

(d) Omitted**(e) Implementation****(1) Delegation of authority**

The President may delegate any authority granted by this section, including the authority to designate foreign persons under paragraphs (1)(B) and (1)(C) of subsection (a) of this section.

(2) Promulgation of rules and regulations

The head of any agency, including the Secretary of Treasury, is authorized to take such actions as may be necessary to carry out any authority delegated by the President pursuant to paragraph (1), including promulgating rules and regulations.

(3) Opportunity for review

Such rules and regulations shall include procedures affording an opportunity for a person to be heard in an expeditious manner, either in person or through a representative, for the purpose of seeking changes to or termination of any determination, order, designation or other action associated with the exercise of the authority in subsection (a) of this section.

(f) Definition of foreign persons

In this section, the term “foreign person” means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(g) Construction

Nothing in this section shall be construed as precluding judicial review of the exercise of the authority described in subsection (a) of this section.

(Pub. L. 106-386, div. A, §111, Oct. 28, 2000, 114 Stat. 1484.)

CODIFICATION

Section is comprised of section 111 of Pub. L. 106-386. Subsec. (d) of section 111 of Pub. L. 106-386 amended section 1182 of Title 8, Aliens and Nationality.

§ 7109. Strengthening prosecution and punishment of traffickers**(a) Omitted****(b) Amendment to the Sentencing Guidelines**

(1) Pursuant to its authority under section 994 of title 28 and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act [29 U.S.C. 201 et seq.] and the Migrant and Seasonal Agricultural Worker Protection Act [29 U.S.C. 1801 et seq.].

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy

statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(Pub. L. 106-386, div. A, §112, Oct. 28, 2000, 114 Stat. 1486.)

REFERENCES IN TEXT

The Fair Labor Standards Act, referred to in subsec. (b)(1), probably means the Fair Labor Standards Act of 1938, act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Migrant and Seasonal Agricultural Worker Protection Act, referred to in subsec. (b)(1), is Pub. L. 97-470, Jan. 14, 1983, 96 Stat. 2584, as amended, which is classified generally to chapter 20 (§1801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 29 and Tables.

The Sentencing Act of 1987, referred to in subsec. (b)(3), is Pub. L. 100-182, Dec. 7, 1987, 101 Stat. 1266. Section 21(a) of the Act is set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure. For complete classification of this Act to the Code, see Short Title of 1987 Amendment note set out under section 3551 of Title 18, Crimes and Criminal Procedure, and Tables.

CODIFICATION

Section is comprised of section 112 of Pub. L. 106-386. Subsec. (a) of section 112 of Pub. L. 106-386 enacted sections 1589 to 1594 of Title 18, Crimes and Criminal Procedure, and amended sections 1581, 1583, and 1584 of Title 18.

§ 7109a. Research on domestic and international trafficking in persons**(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 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 chapter and provides data to address the problems identified in the findings of this chapter. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

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

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

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

(4) Subject to subsection (b) of this section, 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, which shall include, not later than 2 years after December 23, 2008, the establishment and maintenance of an integrated database within the Human Smuggling and Trafficking Center.

(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

(1) In general

The research initiatives described in paragraphs (4) and (5) of subsection (a) shall be carried out by the Human Smuggling and Trafficking Center, established under section 1777 of title 8.

(2) Database

The database described in subsection (a)(5) shall be established by combining all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking, consistent with the protection of sources and methods, and, to the maximum extent practicable, applicable data from relevant international organizations, to—

(A) improve the coordination of the collection of data related to trafficking in persons by each agency of the United States Government that collects such data;

(B) promote uniformity of such data collection and standards and systems related to such collection;

(C) undertake a meta-analysis of patterns of trafficking in persons, slavery, and slave-like conditions to develop and analyze global trends in human trafficking;

(D) identify emerging issues in human trafficking and establishing integrated methods to combat them; and

(E) identify research priorities to respond to global patterns and emerging issues.

(3) Consultation

The database established in accordance with paragraph (2) shall be maintained in consultation with the Director of the Office to Monitor and Combat Trafficking in Persons of the Department of State.

(4) Authorization of appropriations

There are authorized to be appropriated \$2,000,000 to the Human Smuggling and Trafficking Center for each of the fiscal years 2008 through 2011 to carry out the activities described in this subsection.

(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.

(Pub. L. 106–386, div. A, § 112A, as added Pub. L. 108–193, § 6(g)(1), Dec. 19, 2003, 117 Stat. 2883; amended Pub. L. 109–164, title I, § 104(c)(1), Jan. 10, 2006, 119 Stat. 3564; Pub. L. 110–457, title I, § 108(a), Dec. 23, 2008, 122 Stat. 5050.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this division” meaning division A of Pub. L. 106–386, Oct. 28, 2000, 114 Stat. 1466, 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.

AMENDMENTS

2008—Subsec. (a)(5). Pub. L. 110–457, § 108(a)(1), amended par. (5) generally. Prior to amendment, text read as follows: “An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.”

Subsec. (b). Pub. L. 110–457, § 108(a)(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “The research initiatives described in subsection (a)(4) of this section shall be carried out by the Human Smuggling and Trafficking Center (established pursuant to section 1777 of title 8).”

2006—Pub. L. 109–164 designated existing provisions as subsec. (a), inserted subsec. heading, substituted “the Director of National Intelligence” for “the Director of Central Intelligence” in introductory provisions, inserted “, particularly HIV/AIDS” before period at end of par. (3), and added pars. (4) to (6) and subsecs. (b) and (c).

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see section 6 of Ex. Ord. No. 13257, Feb. 13, 2002, 67 F.R. 7259, as amended, set out as a note under section 7103 of this title.

§ 7109b. Presidential Award for Extraordinary Efforts To Combat Trafficking in Persons

(a) Establishment of award

The President is authorized to establish an award, to be known as the “Presidential Award