

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 428 (Mar. 4, 1909, ch. 321, § 253, 35 Stat. 1139).

Words “subject to the jurisdiction of” which appeared twice in this section were omitted and “within” substituted, in view of section 5 of this title defining “United States”.

AMENDMENTS

1996—Pub. L. 104-208 substituted “10 years” for “five years”.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 218(d) of Pub. L. 104-208, set out as a note under section 1581 of this title.

§ 1589. Forced labor

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint,

shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

(1) The term “abuse or threatened abuse of law or 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) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnapping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall

be fined under this title, imprisoned for any term of years or life, or both.

(Added Pub. L. 106-386, div. A, § 112(a)(2), Oct. 28, 2000, 114 Stat. 1486; amended Pub. L. 110-457, title II, § 222(b)(3), Dec. 23, 2008, 122 Stat. 5068.)

AMENDMENTS

2008—Pub. L. 110-457 amended section generally. Prior to amendment, section provided penalties for knowingly providing or obtaining forced labor.

§ 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

(a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

(Added Pub. L. 106-386, div. A, § 112(a)(2), Oct. 28, 2000, 114 Stat. 1487; amended Pub. L. 110-457, title II, § 222(b)(4), Dec. 23, 2008, 122 Stat. 5069.)

AMENDMENTS

2008—Pub. L. 110-457 designated existing provisions as subsec. (a) and added subsec. (b).

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

(a) Whoever knowingly—

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

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

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

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained or maintained, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 20 years, or both.

(e) In this section:

(1) The term “abuse or threatened abuse of law or 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) 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 law or the legal process.

(3) 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) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.

(5) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

(Added Pub. L. 106-386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1487; amended Pub. L. 108-21, title I, §103(a)(3), Apr. 30, 2003, 117 Stat. 653; Pub. L. 108-193, §5(a), Dec. 19, 2003, 117 Stat. 2879; Pub. L. 109-248, title II, §208, July 27, 2006, 120 Stat. 615; Pub. L. 110-457, title II, §222(b)(5), Dec. 23, 2008, 122 Stat. 5069.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-457, §222(b)(5)(A)(ii), substituted “, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means” for “that force, fraud, or coercion described in subsection (c)(2)” in concluding provisions.

Subsec. (a)(1). Pub. L. 110-457, §222(b)(5)(A)(i), substituted “obtains, or maintains” for “or obtains”.

Subsec. (b)(1). Pub. L. 110-457, §222(b)(5)(C), substituted “means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means,” for “force, fraud, or coercion”.

Subsecs. (c), (d). Pub. L. 110-457, §222(b)(5)(D), added subsecs. (c) and (d). Former subsec. (c) redesignated (e).

Subsec. (e). Pub. L. 110-457, §222(b)(5)(B), (E), redesignated subsec. (c) as (e), added pars. (1) and (4), and redesignated former pars. (1) and (3) as (3) and (5), respectively.

2006—Subsec. (b)(1). Pub. L. 109-248, §208(1), substituted “and imprisonment for any term of years not less than 15 or for life” for “or imprisonment for any term of years or for life, or both”.

Subsec. (b)(2). Pub. L. 109-248, §208(2)(B), which directed amendment of subsec. (b)(2) by striking out “, or both”, could not be executed because that language did not appear in text subsequent to amendment by Pub. L. 109-248, §208(2)(A). See below.

Pub. L. 109-248, §208(2)(A), substituted “and imprisonment for not less than 10 years or for life” for “or imprisonment for not more than 40 years, or both”.

2003—Pub. L. 108-193, §5(a)(1), inserted comma after “fraud” in section catchline.

Subsec. (a)(1). Pub. L. 108-193, §5(a)(2), substituted “in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States” for “in or affecting interstate commerce”.

Subsec. (b). Pub. L. 108-193, §5(a)(3), substituted “the person recruited, enticed, harbored, transported, provided, or obtained” for “the person transported” in pars. (1) and (2).

Subsec. (b)(2). Pub. L. 108-21 substituted “40” for “20”.

§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person’s liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

shall be fined under this title or imprisoned for not more than 5 years, or both.

(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

(c) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a).

(Added Pub. L. 106-386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1488; amended Pub. L. 110-457, title II, §222(b)(6), Dec. 23, 2008, 122 Stat. 5070.)