



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

SECDEF HAS SEEN

MAR 4 2003

INFO MEMO

March 7, 2003, 4:35 PM

TO: SECRETARY OF DEFENSE

FROM: Joseph E. Schmitz, Inspector General of the Department of Defense

SUBJECT: Korea/Human Trafficking After Trip Report

- I just returned from a week-long human trafficking inspection of U.S. Forces Korea at the invitation of USFK Commander, General Leon LaPorte. My outbrief recommendations to General LaPorte, who appears to dealing well with difficult human trafficking issues associated with USFK, are at Tab A.
- My purposes for this trip were: (1) to allow me better to "answer the mail" to 12 Members of Congress and one Senator who wrote to you last May, requesting a "thorough, global and extensive" investigation into publicized allegations that U.S. military leadership in Korea had been implicitly condoning sex slavery (the May letter and a 2-13-03 related letter from Congressman Smith to General LaPorte are at Tabs B & C respectively); (2) report to General LaPorte the results of my preliminary assessment; and (3) to pass on words of encouragement both from our Commander-in-Chief (see President Bush's 2-20-03 letter at Tab D) and on behalf of you (see my USFK Talking Points at Tab E).
- When I spoke last week with Congressman Chris Smith, the lead signatory on the Congressional letter requesting the "thorough, global and extensive" investigation we have launched in Korea, he explained the most challenging aspect of the issue: it is an attitude among international leaders who ought to know better, that "any crimes involved with trafficking were being committed outside their national borders and the so-called victims were 'just prostitutes'." See excerpts of the "Trafficking Victims Protection Act of 2000" at Tab F, championed by Congressman Smith, in which Congress expressed its statutory purpose in warrior jargon: "to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children."
- My focused "leave behind" message as I visited with USFK leadership and troops in Korea was that neither our Commander-in-Chief nor you shares the above-mentioned attitude (that "the so-called victims are 'just prostitutes'").
- General LaPorte will be meeting with Congressman Smith next week in Washington, D.C., to discuss human trafficking.
- General LaPorte's and my efforts thus far in Korea, and my ongoing "thorough, global and extensive" assessment (the next phase of which is Bosnia), should dispell any notion that DoD leadership is "turning a blind eye" to human trafficking.

Korea

7000000

COORDINATION: NONE

Attachments: As stated



3/12
SECDEF - only. No action
FYI. Katzenberg needed.
IA team this week.

D. Rita

U03462 /03

3/12

Di Rita

TAB

A



DoD IG Outbrief Recommendations to USFK Commander

1. Bolster human trafficking situational awareness in the context of ongoing emphasis on "Core Values" and "The NCO Creed" with official "tool kit," including recent presidential directive and President Bush's 2-20-03 letter announcing his Presidential Directive on Human Trafficking), the 1997 "Exemplary Conduct" amendments to Title 10, and the Trafficking Victims Protection Act of 2000.
2. Develop and deploy a "human trafficking indicators" guide (2ID has a good start on this) for sensitizing not only MP's and CP's, but each servicemember.
3. Fully engage law enforcement and intelligence assets (mp/cid/mi) to collect and report indicators of human trafficking promptly to Armed Forces Disciplinary Control Board for possible off limits show cause order (2ID has proven a paradigm).
4. Fully engage your IG assets as a periodic and independent "check" on command/law enforcement efforts to identify clubs involved in human trafficking/prostitution.
5. Engage ROK and NGO assets, e.g., Chairman Kang of the Korean Commission on Corruption (who has offered to consider any "whistleblower" allegations of human trafficking corruption) and Mr. Roh of International Organization for Migration (who has offered Russian linguist support).
6. Consider expansion of 8th Army IG's directive authority (i.e., scope) in order better to answer the Congressional mail.
7. Transfer FOIA release authority for USFK IG Report to DoD IG, in order to prevent any premature release of the Army IG Report while the DoD IG Assessment is ongoing. The concern is that the narrow focus of the Army IG report, taken out of context, could be misperceived as Army unwillingness to address the hard issues.
8. Designate Colonel Wojcik, the incumbent 8th Army IG, as the joint IG for USFK, allowing him better to handle joint, not just Army, issues. Augment Colonel Wojcik's staff with an Air Force asset.
9. Continue working with DoD IG and Congressman Smith's staff to "answer the mail" Congressman Smith's 2-13-03 suggestion, under Helsinki Commission letterhead, that USFK Courtesy Patrols appear to have been "turning a blind eye" to human trafficking and "no effort was made" by USFK leadership to interview the Courtesy Patrol NCO who had been secretly videotaped by Fox News in the camp town outside of Camp Casey. Consider conducting any interviews within IG channels to protect confidentiality and to minimize the risk of actual or perceived whistleblower reprisal.
10. Keep pushing individual moral decisions based on Army Core Values and "The NCO Creed" as the ultimate metric for success.



TAB

B



Congress of the United States
Washington, DC 20515

May 31, 2002

The Honorable Donald H. Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary:

We write to request that the Pentagon immediately conduct an investigation into the veracity of a recent news report indicating that U.S. Army troops in South Korea are patronizing and guarding houses of prostitution where women are forced to prostitute themselves in order to buy their freedom from sexual slavery at the hands of traffickers.

A comprehensive news report compiled by investigative reporter Tom Merriman was aired over the past few weeks on Fox News in Cleveland, Ohio and in other markets, including Washington, DC. In March 2002, during an undercover investigation near Camp Casey in South Korea, Fox News captured on video U.S. Army Military Police on "courtesy patrol" – armed and in uniform – patrolling bars and brothels where trafficked women are forced to prostitute themselves. U.S. soldiers are the primary customers of these bars; and reportedly the courtesy patrol officers are there at the behest of their commanders to intervene if any of the soldiers get into trouble. The report identified the women in the establishments as having been trafficked internationally from the Russian Federation and the Philippines, as well as internally within South Korea.

The US Military Police caught on camera spoke candidly about the women's passports being taken from them by traffickers when they entered South Korea and about the women then being sold at "auctions" to bar owners – a classic scenario of human trafficking. If U.S. soldiers are patrolling or frequenting these establishments, the military is in effect helping to line the pockets of human traffickers rather than furthering our country's commitment, as expressed by the Secretary of State, to "work closely with other governments, organizations and concerned people throughout the world to put an end to this abomination against humanity."

As you know, the standing order issued by the U.S. Command in South Korea, USFK Reg. 190-2, prohibits service members from visiting houses of prostitution anywhere in the theater while they are stationed there. Korean law – which these servicemembers have a duty to respect – also prohibits the hiring of prostitutes. It is disturbing to receive information indicating that these orders are apparently being ignored and not enforced by the Command. We are also deeply concerned that American soldiers are knowingly procuring the services of trafficked persons and that some of these soldiers may even be ordered to protect and patrol the brothels.

Mr. Secretary, the existence of trafficked women in brothels near Camp Casey is indicative of the global scourge of modern day slavery that afflicts men, women and children. An estimated 700,000 to 2 million people – women and children in particular – are trafficked into slavery worldwide each year. Approximately 45,000 - 50,000 of these victims are brought into the United States annually. Many women and girls, such as those found in the brothels near Camp Casey, are enslaved in the commercial sex industry.



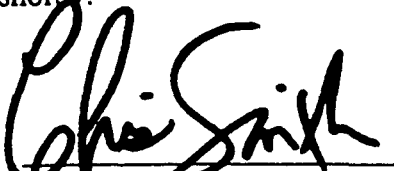
The vast scope of the problem of trafficking in human beings led to the enactment of the landmark Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. Pursuant to this law, substantial federal resources are now dedicated to preventing human trafficking, to investigating and prosecuting criminals who buy and sell human beings for the purpose of exploitation, and to providing comfort and assistance to trafficking victims.

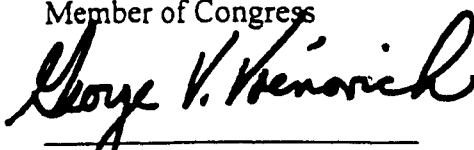
The VTVPA also contains provisions designed to motivate foreign governments to take similar measures to eliminate trafficking in human beings within their territories. As we attempt to achieve international cooperation to combat trafficking, the United States must lead by example.

It is imperative, therefore, that any investigation into this problem be thorough, global and extensive. In light of the reports that our soldiers are used to patrol establishments known to house enslaved women, this investigation must disclose who in the chain of command knew of or perhaps issued such assignments, when they were issued, and how long this activity has been in effect. If in fact they were following orders, we do not want to learn that the service members caught on videotape were reprimanded for discussing these matters. Rather, these issues must be addressed and remedied by those further up the chain of command. Such an investigation should also disclose whether there have been any investigations and/or disciplinary actions taken against military personnel who have violated the standing order for the region. Moreover, we would like to know if the Department of Defense is educating military personnel regarding trafficking in countries where there is a U.S. military presence.

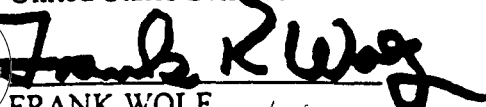
When American soldiers acting in their official capacity effectively condone the practice of soliciting the services of trafficked persons, the efforts of Congress, the State Department, and other U.S. Government agencies are severely undermined in working to end the trafficking of human beings. We hope we have your support for launching an immediate and comprehensive investigation into this most serious of matters and we look forward to hearing from you on this issue shortly.

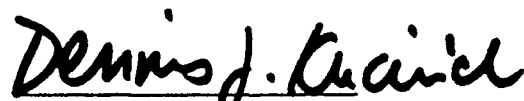
Sincerely,

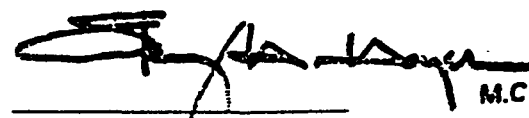

CHRISTOPHER H. SMITH
Member of Congress


GEORGE VOINOVICH
United States Senator




FRANK WOLF
Member of Congress


DENNIS J. KUCINICH
Member of Congress


STENY HOYER
Member of Congress


TOM LANTOS
Member of Congress

May 31, 2002

Robert A. Aderholt

ROBERT ADERHOLT

Member of Congress

Joe Pitts

JOE PITTS

Member of Congress

Melissa A. Hart

MELISSA HART

Member of Congress

Mike Pence

MIKE PENCE

Member of Congress

Marcy Kaptur

MARCY KAPTUR

Member of Congress

Cynthia McKinney

CYNTHIA MCKINNEY

Member of Congress

Diane E. Watson

DIANE WATSON

Member of Congress



TAB

C



COMMISSION ON
SECURITY AND COOPERATION
IN EUROPE

234 FORD HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6460

www.csce.gov

February 13, 2003

General Leon L. LaPorte
Commander UNC/CFC/USFK

P [REDACTED]
[REDACTED]

[REDACTED]

Dear General LaPorte:

Please accept my deepest appreciation for the most helpful assistance provided the staff of the Commission on Security and Cooperation in Europe during their visit with U.S. Forces Korea in November 2002. Ms. Taft and Ms. Walsh returned with a well-informed understanding of the steps that have been taken under your command to address the problem of human trafficking in South Korea. They also relayed to me your welcomed and appreciated invitation to maintain a direct dialogue on these issues.

I am anxious to review the report of the preliminary inquiry conducted by USFK Command as well as the report of the USFK Inspector General's peninsula-wide assessment of policies on human trafficking and prostitution. I would appreciate greatly your assistance in facilitating my receipt of those reports.

The March 2002 Fox News investigation highlighted the alleged trafficking situation in bars and nightclubs outside the gates of Camp Casey. The Second Infantry Division recently drafted a revised policy statement addressing prostitution and human trafficking which previously had not been addressed. The language in the proposed policy revision makes clear that solicitation of prostitution, involvement in human trafficking, or frequenting establishments where such activities take place are prohibited by Division policies. I am anxious to learn whether this new policy has been approved and put into effect. Moreover, it seems clear that all U.S. servicemembers should be held accountable to these same minimum standards. Accordingly, I urge you to issue a policy applicable to all USFK components that would clearly prohibit solicitation of prostitution, involvement in human trafficking, or frequenting establishments where such activities may be occurring.

In addition, what efforts, if any, were taken to interview the Second Infantry Division Courtesy Patrol personnel questioned on the Fox News report? One Courtesy Patrol spoke about passports being taken from foreign women when they entered South Korea and their being sold at "auctions" to bar owners—comments which depict a classic scenario of human trafficking. Despite



General Leon L. LaPorte
February 13, 2003
Page 2

the possibility that this individual might have information about trafficking that could be used to initiate an investigation by the Korean National Police or considered by the Armed Forces Disciplinary Control Board in determining whether to place particular establishments off-limits, remarks made to Commission staff lead us to conclude that no effort was made to interview this individual. (Apparently some believed the Courtesy Patrol was merely reciting an "urban legend" with no credibility.) Other Courtesy Patrols were captured on video describing to reporter Tom Merriman how to negotiate for the services of a prostitute. What, if any, steps were taken by USFK to determine if these individuals were themselves soliciting prostitution, thereby deserving to be disciplined under Korean law or the UCMJ?

In order to avoid the impression that Courtesy Patrols are knowingly patrolling establishments where trafficking into prostitution occurs and then turning a blind eye to what they see, the military must demonstrate that Courtesy Patrol personnel are well informed about the characteristic signs of trafficking. They must have clear instructions to report any such evidence to military or local Korean authorities in order for appropriate actions to be taken. It was the conclusion of Commission staff that explicit, in-depth training and instructions on these matters for personnel serving as Courtesy Patrols, Town Patrols, or in similar capacities, have not yet been elaborated.

General, at this critical time when tensions are running high between the United States and North Korea, the importance of your dedicated leadership has never been greater. Should the need ever arise, I have no doubt that the men and women of our armed services serving in South Korea will honorably defend the democracy and sovereignty of the Republic of Korea. Likewise, I am confident that with the proper training and information, our U.S. servicemembers will rethink any role they may have in creating a demand for the "services" that lead organized crime groups to deceive, coerce or force thousands of people into migrating in search of employment only to find themselves enslaved in foreign lands. I am confident that under your principled leadership USFK can develop and institutionalize a method of cooperation between itself and Republic of Korea Government officials and law enforcement authorities to most effectively respond to the problem of human trafficking in the vicinity of U.S. military bases.

I look forward to our continuing cooperation in these matters.

Sincerely,



CHRISTOPHER H. SMITH, M.C.
Co-Chairman



TAB

D





THE WHITE HOUSE
WASHINGTON

February 20, 2003

I send greetings to those gathered for the international conference,
"Pathbreaking Strategies in the Global Fight Against Sex Trafficking."

Sex trafficking has devastating effects on victims, families, and communities. To protect the rights of human dignity, I have signed a Presidential Directive to advance my Administration's efforts to fight these crimes and to hold accountable those who engage in them. While working at home and abroad to raise awareness and to provide crucial assistance to victims, America is committed to helping eliminate this and all forms of trafficking in persons.

I commend the event organizers and all those participating in this conference for your important efforts to prevent sex trafficking, support its victims, and prosecute its perpetrators. Your work helps to improve the quality of life for countless individuals in our Nation and around the world.

Laura joins me in sending our best wishes.



TAB

E



DoD IG USFK Talking Points

I would like to thank General LaPorte for inviting me to visit with him, with his subordinate commanders, and with our troops in Seoul and other parts of Korea.

I would also take this opportunity publicly to thank Admiral Larry Poe, my principal deputy, Lieutenant Commander Gregg Bauer, my Executive Assistant, and Lieutenant Colonel Chuck Kielkopf, my Project Leader, for their invaluable assistance in making this trip happen.

I. By What Authority?

By what authority does the Inspector General of the Department of Defense accept the personal invitation of a 4-star combatant commander to fly half way around the world to discuss human sex trafficking?

The short answer, in a word, is duty.

The longer answer is two-fold: (1) my traditional IG duties, like those of every other military IG, include serving as "an extension of the eyes, ears, and conscience of the Commander," for me that would be Secretary of Defense Donald Rumsfeld; (2) by statute, I also have a duty to report not only to Secretary Rumsfeld but also to Congress on serious issues of fraud, waste, or abuse or authority throughout the entire Department of Defense.

In carrying out these broad duties, I am required, by statute, to "give particular regard to the internal audit, inspection, and investigative units of the military departments with a view towards avoiding duplication and insuring effective coordination and cooperation."

II. For What Purpose?

My purposes for being here are four-fold: (1) to "answer the mail" to 12 Members of Congress and one Senator who wrote Secretary Rumsfeld last May, requesting a "thorough, global and extensive" investigation into publicized allegations that U.S. military leadership in Korea had been implicitly condoning sex slavery; (2) to validate and report to General LaPorte the results of our preliminary assessment; (3) to pass on words of encouragement both from our Commander-in-Chief and on behalf of Secretary Rumsfeld; and (4) in the end, to "support and defend the Constitution of the United States against all enemies, foreign and domestic."



When I spoke last week with Congressman Chris Smith, the lead signatory on the Congressional letter requesting the "thorough, global and extensive" investigation we are launching here in Korea, he explained the most challenging aspect of the issue: it is an attitude among international leaders who ought to know better, that "any crimes involved with trafficking were being committed outside their national borders and the so-called victims were 'just prostitutes'."

Neither our Commander-in-Chief nor our Secretary of Defense shares that attitude. Neither do I.

When Congress enacted the "Trafficking Victims Protection Act of 2000," Congress expressed its statutory purpose in warrior jargon: "to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children." By Act of Congress, they're NOT just prostitutes.

III. Enemies, Foreign and Domestic

Congress has mandated an oath of office for every "individual elected or appointed to an office of honor or profit in the civil service or uniformed services." That this oath acknowledges enemies of the U.S. Constitution, both "foreign and domestic," suggests the potential that each of us who take this oath could -- and arguably should -- serve as combatants in domestic warfare.

How well do we organize, arm, and discipline ourselves for this domestic combatant role? How many potential or actual domestic enemies of the Constitution do we even recognize?

Two centuries ago, John Adams admonished officers of the Massachusetts Militia that "Our Constitution was made only for a religious and moral people. It is wholly inadequate for the government of any other."

We need not today to parse the interstices of a religious people; suffice it to say that the Office of the Inspector General of the Department of Defense exists to combat fraud, waste, and abuse of authority -- three universally acknowledged pillars of immorality -- three domestic enemies of the Constitution we swear to support and defend.

International human trafficking, also known as sex slavery, is another universally acknowledged pillar of immorality -- as such, it is both a foreign and a domestic enemy of the U.S. Constitution.



IV. Weapons for Combating International Human Trafficking

A. First Principles

All those who serve within the Department of Defense can be proud of our military's historical commitment to the principles underlying our Constitution, which require above all a firm commitment to personal integrity and leadership. Former Assistant Secretary of the Navy and then President Theodore Roosevelt reminded us of the profound role of personal integrity and leadership in the American republic:

"The stream will not permanently rise higher than the main source; and the main source of national power and national greatness is found in the average citizenship of the nation. Therefore it behooves us to do our best to see that the standard of the average citizen is kept high; and the average cannot be kept high unless the standard of the leaders is very much higher."

The first Article of the 1775 "Rules for the Regulation of the Navy of the United Colonies of North-America" mandated exemplary conduct by Naval leaders. Likewise, the current statutory mandate that officers and NCOs of all services comport to a higher standard of personal behavior -- both on and off duty -- traces to the 1775 "American Articles of War."

B. Statutory Leadership Standard

Congress recodified these 1775 first principles in 1956, almost verbatim, into federal statutory law for the Navy and Marine Corps: "All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, . . ." 10 U.S.C. 5947.

In 1997, when Congress adapted and legislated these same first principles for the Army and the Air Force (10 U.S.C. 3583 & 8583), the accompanying Senate Report "note[d] that these standards have applied to Naval and Marine Corps officers since they were first drafted by John Adams and approved by the Continental Congress in 1775." The Senate Armed Services Committee explained the purpose of the 1997 legislation:

"This provision will not prevent an officer from shunning responsibility or accountability for an action or event. It does, however, establish a very clear standard by which Congress and the nation can measure officers of our military



services. The committee holds military officers to a higher standard than other members of society. The nation entrusts its greatest resource, our young men and women, to our military officers. In return, the nation deserves complete integrity, moral courage, and the highest moral and ethical conduct."

C. Presidential Decision Directive

President Bush wrote a letter to the international conference on human trafficking I attended last week, in which our Commander in Chief admonished: "Sex trafficking has devastating effects on victims, families and communities. To protect the rights of human dignity, I have signed a Presidential Directive to advance my Administration's efforts to fight these crimes and to hold accountable those who engage in them. While working at home and abroad to raise awareness and to provide crucial assistance to victims, America is committed to helping eliminate this and all forms of trafficking in persons."

V. Conclusion

In the course of your daily girding for warfare against our foreign enemies, do not turn a blind eye to the ever-lurking domestic enemies; rather, "be vigilant inspecting the conduct of all persons who are placed under [your] command," and "guard against and suppress all dissolute and immoral practices," including fraud, waste, abuse of authority, and sex slavery -- four domestic enemies of the Constitution we all swear a sacred oath to support and defend. So help us God.



TAB

F



Trafficking
Victims
Protection Act of
2000.

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

22 USC 7101
note.

SEC. 101. SHORT TITLE.

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

22 USC 7101.

SEC. 102. PURPOSES AND FINDINGS.

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

(b) **FINDINGS.**—Congress finds that:

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

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

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

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

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

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can



have the same coercive effects on victims as direct threats to inflict such harm.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.



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

SEC. 103. DEFINITIONS.

22 USC 7102.

In this division:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) **COERCION.**—The term “coercion” means—

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

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

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

(3) **COMMERCIAL SEX ACT.**—The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

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

(5) **INVOLUNTARY SERVITUDE.**—The term “involuntary servitude” includes a condition of servitude induced by means of—

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

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

(6) **MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**—The term “minimum standards for the elimination of trafficking” means the standards set forth in section 108.

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

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

