFINITION.—In this subsection, the term “commercial sex act” has the meaning given the term in section 103(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(3)).

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by striking “COOPERATIVE AGREEMENTS.—” and all that follows through “The President shall” and inserting “COOPERATIVE AGREEMENTS.—The President shall”;

(2) by striking “described in paragraph (2)”; and

(3) by striking paragraph (2).

SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.

(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary of Health and Human Services may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims’ service organizations to develop, expand, and strengthen assistance programs for United States citizens or aliens admitted for permanent residence who are the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States.

(b) SELECTION FACTOR.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants with experience in the delivery of services to persons who have been subjected to sexual abuse or commercial sexual exploitation and to applicants who would employ survivors of sexual abuse or commercial sexual exploitation as part of their proposed project.

(c) LIMITATION ON FEDERAL SHARE.—The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

SEC. 203. PROTECTION OF JUVENILE VICTIMS OF TRAFFICKING IN PERSONS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and carry out a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking.

(b) PURPOSES.—The purposes of the pilot program established pursuant to subsection (a) are to—

(1) provide benefits and services to juveniles subjected to trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(2) assess the benefits of providing residential treatment facilities for juveniles subjected to trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(3) assess the need for and feasibility of establishing additional residential treatment facilities for juveniles subjected to trafficking.

(c) SELECTION OF SITES.—The Secretary of Health and Human Services shall select 3 sites at which to operate the pilot program established pursuant to subsection (a).

(d) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this section, the Secretary of Health and Human Services shall enter into contracts with, or make grants to, organizations with relevant expertise in the delivery of services to juveniles who have been subjected to sexual abuse or commercial sexual exploitation.

(e) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to subsection (a), the Secretary of Health and Human Services shall submit to Congress a report on the implementation of this section.

(f) DEFINITION.—In this section, the term “juvenile subjected to trafficking” means a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section \$5,000,000 for each of the fiscal years 2006 and 2007.

SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) ESTABLISHMENT OF GRANT PROGRAM FOR LAW ENFORCEMENT.—Subject to the availability of appropriations, the Attorney General may make grants to States and local law enforcement agencies to develop, expand, or strengthen programs to investigate and prosecute acts of severe forms of trafficking in persons that involve United States citizens, or aliens admitted for permanent residence, and that occur, in whole or in part, within the territorial jurisdiction of the United States.

(b) MULTI-DISCIPLINARY APPROACH REQUIRED.—Grants under subsection (a) may be made only for programs in which the State or local law enforcement agency works collaboratively with victim service providers and other relevant nongovernmental organizations, including faith-based organizations and organizations with experience in the delivery of services to persons who are the subject of trafficking in persons.

(c) LIMITATION ON FEDERAL SHARE.—The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

SEC. 205. REPORT TO CONGRESS.

Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

“(G) the amount, recipient, and purpose of each grant under sections 202 and 204 of the Trafficking Victims Protection Reauthorization Act of 2005; and”.

SEC. 206. DEFINITIONS.

In this title:

(1) SEVERE FORMS OF TRAFFICKING IN PERSONS.—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) SEX TRAFFICKING.—The term “sex trafficking” has the meaning given the term in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.

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

- (1) in subsection (a)—
- (A) by striking “and \$5,000,000” and inserting “\$5,000,000”;
 - (B) by adding at the end before the period the following: “, and \$5,500,000 for each of the fiscal years 2006 and 2007”; and
 - (C) by further adding at the end the following new sentence: “In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking for official reception and representation expenses \$3,000 for each of the fiscal years 2006 and 2007.”;
- (2) in subsection (b), by striking “2004 and 2005” and inserting “2004, 2005, 2006, and 2007”;
- (3) in subsection (c)(1), by striking “2004 and 2005” each place it appears and inserting “2004, 2005, 2006, and 2007”;
- (4) in subsection (d), by striking “2004 and 2005” each place it appears and inserting “2004, 2005, 2006, and 2007”;
- (5) in subsection (e)—
- (A) in paragraphs (1) and (2), by striking “2003 through 2005” and inserting “2003 through 2007”; and
 - (B) in paragraph (3), by striking “\$300,000 for fiscal year 2004 and \$300,000 for fiscal year 2005” and inserting “\$300,000 for each of the fiscal years 2004 through 2007”;
- (6) in subsection (f), by striking “2004 and 2005” and inserting “2004, 2005, 2006, and 2007”; and
- (7) by adding at the end the following new subsections:
- “(h) AUTHORIZATION OF APPROPRIATIONS TO DIRECTOR OF THE FBI.—There are authorized to be appropriated to the Director of the Federal Bureau of Investigation \$15,000,000 for fiscal year 2006, to remain available until expended, to investigate severe forms of trafficking in persons.
- “(i) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary of Homeland Security, \$18,000,000 for each of the fiscal years 2006 and 2007, to remain available until expended, for investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking in persons.”.

PURPOSE AND SUMMARY

H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005, amends and reauthorizes appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000. The Act strengthens the U.S. Government’s ability to combat the trafficking in persons by enhancing provisions on prevention of trafficking, protection of victims of trafficking, and prosecution of traffickers, and by bringing particular attention to the problem of internal trafficking of United States citizens and nationals within the territory of the United States.

H.R. 972 includes new provisions and amendments to existing U.S. law and improves U.S. efforts to combat trafficking internationally, toughens criminal penalties for trafficking offenses committed by certain U.S. persons, and launches new initiatives to assist the victims of trafficking in the United States. The Act includes: anti-trafficking measures in connection with post-conflict and humanitarian emergency assistance provided by the U.S. Government (Sec.101); improving trafficking victims’ access to information about victim assistance programs and establishing a pilot program for long-term residential care to trafficking victims abroad (Sec. 102); creating criminal jurisdiction in U.S. courts over Federal trafficking in persons offenses committed by Federal employees and contractors while outside the United States, and classifying trafficking in persons offenses as actionable under Federal money laundering, racketeering, and civil and criminal forfeiture statutes (Sec. 103); appointing the Secretaries of Defense and Homeland Security, and the Director of National Intelligence, to the Inter-agency Task Force to Monitor and Combat Trafficking, amending the

minimum standards for evaluating a government's efforts to eliminate trafficking by adding whether the government is implementing measures to reduce the demand for commercial sex acts and prevent sex tourism, to prevent peacekeeping troops' involvement with trafficking, and to prevent forced labor or child labor in violation of international standards, requiring a report from the Secretary of State, before endorsing a new or reauthorized peacekeeping mission, on measures taken to prevent trafficking and sexual exploitation by peacekeeping personnel (Sec. 104); expressing the Sense of Congress that the State Department should intensify its focus on forced labor problems and directing the Department of Labor to take certain additional steps to prevent forced labor and child labor internationally (Sec. 105); requiring reports on strategies and programs to reduce the demand for commercial sex acts, and authority to terminate U.S. Government funding to private entities that engage in human trafficking-related activities within the United States (Sec. 201); establishing a grant program to improve victim service programs for U.S. citizens and nationals victimized by trafficking and a pilot program for residential care for juvenile trafficking victims (Sec. 202 and 203); establishment of a grants program to improve State and local responses to certain trafficking cases that involve U.S. citizens, or persons admitted for permanent residence (Sec. 204); and authorizing appropriations for fiscal years 2006 and 2007 (Sec. 301).

BACKGROUND AND NEED FOR THE LEGISLATION

The Trafficking Victims Protection Act (TVPA), P.L. 106-386, was enacted in October 2000 to combat trafficking in persons, ensure the prosecution of traffickers, and 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. The TVPA was further amended and funding reauthorized for fiscal years 2004 and 2005 through the Trafficking Victims Protection Reauthorization Act of 2003, P.L. 108-193, signed into law on December 19, 2003.

On February 17, 2005, Representatives Christopher Smith, Tom Lantos, Donald Payne, Roy Blunt, Frank Wolf, Benjamin Cardin, Ileana Ros-Lehtinen, Joseph Pitts, Mike Pence and Eni Faleomavaega introduced H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005. The new legislation is based on consultations with government representatives and nongovernmental organizations, information received in congressional hearings, a review of academic research on human trafficking, and nearly five years of experience in implementing the TVPA. The bill strengthens U.S. Government efforts to combat trafficking in persons through enhanced provisions on the prevention of trafficking, prosecution of traffickers, and protection of trafficked victims, with a specific focus for the first time on domestic trafficking in the United States (i.e., the trafficking of United States citizens and permanent residents).

On March 1, 2005, the Subcommittee held a related briefing and hearing, "United Nations Organization Mission in the Democratic Republic of Congo: A Case for Peacekeeping Reform." The Subcommittee was briefed by Jane Holl Lute, Ph.D., Assistant Secretary-General for Mission Support, Department of Peacekeeping

Operations, United Nations. Testimony was then received from The Honorable Kim R. Holmes, Assistant Secretary for the Bureau of International Organization Affairs, U.S. Department of State; The Honorable Princeton N. Lyman, Ralph Bunche Senior Fellow in Africa Policy Studies at the Council on Foreign Relations and Former Assistant Secretary of State for International Organization Affairs; Nile Gardiner, Ph.D., Fellow in Anglo-American Security Policy at The Heritage Foundation; Ms. Anneke Van Woudenberg, Senior Researcher on the Democratic Republic of Congo for Human Rights Watch. A further hearing was held on May 18, 2005, entitled, "UN Peacekeeping Reform: Seeking Greater Accountability and Integrity." Testimony was received from Mr. Philo L. Dibble, Principal Deputy Assistant Secretary for the Bureau of International Organization Affairs at the U.S. Department of State; Mr. Eric Schwartz, Consultant to the Council on Foreign Relations; and Ms. Victoria Holt, Senior Associate, The Henry L. Stimson Center.

On March 9, 2005, the Subcommittee on Africa, Global Human Rights and International Operations held a hearing, "Combating Human Trafficking: Achieving Zero Tolerance." Testimony was received from the following witnesses: Ambassador 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; The Honorable Linda Smith, President of Shared Hope International and former Member of Congress; The Honorable Shirley E. Barnes, President of the Barnes Findley Foundation and former U.S. Ambassador to The Republic of Madagascar; Sarah E. Mendelson, Ph.D., Senior Fellow, Russia and Eurasia Program at the Center for Strategic and International Studies; Julianne Duncan, Ph.D., Assistant Director of Migration and Refugee Services for the United States Conference of Catholic Bishops; and Ms. Beatrice Fernando, trafficking survivor, and Associate at the American Anti-Slavery Group.

On June 7, 2005, the Commission on Security and Cooperation in Europe held an open, public hearing addressing the internal trafficking of United States citizens and residents within the territory of the United States entitled, "Exploiting Americans on American Soil: Domestic Trafficking Exposed." The Commission, also known as the Helsinki Commission, is a U.S. Government agency that monitors progress in the implementation of the provisions of the 1975 Helsinki Accords. The Commission consists of nine members from the United States Senate, nine from the U.S. House of Representatives, and one member each from the Departments of State, Defense and Commerce. The hearing was chaired by the Commission's Co-Chairman, Rep. Chris Smith, who also serves as Vice Chairman of the House International Relations Committee, and is the sponsor of H.R. 972. Testimony was received from Mr. Chris Swecker, Assistant Director for the Criminal Investigative Division, Federal Bureau of Investigation; Dr. Susan Orr, Associate Commissioner, Administration on Children, Youth and Families of the U.S. Department of Health and Human Services; Mr. Frank Barnaba, President & Founder of the Paul & Lisa Program; Ms. Norma Hotaling Executive Director & Founder of the SAGE (Standing Against Global Exploitation) Project; and Ms. Leisa B., a survivor of domestic trafficking.

COMMITTEE CONSIDERATION

The Committee on International Relations marked up the bill in open session, pursuant to notice, on October 7, 2005. The Committee ordered favorably reported the bill H.R. 972 with an amendment in the nature of a substitute by voice vote, a quorum being present.

VOTES OF THE COMMITTEE

No record votes were taken during the consideration of H.R. 972.

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. 972, 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, October 19, 2005.

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. 972, the Trafficking Victims Protection Reauthorization Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226-2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable Tom Lantos, Ranking Member

H.R. 972—Trafficking Victims Protection Reauthorization Act of 2005

SUMMARY

H.R. 972 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. The

bill would specifically authorize the appropriation of \$147 million in 2006 and \$132 million in 2007. In addition, CBO estimates that the Department of Justice would need \$15 million in additional appropriations annually to implement a new grant program. In total, CBO estimates that implementing the bill would cost \$59 million in 2006 and \$313 million over the 2006–2010 period, assuming appropriation of the necessary 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. 972 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA); however, CBO estimates that the cost of the mandate would not be significant and would be well below the threshold established in that act (\$62 million in 2005, adjusted for inflation). Other provisions of the bill would provide grant assistance to state, local, and tribal governments for programs benefitting victims of trafficking crimes. This bill contains no new private-sector mandates as defined in UMRA.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 972 is shown in the following table. The costs of this legislation fall within budget functions 150 (international affairs), 500 (education, training, employment, and social services), 550 (health), and 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ^{1,2}					
Overseas Assistance					
Authorization Level	63	63	0	0	0
Estimated Outlays	9	34	37	22	10
Department of Justice					
Estimated Authorization Level	63	48	15	15	15
Estimated Outlays	33	35	22	20	19
Department of Health and Human Services					
Authorization Level	20	20	0	0	0
Estimated Outlays	6	14	13	5	1
Department of Labor					
Authorization Level	10	10	0	0	0
Estimated Outlays	7	9	3	1	*
Department of State					
Authorization Level	6	6	0	0	0
Estimated Outlays	5	5	1	*	*
Total					
Estimated Authorization Level	162	147	15	15	15
Estimated Outlays	59	97	76	49	31

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

¹In addition to effects on spending subject to appropriation, CBO estimates enacting H.R. 972 would have an insignificant effect on direct spending and receipts.

²Five-year costs in text and totals in the table differ slightly from a summation of the annual costs shown here because of rounding.

BASIS OF ESTIMATE

Spending Subject to Appropriation

For purposes of this estimate, CBO assumes that this legislation will be enacted before the end of calendar year 2005, that the specified and estimated authorization amounts will be appropriated

near the start of each fiscal year, and that outlays will follow historical spending patterns for existing and similar programs. The bill would specifically authorize the appropriation of \$147 million in 2006 and \$132 million in 2007. In addition, CBO estimates that the Department of Justice would need \$15 million in additional appropriations annually to implement a new grant program. In total, CBO estimates that implementing this legislation would cost \$59 million in 2006 and \$313 million over the 2006–2010 period, assuming appropriation of the necessary amounts.

Overseas Assistance. The bill would authorize the appropriation of \$30 million a year for 2006 and 2007 to the Secretary of State and \$30 million a year to the President in those same years 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 \$300,000 a year in 2006 and 2007 for research on domestic and international trafficking in persons. Finally, the bill would authorize the appropriation of \$2.5 million a year for 2006 and 2007 to the U.S. Agency for International Development to establish residential treatment facilities in foreign countries that would treat the victims of trafficking. CBO estimates that implementing these provisions would cost \$9 million in 2006 and \$113 million over the 2006–2010 period, assuming appropriation of the necessary amounts.

Department of Justice. H.R. 972 would authorize the appropriation of:

- \$15 million a year for fiscal years 2006 and 2007 for the Attorney General to make grants to states, localities, and non-profit organizations to establish or expand service programs for victims of trafficking;
- \$15 million for fiscal year 2006 for the Federal Bureau of Investigation to investigate severe forms of trafficking in persons;
- \$18 million a year for fiscal years 2006 and 2007 for the Bureau of Immigration and Customs Enforcement in the Department of Homeland Security to investigate severe forms of trafficking in persons; and
- \$250,000 a year for fiscal years 2006 and 2007 for the Attorney General and the Secretary of State to train law enforcement officers, prosecutors, and judges and their staff with respect to cases involving trafficking in persons.

In addition, section 204 would permit the Attorney General to make grants to state and local law enforcement agencies to develop or expand programs to investigate and prosecute certain acts of trafficking in persons that involve U.S. citizens or permanent U.S. residents. Based on the funding levels that H.R. 972 would provide for similar activities, CBO estimates that the agency would need appropriations of \$15 million annually to implement this grant program.

Department of Health and Human Services. H.R. 972 would authorize the appropriation of \$15 million a year for fiscal years 2006 and 2007 to the Department of Health and Human Services for the purpose of identifying victims of trafficking. In addition, section 203 would authorize the appropriation of \$5 million a year for fis-

cal years 2006 and 2007 to carry out a pilot program to establish residential treatment facilities for juvenile victims of trafficking.

Department of Labor. H.R. 972 would authorize the appropriation of \$10 million a year for fiscal years 2006 and 2007 to the Department of Labor to carry out responsibilities under the Trafficking Victims Protection Act, including additional activities to monitor and combat forced labor and child labor in foreign countries.

Department of State. The bill would authorize the appropriation of \$5.5 million a year for fiscal years 2006 and 2007 for the Inter-agency Task Force to coordinate the implementation of the Trafficking Victims Protection Act.

Direct Spending and Revenues

Criminal Fines and Seizure of Assets. Section 103 would establish a new federal crime for trafficking in persons committed by individuals employed by the federal government or accompanying federal employees when outside of the United States. Thus, the government could pursue new cases related to trafficking. Because those prosecuted and convicted under H.R. 972 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as revenues, which are deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant.

Persons prosecuted and convicted under the bill also could be subject to the seizure of certain assets by the federal government. Proceeds from the sale of such assets would be deposited into the Assets Forfeiture Fund and spent from that fund, mostly in the same year. Thus, enacting H.R. 972 could increase both revenues deposited into the fund and direct spending from the fund. However, CBO estimates that any increased revenues or spending would be negligible.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 972 contains an intergovernmental mandate as defined in UMRA because it would require courts to order the property of convicted traffickers be forfeited to the federal government. This provision would preempt state laws and could result in the loss of forfeited properties for those governments. Because the number of trafficking cases prosecuted under state law is small, however, CBO estimates any such loss to state governments would not be significant and would be well below the threshold established in that act (\$62 million in 2005, adjusted for inflation). This bill contains no new private-sector mandates as defined in UMRA.

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.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title

This section states that this act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2005.”

Section 2. Findings

This section states the Congress' findings that the United States demonstrated leadership in combating human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193). The current U.S. Government estimate of people trafficked across international borders each year and exploited through forced labor and commercial sex exploitation is 600,000 to 800,000; an estimated 80 percent of such individuals are women and girls. The Committee notes that as a result of refined data collection processes and statistical analysis, the U.S. Government has modified its estimate of the number of individuals (men, women and children) trafficked into the United States each year—now placed at 14,500–17,500—as compared to the “approximately 50,000 women and children” cited in the Trafficking Victims Protection Act of 2000.

The findings state that since enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States, but trafficking in persons also occurs internally within countries. The Committee notes with concern the law enforcement data, media reports and anecdotal evidence indicating that a significant problem exists in the United States with internal (also referred to as domestic) trafficking, particularly involving children exploited in prostitution. The findings also state that no known studies exist that quantify this problem, however, researchers at the University of Pennsylvania estimated in 2001, that as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time. This section finds that runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. The National Runaway Switchboard estimates that between 1.3 million and 2.8 million runaway and homeless youth live on the streets in the United States, and one out of every seven children will run away from home before the age of 18. It is the Committee's view that the dearth of published facts and figures about the numbers and lives of sexually exploited youth highlights the hidden nature of commercial sexual exploitation of children in the United States and the Committee stresses the need for law enforcement and social service organizations to seek systematic and verifiable information.

Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies. There is a need to protect populations in post-conflict settings and humanitarian emergencies from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there remains a need for further programs and strategies at the

United States Agency for International Development, the Department of State, and the Department of Defense, among others, to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions. The involvement of Federal Government employees or contractors in trafficking in persons is inconsistent with U.S. laws and policies and undermines the efforts of government programs in post-conflict regions. Further measures are needed to deter such actions and ensure that personnel are held accountable for involvement with acts of trafficking.

TITLE I—COMBATting INTERNATIONAL TRAFFICKING IN PERSONS

Section 101. Prevention of Trafficking in Conjunction with Post-conflict and Humanitarian Emergency Assistance

This section amends section 106 of the Trafficking Victims Protection Act of 2000 (TVPA) by requiring the United States Agency for International Development (USAID), the Department of State and the Department of Defense to incorporate anti-trafficking and protection measures for vulnerable populations into their respective post-conflict and humanitarian emergency assistance programs. It also requires the State Department and USAID to conduct a study and issue a report, with the concurrence of the Department of Defense, within 180 days of enactment of this Act, on the prevention of trafficking in conjunction with post-conflict and humanitarian assistance. The report shall include, *inter alia*, specific recommendations to improve efforts to combat trafficking in conjunction with post-conflict reconstruction and humanitarian emergency programs. According to a 2004 report by InterAction, an alliance of 160 U.S.-based international development and humanitarian non-governmental organizations, “civilians, mostly women and children, now comprise 90 percent of all casualties in contemporary armed conflict.” Conflicts and severe natural disasters frequently result in large numbers of displaced persons, primarily women and children, who are at heightened risk of violence and exploitation. While humanitarian responses to such situations primarily address the needs for food, shelter and medical assistance, such situations also call for greater efforts to protect against exploitation, including trafficking, of vulnerable populations. Existing programs administered by Federal agencies contain limited elements to deter exploitation and violence and need significant further enhancements.

Section 102. Protection of Victims of Trafficking in Persons

This section amends section 107(c)(2) of the TVPA by requiring that to the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to such victims. The Committee is concerned by reports from victim advocates, including organizations funded by the Federal Government, that Federal law enforcement officials in some instances failed to

share with victims of severe forms of trafficking information about victim-service programs that can assist them with shelter, food, medical care, legal assistance and other needs, or to inform them about the possibility of applying for benefits via the Department of Health and Human Services or for a T-visa. Information should be made available to every victim of a severe form of trafficking in the United States who meets the criteria established by the TVPA, as amended, for receipt of benefits or a T-visa about his or her eligibility for both such benefits and such visa while in contact with Federal law enforcement authorities.

Subsection (b) requires USAID, within 180 days of enactment of this Act, to conduct a study of best practices for rehabilitating trafficking victims in group residential facilities in foreign countries. Based on the results of the study, USAID is required to establish a pilot program of residential treatment facilities in two sites located outside the United States by entering into grants or contracts with organizations experienced in the delivery of service to trafficking victims. To carry out this section, \$2.5 million is authorized to be appropriated for each of fiscal years 2006 and 2007. The assistance needed by trafficking victims to recover physically, psychologically and economically from the trauma of being trafficked cannot be adequately provided for all victims during a short-term stay, often 30–60 days, in a shelter facility. If released from such a shelter without adequate assistance to integrate into society, such individuals are at risk of being trafficked again. Despite the inadequacy of this approach to end the cycle of violence and trafficking, short-term assistance programs are, to date, the most common model of residential assistance. This pilot project seeks to provide an opportunity to explore alternative models for providing more effective assistance to victims of trafficking.

Section 103. Enhancing Prosecutions of Trafficking in Persons Offenses

Subsection (a) provides U.S. courts with jurisdiction over Federal Government employees or contractors, and those accompanying them, for the prosecution of Federal trafficking offenses that are committed outside the United States. Such jurisdiction already exists under the Military Extraterritorial Jurisdiction Act of 2000, as amended by the Defense Authorization Act of 2004, for Department of Defense contractors and other Federal contractors operating abroad in support of a Department of Defense mission, but does not currently extend to non-Department of Defense-related contractors. The Committee has long been concerned about the involvement of Federal contractors in human trafficking and other misconduct. At an April 2002 hearing, the Committee received testimony regarding the involvement by some employees or agents of a Federal contractor operating in Bosnia-Herzegovina in prostitution, human trafficking, and sexual misconduct. Both Department of Defense and non-Department of Defense contractors were involved, however, under U.S. law at that time, only Department of Defense contractors could be prosecuted in U.S. courts. Based on consultations with the Committee on the Judiciary, which has subject matter jurisdiction over the courts, that Committee's view is that contractors, and their employees and agents, must be held to the same standards of conduct required under United States laws while

under U.S. Government contracts abroad. 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.

Subsection (b) amends Title 18, U.S.C., to allow trafficking offenses to be considered “specified unlawful activity” for which prosecutions may be brought using the money laundering statutes. Subsection (c) amends Title 18, U.S.C., to expand the list of trafficking offenses that may be considered as predicate offenses for prosecutions using the powers of the Racketeering Influenced and Corrupt Organizations Act (RICO). Subsection (d) amends Title 18, U.S.C., to allow the Federal Government to use criminal and civil forfeiture laws to seize the proceeds and the property connected with or derived from the commission of trafficking offenses.

Section 104. Enhancing United States Efforts to Combat Trafficking in Persons

Subsection (a) amends section 105(b) of the TVPA by adding the Secretary of Defense and the Secretary of Homeland Security to the Interagency Task Force to Combat Trafficking. It also replaces the Director of Central Intelligence on the Task Force with the new Director of National Intelligence. The Committee welcomes the Department of Defense’s already ongoing participation in the staff-level Senior Policy Operating Group, and with this amendment makes official the Department of Defense’s participation in that group, as well as in the Cabinet-level Inter-agency Task Force to Monitor and Combat Trafficking. It is the Committee’s hope that the Secretary of Defense’s participation in the Task Force will also support the United States’ efforts to encourage implementation of United Nations and NATO policies against trafficking in persons, and sexual exploitation and abuse, by peacekeepers.

Subsection (b) amends section 108(b) of the TVPA to modify the criteria for determining whether a government is making “serious and sustained efforts” to eliminate trafficking by requiring consideration of whether a government is implementing measures: (1) to reduce the demand for commercial sex acts and to prevent participation in international sex tourism, both of which fuel the demand for sex trafficking; (2) to ensure that peacekeepers do not engage in trafficking or trafficking-related activities; (3) to prevent the use of forced labor or child labor in violation of international standards; and (4) whether the government vigorously investigates, prosecutes, convicts and sentences peacekeeping personnel who engage in trafficking-related activities. The Committee reiterates its previously expressed 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. The imposition of suspended sentences, or probation in lieu of incarceration, for convicted traffickers shall not be deemed to be vigorous sentencing for the purposes of this subsection or other similar subsections of section 108(b).

Subsection (c) amends section 112A of the TVPA, as created by the Trafficking Victims Protection Act of 2003, to add to the areas of specialized research required to be done by the President, acting

through various departments and agencies at the President's discretion, to include research on an effective mechanism for quantifying the number of victims of trafficking; the connection between trafficking and the spread of HIV/AIDS; and the abduction and enslavement of children for use as soldiers. With respect to child soldiers, the Committee is particularly concerned about the abduction of children by the Lord's Resistance Army (LRA) in Uganda, and is eager to receive recommendations for steps that could be taken to rapidly end such abduction and enslavement. It is estimated that approximately 20,000 children have been kidnapped by the group since 1987 for use as soldiers, porters, and sex slaves. Child abductees are routinely tortured, maimed, psychologically abused, and forced to commit heinous acts to subordinate them to the rule of the LRA.

Subsection (c) further directs research to be done by the President, acting through the Human Smuggling and Trafficking Center, on the interrelationship between trafficking in persons and terrorism. A report on this research, which shall draw upon the intelligence and analytical capabilities of the Center, is required to be provided within one year after enactment of this Act to the International Relations and Judiciary Committees of the House and the Foreign Relations and Judiciary Committees of the Senate, and a copy of the report should also be provided to the Homeland Security Committees of the House and Senate. The Committee understands that it may be necessary to transmit such a report in a classified form, but requests that an unclassified version also be provided to the Committees.

Subsection (d) amends section 708(a) of the Foreign Service Act of 1980 to require that human rights training for Foreign Service officers include training on trafficking in persons.

Subsection (e) amends section 110(b)(1) of the TVPA to require that the annual *Trafficking in Persons Report* issued by the Department of State include information on steps taken by international organizations, including, at a minimum, the United Nations, the Organization for Security and Cooperation in Europe, and the North Atlantic Treaty Organization, to prevent the involvement of the organization's personnel in trafficking or related activities. This subsection further requires that the Secretary of State, before endorsing a new or reauthorized international peacekeeping mission under the auspices of any multilateral organization in which the United States participates, to report to relevant congressional committees on the measures taken by the organization to prevent personnel serving on the peacekeeping mission from being involved with trafficking or related activities, or committing acts of sexual exploitation or abuse, and to hold accountable any who do engage in such acts. The report shall also include an analysis of the effectiveness of these measures.

The Committee has followed with great concern the allegations of gross sexual misconduct and exploitation of refugees and vulnerable people by United Nations peacekeepers and civilian personnel assigned to the UN peacekeeping mission in the Democratic Republic of Congo. Human rights groups and the UN's own internal investigations uncovered over 150 allegations against Mission personnel, typically involving peacekeepers' sexual contact with Congolese women and girls, as young as 11, in exchange for food or

small sums of money. In recent years, the UN has struggled to deal with similar allegations in Sierra Leone, Liberia, Guinea, Kosovo, and Bosnia and Herzegovina. In the past, the lack of appropriate codes of conduct for international personnel, including military service members, contractors, and international organizations' employees, limited the ability to counter misconduct. The Committee supports the UN Secretary General's issuance of policies against sexual exploitation, sexual abuse, and human trafficking by UN personnel, as well as recommendations made by Prince Zeid of Jordan in his report entitled "A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations." The United Nations and its Member States must endorse and actively implement these policies and recommendations, including in the conduct of peacekeeping operations. The Committee likewise supports the full implementation of NATO's anti-trafficking policy adopted in June 2004.

Section 105. Additional Activities to Monitor and Combat Forced Labor and Child Labor

Subsection (a) states the sense of Congress that the Office to Monitor and Combat Trafficking in Persons at the Department of State should intensify its focus on forced labor in countries where it is a serious human rights concern. In the *Trafficking in Persons Report* submitted to Congress by the Department of State in June 2005, pursuant to section 110(b) of the TVPA, the list of countries whose governments were found in noncompliance with the minimum standards for the elimination of trafficking, and which were not making significant efforts to bring themselves into compliance with those standards, was composed of a large number of countries in which much trafficking involves forced labor, including women forced into domestic servitude. As of the deadline for a Presidential determination and notification pursuant to section 110(c) and (d) of the TVPA, several of these countries did not take action to improve their efforts to meet the minimum standards for the elimination of trafficking. However, in the national interest of the United States, the President exercised his authority to waive sanctions against such countries. This Committee remains committed to combat all severe forms of trafficking in persons, as defined in the TVPA, and, accordingly, believes that the Director of the Office to Monitor and Combat Trafficking in Persons of the Department of State should intensify efforts by that Office to address forced labor in the countries described above and in other countries where forced labor continues to be a serious human rights concern. As the Department has begun this past year, the Committee expects that part of such intensified efforts should include increased attention given to the practice of forced labor in the report required by section 110(b) of the TVPA.

Subsection (b) directs the Department of Labor, acting through the Bureau of International Labor Affairs, to take additional steps to monitor and combat forced labor and child labor. Specifically, the Office is required to monitor the use of forced labor and prohibited forms of child labor internationally, to share information on trafficking in forced labor with the Office to Monitor and Combat Trafficking in Persons at the State Department, to develop a list of goods that are produced by forced/child labor, to work with the pro-

ducers of such goods to reduce the likelihood of forced/child labor from being used, and to consult with other agencies to prevent products made by forced/child labor from entering the United States. The Committee believes that public-private partnerships are essential to combat the scourge of forced and child labor and encourages such partnerships. Private industry, both domestic and foreign, must be vigilant to ensure that none of its products are created by or use inputs from forced or child labor.

Section 201. Prevention of Domestic Trafficking in Persons

The United States not only faces an influx of international victims of sex and labor trafficking, but also has a problem of internal trafficking (also referred to as domestic trafficking), particularly of minors, for the purpose of commercial sexual exploitation. In consultation with the committees of jurisdiction over domestic programs, the Committee amended Title II of the bill, which addresses trafficking in persons that occurs within the borders of the United States and victimizes United States citizens or permanent residents. According to a report issued in 2001 by researchers at the University of Pennsylvania, the American youth victimized through commercial sexual exploitation tend to be runaway or “thrown away” youth who live on the streets—having come from homes where they have been abused, or from families that have abandoned them, and often become involved in prostitution as a way to support themselves financially. Among youth living on the streets in the United States, involvement in commercial sex activity is a problem of epidemic proportion. The average age at which girls first become victims of prostitution is 12–14; for boys the average age of entry into prostitution is 11–13.

The Committee notes that there are no precise statistics on the numbers of United States citizens or permanent residents who have been victimized through trafficking, however, as documented by the National Center for Missing and Exploited Children, the National Runaway Switchboard, and researchers at the University of Pennsylvania, among others, runaway and homeless children are highly susceptible to commercial sexual exploitation. An estimated 1.3 million to 2.8 million runaway and homeless youth live on U.S. streets. The Committee is concerned about U.S. persons who become subjects of trafficking for commercial sexual exploitation and encourages the law enforcement community at the State and local levels to focus efforts on prosecuting individuals who exploit others through prostitution and trafficking. New strategies and attention are needed to prevent the victimization of U.S. persons through domestic trafficking.

Subsection (a) requires the Secretary of Health and Human Services and the Attorney General to prepare reports on best practices for reducing the demand for commercial sex acts, which feeds the demand for trafficking into prostitution. The reports shall be posted on the websites of the Department of Health and Human Services (HHS) and the Department of Justice, respectively. The Committee does not require that the agencies conduct a joint study or issue a joint report. Following completion of each report, the Department of Health and Human Services and the Department of Justice shall establish and carry out programs to implement these practices.

Subsection (b) requires that all U.S. Government grants, contracts or cooperative agreements with private entities contain a clause authorizing termination if the grantee, subgrantee, contractor or subcontractor: (a) 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 (b) uses forced labor in the performance of the grant, contract, or cooperative agreement. This subsection is an extension of a requirement created by the Trafficking Victims Protection Act of 2003 (Public Law 108–193) for grants, contracts and cooperative agreements entered into by the Federal Government for services to be provided outside the United States. This subsection extends that requirement to grants, contracts and cooperative agreements entered into by the Federal Government for services to be provided within the United States.

Section 202. Establishment of Grant Program to Develop, Expand, and Strengthen Assistance Programs for Certain Persons Subject to Trafficking

This section establishes a grants program administered by HHS to support victim service providers. The Committee notes that, as a result of the TVPA, foreign victims of severe forms of trafficking in the United States are legally required to be treated as victims, rather than as criminals. The same should be true for American citizens. Nonetheless, a nongovernmental organization which advocates for exploited children, ECPAT–USA, issued a 2005 report (*Who Is There to Help Us? How the System Fails Sexually Exploited Girls in the United States*) which concluded, in relevant part, that “the implementation of the TVPA to date, both in terms of services and prosecutions, has assisted girls from abroad while ignoring girls in similar situations from the U.S.” The Committee’s intention is that a grants program be established pursuant to this provision which will improve the provision of services to U.S. persons who are subjected to sex trafficking or a severe form of trafficking, as those terms are defined in this Act.

Section 203. Protection of Juvenile Victims of Trafficking in Persons

This section requires the Department of Health and Human Services to establish a pilot program to create long-term residential treatment facilities for United States citizens and permanent residents who are subjected to trafficking and are under the age of 18 at the time they are identified as victims of trafficking. Appropriations of \$5 million per year for each of fiscal years 2006 and 2007 are authorized. The Committee has learned from both governmental and nongovernmental sources who work with trafficked children in the United States that a lack of housing options for such children is a debilitating impediment to providing effective rehabilitative and restorative help to escape commercial sexual exploitation. This section responds to that need. It is the Committee’s intention that the pilot program be undertaken with a view to extending and expanding the provision of long-term residential treatment facilities in light of the outcome of the program. The Committee encourages the implementers of the pilot program to examine potential means of making the residential facilities financially self-sustaining, in whole or in part, to the extent possible.

Section 204. Enhancing State and Local Efforts to Combat Trafficking in Persons

Based on consultations with the Committee on the Judiciary, this section establishes a grants program for State and local law enforcement to improve programs to investigate and prosecute acts of severe forms of trafficking in persons occurring within the territorial jurisdiction of the United States and in which the persons subjected to trafficking are U.S. citizens or persons admitted for permanent residence. The Committee intends for a grants program established pursuant to this section to improve the awareness of State and local law enforcement authorities about the applicability of the TVPA to U.S. persons who are victims of a severe form of trafficking and to improve the ability of such authorities to investigate and prosecute, either alone or in conjunction with Federal law enforcement, such crimes when they involve victims who are U.S. citizens or legal permanent residents. The Committee reaffirms that under the TVPA any person younger than 18 years old “induced to perform” a commercial sex act is considered a victim of a “severe form of trafficking.” The Committee is concerned that while Federal law recognizes juveniles exploited through prostitution as victims of crime, State and local systems may not be focusing efforts on prosecuting the traffickers, pimps and others, including purchasers of commercial sex acts, who exploit such juveniles. By focusing this section on U.S. citizens and permanent residents, the Committee does not intend to limit or prevent law enforcement agencies from establishing, developing, expanding, or strengthening programs to investigate and prosecute acts of trafficking within the United States which involve trafficked persons who are not U.S. citizens or permanent residents, nor does the Committee intend to limit any currently existing authority of the Department of Justice to conduct grant programs in support of such efforts. The Committee expects that the program authorized by this section will be in addition to the programs that currently exist.

This provision requires grantees to work collaboratively with victim service providers and other NGOs, including faith-based organizations. In implementing these grant programs, the Committee believes that the Department of Justice should give equal consideration to any application that includes the involvement of a faith-based organization, a non-faith-based organization, or both. By requiring that grantees under this section use a multi-disciplinary approach which involves working collaboratively with victim service providers and other relevant nongovernmental organizations, the Committee seeks to encourage that efforts to prosecute acts of trafficking include as an integral component the rendering of assistance to trafficked persons to permanently escape the trafficking situation.

Section 205. Report to Congress

This section amends section 105(d)(7) of the TVPA, as amended by the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), to require that the annual report by the Attorney General to Congress required under that section will include information on the amount, recipient, and purpose of each grant issued pursuant to the grants programs established by sections 202 and 204 of this Act.

Section 206. Definitions

This section states that the terms “severe forms of trafficking in persons” and “sex trafficking” used in Title II have the meanings given those terms in the Trafficking Victims Protection Act of 2000.

Section 301. Authorizations of Appropriations

This section authorizes funding for fiscal years 2006 and 2007 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 \$5,500,000 for each of the fiscal years 2006 and 2007, a \$500,000 increase from the fiscal years 2004 and 2005 authorized appropriations. The recommended increase in appropriations is intended to provide for additional staff positions for the Office to Monitor and Combat Trafficking at the U.S. Department of State. This paragraph also amends Section 113(a) of the TVPA to authorize a new appropriation of \$3,000 for each of fiscal years 2006 and 2007 to the Office to Monitor and Combat Trafficking for official reception and representation expenses.

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 2006 and 2007.

Paragraph (3) authorizes appropriations for each of the fiscal years 2006 and 2007 to the Secretary of State for bilateral assistance to combat trafficking through prevention programs at \$10,000,000; for protection programs at \$10,000,000; and for assistance to foreign countries with prosecutions and meeting minimum standards for the elimination of trafficking at \$10,000,000. A previously authorized appropriation of \$300,000 for a voluntary contribution to anti-trafficking programs of the Organization for Security and Cooperation in Europe is not reauthorized.

Paragraph (4) authorizes appropriations to the Attorney General of \$15,000,000 for each of the fiscal years 2006 and 2007. An additional authorization of appropriations in the amount of \$250,000 to the President, acting through the Attorney General and the Secretary of State, for each of fiscal years 2006 and 2007 is made to carry out training activities at the International Law Enforcement Academies for law enforcement officers, prosecutors and members of the judiciary, regarding combating trafficking in persons.

Paragraph (5) authorizes appropriations of \$15,000,000 for each of the fiscal years 2006 through 2007 to the President for assistance to foreign victims of trafficking, and \$15,000,000 for each of the fiscal years 2006 through 2007 for assistance to foreign countries to meet minimum standards for the elimination of trafficking. It also authorizes appropriations to the President in the amount of \$300,000 for each of the fiscal years 2006 and 2007 for carrying out specialized research in trafficking in persons.

Paragraph (6) authorizes appropriations to the Secretary of Labor of \$10,000,000 for fiscal years 2006 and 2007.

Paragraph (7) creates a new subsection of the TVPA (Sec. 113(h)), which authorizes appropriations to the Federal Bureau of Investigation (FBI) of \$15,000,000 for fiscal year 2006 to investigate severe forms of trafficking in persons. The FBI initiative, known as “Operation Innocence Lost,” has been ongoing since 2003, and is sponsored by the FBI Crimes Against Children Division in

conjunction with the Department of Justice Child Exploitation and Obscenity Section, and the National Center for Missing and Exploited Children. It is a nationwide initiative to focus on child victims of interstate sex trafficking in the United States. It is the Committee's intention that funds authorized under this paragraph will be used to expand these efforts. Paragraph (7) further creates a new subsection 113(i) which authorizes appropriations to the Secretary of Homeland Security of \$18,000,000 for each of the fiscal years 2006 and 2007 for U.S. Immigration and Customs Enforcement (ICE) within the Department of Homeland Security to investigate severe forms of trafficking in persons. ICE continues to be a major stakeholder in the United States Government's fight against human traffickers worldwide. ICE's efforts have led to numerous successful prosecutions and have established ICE's critical role in these investigations. ICE's institutional experience and knowledge of these investigations, as well as its wide range of authorities, expertise, and capabilities uniquely positions the agency to aggressively pursue these individuals and criminal organizations that exploit men, women, and children. The Committee supports the efforts of the FBI and the Department of Homeland Security to investigate acts of trafficking in persons, whether the victims involved are foreign nationals or U.S. citizens.

NEW ADVISORY COMMITTEES

H.R. 972 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

The Congressional Accountability Act does not apply to matters in H.R. 972.

FEDERAL MANDATES

H.R. 972 provides no Federal mandates.

Honorable Henry J. Hyde
October 13, 2005
Page 2

With best wishes.

Sincerely,



Duncan Hunter
Chairman

DH:mde

cc: Honorable J. Dennis Hastert
Honorable John V. Sullivan
Honorable Ike Skelton
Honorable Tom Lantos

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):

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

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

(a) * * *

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, **the Director of Central Intelligence** *the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security*, and such other officials as may be designated by the President.

* * * * *

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

(1) * * *

* * * * *

(7) Not later than May 1, 2004, and annually thereafter, the Attorney General 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) * * *

* * * * *

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

(G) *the amount, recipient, and purpose of each grant under sections 202 and 204 of the Trafficking Victims Protection Reauthorization Act of 2005; and*

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

* * * * *

SEC. 106. PREVENTION OF TRAFFICKING.

(a) * * *

* * * * *

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

[(1) TERMINATION.—The President shall] *COOPERATIVE AGREEMENTS.—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.*

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

(h) *PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.*

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

(a) * * *

* * * * *

(c) **TRAFFICKING VICTIM REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) * * *

(2) **ACCESS TO INFORMATION.**—Victims of severe forms of trafficking shall have access to information about their rights and translation services. *To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.*

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) * * *

* * * * *

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, *measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards.*

* * * * *

(7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate severe forms of trafficking in **[**persons,**]** *persons, including nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking,* 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. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

* * * * *

SEC. 110. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) * * *

(b) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons that shall include—

(A) * * *

(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply

with such standards but are making significant efforts to bring themselves into compliance; [and]

(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance[.]; and

(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization's employees, contractor personnel, and peacekeeping forces in trafficking in persons or the exploitation of victims of trafficking.

* * * * *

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

【The President】 (a) *IN GENERAL.*—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] *the Director of National Intelligence*, shall carry out research, including by providing grants to nongovernmental organizations, as well as relevant United States Government agencies and international 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) * * *

* * * * *

(3) The interrelationship between trafficking in persons and global health risks, *particularly HIV/AIDS*.

(4) *Subject to subsection (b), the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism.*

(5) *An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.*

(6) *The abduction and enslavement of children for use as soldiers, including steps taken to eliminate the abduction and enslavement of children for use as soldiers and recommendations for such further steps as may be necessary to rapidly end the abduction and enslavement of children for use as soldiers.*

(b) *ROLE OF HUMAN SMUGGLING AND TRAFFICKING CENTER.*—The research initiatives described in subsection (a)(4) shall be carried out by the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458)).

(c) *DEFINITIONS.*—In this section:

(1) *AIDS*.—The term “AIDS” means the acquired immune deficiency syndrome.

(2) *HIV*.—The term “HIV” means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) *HIV/AIDS*.—The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.**—To carry out the purposes of sections 104, 105(e), 105(f) and 110, there are authorized to be appropriated to the Secretary of State \$1,500,000 for fiscal year 2001, \$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, and \$5,500,000 for each of the fiscal years 2006 and 2007. In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking for official reception and representation expenses \$3,000 for each of the fiscal years 2006 and 2007.

(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] 2004, 2005, 2006, and 2007.

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

(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] 2004, 2005, 2006, and 2007.

(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] 2004, 2005, 2006, and 2007.

(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] 2004, 2005, 2006, and 2007 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.

* * * * *

(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] 2004,

2005, 2006, and 2007. 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 and the Secretary of State, \$250,000 for each of fiscal years ~~【2004 and 2005】~~ 2004, 2005, 2006, and 2007 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 each of the fiscal years ~~【2003 through 2005】~~ 2003 through 2007.

(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 each of the fiscal years ~~【2003 through 2005】~~ 2003 through 2007.

(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】~~ \$300,000 for each of the fiscal years 2004 through 2007.

(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】~~ 2004, 2005, 2006, and 2007.

* * * * *

(h) AUTHORIZATION OF APPROPRIATIONS TO DIRECTOR OF THE FBI.—There are authorized to be appropriated to the Director of the Federal Bureau of Investigation \$15,000,000 for fiscal year 2006, to remain available until expended, to investigate severe forms of trafficking in persons.

(i) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary of Homeland Security, \$18,000,000 for each of the fiscal years 2006 and 2007, to remain available until expended, for investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking in persons.

TITLE 18, UNITED STATES CODE

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PART I—CRIMES

* * * * *

CHAPTER 95—RACKETEERING

* * * * *

§ 1956. Laundering of monetary instruments

(a) * * *

* * * * *

(c) As used in this section—

(1) * * *

* * * * *

(7) the term “specified unlawful activity” means—

(A) * * *

(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving—

(i) * * *

* * * * *

(v) smuggling or export control violations involving—

(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(II) an item controlled under regulations under the Export Administration Regulations (15 C.F.R. Parts 730–774); **[or]**

(vi) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;

* * * * *

CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

* * * * *

§ 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 **[1581–1591]** *1581–1592* (relating to peonage, slavery, and trafficking in persons), 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), sections 175–178 (relating to biological weapons), sections 229-F (relating to chemical weapons), section 831 (relating to nuclear materials),(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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CHAPTER 117—TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES

Sec.
2421. Transportation generally.

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2428. Forfeitures.

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§ 2428. Forfeitures

(a) *IN GENERAL.*—*The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—*

(1) *such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and*

(2) *any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.*

(b) *PROPERTY SUBJECT TO FORFEITURE.*—

(1) *IN GENERAL.*—*The following shall be subject to forfeiture to the United States and no property right shall exist in them:*

(A) *Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.*

(B) *Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.*

(2) *APPLICABILITY OF CHAPTER 46.*—*The provisions of chapter 46 of this title relating to civil forfeitures shall apply to any seizure or civil forfeiture under this subsection.*

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PART II—CRIMINAL PROCEDURE

Chap.	Sec.
201. General provisions	3001
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212A. Extraterritorial jurisdiction over certain trafficking in persons offenses	3271
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CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES

Sec.	3271. <i>Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States.</i>	
	3272. <i>Definitions.</i>	

§ 3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States

(a) *Whoever, while employed by or accompanying the Federal Government outside the United States, engages in conduct outside the United States that would constitute an offense under chapter 77 or 117 of this title if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.*

(b) *No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.*

§ 3272. Definitions

As used in this chapter:

(1) *The term “employed by the Federal Government outside the United States” means—*

(A) *employed as a civilian employee of the Federal Government, as a Federal contractor (including a subcontractor at any tier), or as an employee of a Federal contractor (including a subcontractor at any tier);*

(B) *present or residing outside the United States in connection with such employment; and*

(C) *not a national of or ordinarily resident in the host nation.*

(2) *The term “accompanying the Federal Government outside the United States” means—*

(A) *a dependant of—*

(i) *a civilian employee of the Federal Government; or*

(ii) *a Federal contractor (including a subcontractor at any tier) or an employee of a Federal contractor (including a subcontractor at any tier);*

*(B) residing with such civilian employee, contractor, or contractor employee outside the United States; and
(C) not a national of or ordinarily resident in the host nation.*

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SECTION 708 OF THE FOREIGN SERVICE ACT OF 1980

SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) The Secretary of State, with the assistance of other relevant officials, such as the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998, *the Director of the Office to Monitor and Combat Trafficking*, and the director of the George P. Shultz National Foreign Affairs Training Center, shall establish as part of the standard training provided after January 1, 1999, for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such training shall include—

(1) instruction on international documents and United States policy in human rights, which shall be mandatory for all members of the Service having reporting responsibilities relating to human rights and for chiefs of mission; **[and]**

(2) instruction on the internationally recognized right to freedom of religion, the nature, activities, and beliefs of different religions, and the various aspects and manifestations of violations of religious freedom**[,]**; *and*

(3) *instruction on international documents and United States policy on trafficking in persons, including provisions of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7101 et seq.) which may affect the United States bilateral relationships.*

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