

Determination of President of the United States, No. 2003-35, Sept. 9, 2003, 68 F.R. 53871.

DELEGATION OF WAIVER AUTHORITY PURSUANT TO  
SECTION 107(a) OF PUBLIC LAW 110-457

Memorandum of President of the United States, Sept. 20, 2010, 75 F.R. 67023, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President by section 107(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457).

You are hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

DELEGATION OF AUTHORITY PURSUANT TO SECTIONS  
110(d)(4) AND 110(f) OF THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000, AS AMENDED

Memorandum of President of the United States, July 29, 2013, 78 F.R. 48027, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the authority conferred upon the President by the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106-386), as amended (the “Act”), to determine, consistent with sections 110(d)(4) and 110(f) of the Act, with respect to Syria for Fiscal Year 2013, that assistance described in section 110(d)(1)(B) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

Similar provisions delegating authority under section 110(d)(4) and (f) of the Trafficking Victims Protection Act of 2000 were contained in the following:

Memorandum of President of the United States, Feb. 3, 2012, 77 F.R. 11375.—Burma, fiscal year 2012.

**§ 7108. Actions against significant traffickers in persons**

**(a) Authority to sanction significant traffickers in persons**

**(1) In general**

The President may exercise the authorities set forth in section 1702 of title 50 without regard to section 1701 of title 50 in the case of any of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States.

(B) Foreign persons that materially assist in, or provide financial or technological support for or to, or provide goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker identified pursuant to subparagraph (A).

**(2) Penalties**

The penalties set forth in section 1705 of title 50 apply to violations of any license, order, or regulation issued under this section.

**(b) Report to Congress on identification and sanctioning of significant traffickers in persons**

**(1) In general**

Upon exercising the authority of subsection (a) of this section, the President shall report to the appropriate congressional committees—

(A) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section and the basis for such determination; and

(B) detailing publicly the sanctions imposed pursuant to this section.

**(2) Removal of sanctions**

Upon suspending or terminating any action imposed under the authority of subsection (a) of this section, the President shall report to the committees described in paragraph (1) on such suspension or termination.

**(3) Submission of classified information**

Reports submitted under this subsection may include an annex with classified information regarding the basis for the determination made by the President under paragraph (1)(A).

**(c) Law enforcement and intelligence activities not affected**

Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

**(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.