

amending section 225(b) of Pub. L. 110-457, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, set out above, to reflect the probable intent of Congress.]

CONGRESSIONAL FINDINGS

Pub. L. 109-164, § 2, Jan. 10, 2006, 119 Stat. 3558, provided that: “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) [see Short Title of 2003 Amendment note above].

“(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 [Oct. 28, 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.”

Pub. L. 108-193, § 2, Dec. 19, 2003, 117 Stat. 2875, provided that: “Congress finds the following:

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

“(2) Since the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386) [see Short Title note above], the United States Government has made significant progress in investigating and prosecuting acts of trafficking and in responding to the needs of victims of trafficking in the United States and abroad.

“(3) On the other hand, victims of trafficking have faced unintended obstacles in the process of securing needed assistance, including admission to the United States under section 101(a)(15)(T)(i) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(T)(i)].

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

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

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

§ 7102. Definitions

In this chapter:

(1) Abuse or threatened abuse of law or legal process

The term “abuse or threatened abuse of the legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) Appropriate congressional committees

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

(3) Coercion

The term “coercion” means—

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

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

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

(4) Commercial sex act

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

(5) Concrete actions

The term “concrete actions” means actions that demonstrate increased efforts by the government of a country to meet the minimum standards for the elimination of trafficking, including any of the following:

- (A) Enforcement actions taken.
- (B) Investigations actively underway.
- (C) Prosecutions conducted.
- (D) Convictions attained.
- (E) Training provided.
- (F) Programs and partnerships actively underway.
- (G) Efforts to prevent severe forms of trafficking, including programs to reduce the vulnerability of particularly vulnerable populations, involving survivors of trafficking in community engagement and policy making, engagement with foreign migrants, ending recruitment fees, and other such measures.
- (H) Victim services offered, including immigration services and restitution.
- (I) The amount of money the government has committed to the actions described in subparagraphs (A) through (H).

(6) Credible information

The term “credible information” includes all of the following:

- (A) Reports by the Department of State.
- (B) Reports of other Federal agencies, including the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor or Indentured Child Labor.
- (C) Documentation provided by a foreign country, including—
 - (i) copies of relevant laws, regulations, and policies adopted or modified; and
 - (ii) an official record of enforcement actions taken, judicial proceedings, training conducted, consultations conducted, programs and partnerships launched, and services provided.
- (D) Materials developed by civil society organizations.
- (E) Information from survivors of human trafficking, vulnerable persons, and whistleblowers.
- (F) All relevant media and academic reports that, in light of reason and common sense, are worthy of belief.
- (G) Information developed by multilateral institutions.
- (H) An assessment of the impact of the actions described in subparagraphs (A) through (I) of paragraph (5) on the prevalence of human trafficking in the country.

(7) Debt bondage

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

(8) Involuntary servitude

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

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

(9) Minimum standards for the elimination of trafficking

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

(10) Nonhumanitarian, nontrade-related foreign assistance

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

- (A) any assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], other than—
 - (i) assistance under chapter 4 of part II of that Act [22 U.S.C. 2346 et seq.] in support of programs of nongovernmental organizations that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act [22 U.S.C. 2151 et seq.];
 - (ii) assistance under chapter 8 of part I of that Act [22 U.S.C. 2291 et seq.];
 - (iii) any other narcotics-related assistance under part I of that Act [22 U.S.C. 2151 et seq.] or under chapter 4 or 5¹ part II of that Act [22 U.S.C. 2346 et seq., 2347 et seq.], but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act [22 U.S.C. 2394–1];
 - (iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act [22 U.S.C. 2292 et seq.];
 - (v) antiterrorism assistance under chapter 8 of part II of that Act [22 U.S.C. 2349aa et seq.];
 - (vi) assistance for refugees;
 - (vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10² of that Act;
 - (viii) any support under subchapter II of chapter 103 of this title relating to the United States International Development Finance Corporation;
 - (ix) other programs involving trade-related or humanitarian assistance; and
- (B) sales, or financing on any terms, under the Arms Export Control Act [22 U.S.C. 2751 et seq.], other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394–1].

(B) sales, or financing on any terms, under the Arms Export Control Act [22 U.S.C. 2751 et seq.], other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394–1].

(11) Severe forms of trafficking in persons

The term “severe forms of trafficking in persons” means—

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

² See References in Text note below.

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(12) Sex trafficking

The term “sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

(13) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(14) Task Force

The term “Task Force” means the Interagency Task Force to Monitor and Combat Trafficking established under section 7103 of this title.

(15) United States

The term “United States” means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(16) Victim of a severe form of trafficking

The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph (9)².

(17) Victim of trafficking

The term “victim of trafficking” means a person subjected to an act or practice described in paragraph (9) or (10)².

(18) Grounds related to human trafficking

The term “grounds related to human trafficking” means grounds related to the criteria for inadmissibility to the United States described in subsection (a)(2)(H) of section 1182 of title 8.

(Pub. L. 106-386, div. A, §103, Oct. 28, 2000, 114 Stat. 1469; Pub. L. 108-193, §8(b)(1), Dec. 19, 2003, 117 Stat. 2887; Pub. L. 110-457, title III, §304(a), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113-4, title XII, §1212(b)(1), Mar. 7, 2013, 127 Stat. 143; Pub. L. 114-22, title I, §108(b), May 29, 2015, 129 Stat. 239; Pub. L. 115-254, div. F, title VI, §1470(p), Oct. 5, 2018, 132 Stat. 3518; Pub. L. 115-427, §2, Jan. 9, 2019, 132 Stat. 5503; Pub. L. 116-283, div. A, title XII, §1299R(d)(2), Jan. 1, 2021, 134 Stat. 4028.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this division”, meaning division A of Pub. L. 106-386,

Oct. 28, 2000, 114 Stat. 1466, known as the Trafficking Victims Protection Act of 2000, which is classified principally to this chapter. For complete classification of division A to the Code, see Short Title note set out under section 7101 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in par. (10)(A), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of this title. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. Chapters 1, 8, and 9 of part I of the Act are classified generally to parts I (§2151 et seq.), VIII (§2291 et seq.), and IX (§2292 et seq.), respectively, of subchapter I of chapter 32 of this title. Title IV of chapter 2 of part I of the Act was classified generally to subpart iv (§2191 et seq.) of part II of subchapter I of chapter 32 of this title, and was repealed, except for subsections (g), (l), (m), and (n) of section 2197 of this title, by Pub. L. 115-254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, effective at the end of the transition period, as defined in section 9681 of this title. Chapters 4, 5, and 8 of part II of the Act are classified generally to part IV (§2346 et seq.), part V (§2347 et seq.), and part VIII (§2349aa et seq.), respectively, of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Chapters 1 and 10 of that Act, referred to in par. (10)(A)(vii), probably means chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, which are classified generally to parts I (§2151 et seq.) and X (§2293 et seq.), respectively, of subchapter I of chapter 32 of this title. For complete classification of these chapters to the Code, see Tables.

The Arms Export Control Act, referred to in par. (10)(B), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Paragraphs (9) and (10), referred to in pars. (16) and (17), were redesignated pars. (11) and (12), respectively, by Pub. L. 115-427, §2(1), Jan. 9, 2019, 132 Stat. 5503. See 2019 Amendment note below.

AMENDMENTS

2021—Par. (18). Pub. L. 116-283 added par. (18).

2019—Pars. (5) to (17). Pub. L. 115-427 added pars. (5) and (6) and redesignated former pars. (5) to (15) as (7) to (17), respectively.

2018—Par. (8)(A)(viii). Pub. L. 115-254 amended cl. (viii) generally. Prior to amendment, cl. (viii) read as follows: “programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and”.

2015—Par. (10). Pub. L. 114-22 substituted “obtaining, patronizing, or soliciting” for “or obtaining”.

2013—Pub. L. 113-4 added par. (1), redesignated former pars. (1) to (14) as (2) to (15), respectively, and substituted “paragraph (9)” for “paragraph (8)” in par. (14) and “paragraph (9) or (10)” for “paragraph (8) or (9)” in par. (15).

2008—Par. (1). Pub. L. 110-457 substituted “Committee on Foreign Affairs” for “Committee on International Relations”.

2003—Par. (7)(A)(i). Pub. L. 108-193 inserted “in support of programs of nongovernmental organizations” before “that is made available”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-254 effective at the end of the transition period, as defined in section 9681 of this title, see section 1470(w) of Pub. L. 115-254, set out as a note under section 905 of Title 2, The Congress.

§ 7103. Interagency Task Force to Monitor and Combat Trafficking

(a) Establishment

The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.

(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 National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Education, the Secretary of Commerce, the Secretary of the Treasury, the United States Trade Representative, and such other officials as may be designated by the President.

(c) Chairman

The Task Force shall be chaired by the Secretary of State.

(d) Activities of the Task Force

The Task Force shall carry out the following activities:

(1) Coordinate the implementation of this chapter.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 7107 of this title.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking and providing an annual report on the case referrals received from the national human trafficking hotline by Federal departments and agencies. Any data collection procedures and reporting requirements established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international “sex tourism” industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this chapter, and make reasonable efforts to distribute information to enable all relevant Federal Government agencies

to publicize the National Human Trafficking Resource Center Hotline on their websites, in all headquarters offices, and in all field offices throughout the United States.

(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 Foreign Affairs¹ the Committee on Financial Services,² and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this chapter, or any amendment made by this chapter, which shall include, at a minimum, information on—

(A) the number of persons who received benefits or other services under subsections (b) and (f)³ of section 7105 of this title in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Attorney General, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

(B) the number of persons who have been granted continued presence in the United States under section 7105(c)(3) of this title during the preceding fiscal year and the mean and median time taken to adjudicate applications submitted under such section, including the time from the receipt of an application by law enforcement to the issuance of continued presence, and a description of any efforts being taken to reduce the adjudication and processing time while ensuring the safe and competent processing of the applications;

(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 1101(a)(15) of title 8 during the preceding fiscal year;

(D) the number of persons who have applied for, been granted, or been denied a visa or status under clause (ii) of section 1101(a)(15)(T) of title 8 during the preceding fiscal year, broken down by the number of such persons described in subclauses (I), (II), and (III) of such clause (ii);

(E) the amount of Federal funds expended in direct benefits paid to individuals described in subparagraph (D) in conjunction with T visa status;

(F) the number of persons who have applied for, been granted, or been denied a visa or status under section 1101(a)(15)(U)(i) of title 8 during the preceding fiscal year;

(G) the mean and median time in which it takes to adjudicate applications submitted under the provisions of law set forth in subparagraph (C), including the time between the receipt of an application and the issuance of a visa and work authorization;

¹ So in original. Probably should be followed by a comma.

² So in original.

³ See References in Text note below.