

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-164, title I, §104(b)(2), Jan. 10, 2006, 119 Stat. 3564, provided that: “The amendments made by subparagraphs (A) and (B) of paragraph (1) [amending this section] take effect beginning two years after the date of the enactment of this Act [Jan. 10, 2006].”

§ 7107. Actions against governments failing to meet minimum standards**(a) Statement of policy**

It is the policy of the United States not to provide nonhumanitarian, nontrade-related foreign assistance to any government that—

- (1) does not comply with minimum standards for the elimination of trafficking; and
- (2) is not making significant efforts to bring itself into compliance with such standards.

(b) Reports to Congress**(1) Annual report**

Not later than June 30 of each year, the Secretary of State shall submit to the appropriate congressional committees a report describing the anti-trafficking efforts of the United States and foreign governments according to the minimum standards and criteria enumerated in section 7106 of this title, and the nature and scope of trafficking in persons in each country and analysis of the trend lines for individual governmental efforts. The report shall, to the extent concurrent reporting data is available, cover efforts and activities taking place during the period between April 1 of the year preceding the report and March 31 of the year in which the report is made, and should include—

(A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards based only on concrete actions taken by the country that are recorded during the reporting period;

(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance based only on concrete actions taken by the country (excluding any commitments by the country to take additional future steps during the next year) that are recorded during the reporting period;

(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance;

(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization’s employees, contractor personnel, and peace-

keeping forces in trafficking in persons or the exploitation of victims of trafficking;

(E) reporting and analysis on the emergence or shifting of global patterns in human trafficking, including data on the number of victims trafficked to, through, or from major source and destination countries, disaggregated by nationality, gender, and age, to the extent possible;

(F) emerging issues in human trafficking;

(G) a section entitled “Promising Practices in the Eradication of Trafficking in Persons” to highlight effective practices and use of innovation and technology in prevention, protection, prosecution, and partnerships, including by foreign governments, the private sector, and domestic civil society actors; and

(H) for each country included in a different list than the country had been placed in the previous annual report, a detailed explanation of how the concrete actions (or lack of such actions) undertaken (or not undertaken) by the country during the previous reporting period contributed to such change, including a clear linkage between such actions and the minimum standards enumerated in section 7106 of this title.

(2) Special watch list**(A) Submission of list**

Not later than the date on which the determinations described in subsections (c) and (d) are submitted to the appropriate congressional committees in accordance with such subsections, the Secretary of State shall submit to the appropriate congressional committees a list of countries that the Secretary determines requires special scrutiny during the following year. The list shall be composed of the following countries:

(i) Countries that have been listed pursuant to paragraph (1)(A) in the current annual report and were listed pursuant to paragraph (1)(B) in the previous annual report.

(ii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report and were listed pursuant to paragraph (1)(C) in the previous annual report.

(iii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report, where—

(I) the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions; or

(II) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials.

(B) Interim assessment

Not later than February 1st of each year, the Secretary of State shall provide to the

appropriate congressional committees an assessment of the progress that each country on the special watch list described in subparagraph (A) has made since April 1 of the previous year.

(C) Relation of special watch list to annual trafficking in persons report

A determination that a country shall not be placed on the special watch list described in subparagraph (A) shall not affect in any way the determination to be made in the following year as to whether a country is complying with the minimum standards for the elimination of trafficking or whether a country is making significant efforts to bring itself into compliance with such standards.

(D) Countries on special watch list for 2 consecutive years

(i) In general

Except as provided under clause (ii), a country that is included on the special watch list described in subparagraph (A) for 2 consecutive years after December 23, 2008, shall be included on the list of countries described in paragraph (1)(C).

(ii) Exercise of waiver authority

The President may waive the application of clause (i) for up to 1 year if the President determines, and reports credible evidence to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, that such a waiver is justified because—

(I) the country has a written plan to begin making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking;

(II) the plan, if implemented, would constitute making such significant efforts; and

(III) the country is devoting sufficient resources to implement the plan.

(E) Congressional notice

Not later than 30 days after notifying Congress of each country determined to have met the requirements under subclauses (I) through (III) of subparagraph (D)(ii), the Secretary of State shall—

(i) provide a detailed description of the credible information supporting such determination on a publicly available website maintained by the Department of State; and

(ii) offer to brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on any written plan submitted by the country under subparagraph (D)(ii)(I), with an opportunity to review the written plan.

(F) Special rule for certain countries on special watch list that are downgraded and reinstated on special watch list

Notwithstanding subparagraphs (D) and (E), a country may not be included on the

special watch list described in subparagraph (A)(iii) for more than 1 consecutive year after the country—

(i) was included on the special watch list described in subparagraph (A)(iii) for—

(I) 2 consecutive years after December 23, 2008; and

(II) any additional years after such date of enactment as a result of the President exercising the waiver authority under subparagraph (D)(ii); and

(ii) was subsequently included on the list of countries described in paragraph (1)(C).

(3) Significant efforts

(A) In general

In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider—

(i) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;

(ii) the extent of noncompliance with the minimum standards by the government and, particularly, the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in severe forms of trafficking;

(iii) what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.

(B) Proof of failure to make significant efforts

In addition to the considerations described in clauses (i), (ii), and (iii) of subparagraph (A), in determinations under paragraph (1)(C) as to whether the government of a country is not making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider, as proof of failure to make significant efforts, a government policy or pattern of—

(i) trafficking;

(ii) trafficking in government-funded programs;

(iii) forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors);

(iv) sexual slavery in government camps, compounds, or outposts; or

(v) employing or recruiting child soldiers.

(D)¹ the extent to which the government of the country is devoting sufficient budgetary resources—

(i) to investigate and prosecute acts of severe trafficking in persons;

(ii) to convict and sentence persons responsible for such acts; and

¹ So in original. No subpar. (C) has been enacted.

(iii) to obtain restitution for victims of human trafficking;

(E) the extent to which the government of the country is devoting sufficient budgetary resources—

(i) to protect and support victims of trafficking in persons; and

(ii) to prevent severe forms of trafficking in persons; and

(F) the extent to which the government of the country has consulted with domestic and international civil society organizations that resulted in concrete actions to improve the provision of services to victims of trafficking in persons.

(4) Action plans for countries upgraded to tier 2 watchlist

(A) In general

Not later than 180 days after the release of the annual Trafficking in Persons Report, the Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking and the Assistant Secretary of the appropriate regional bureau, in consultation with appropriate officials from the government of each country described in paragraph (2)(A)(ii), and with the assistance of the United States Ambassador or Charge d’Affaires in each country, shall—

(i) prepare an action plan for each country upgraded from Tier 3 to Tier 2 Watchlist to further improve such country’s tier ranking under this subsection; and

(ii) present the relevant action plan to the government of each such country.

(B) Contents

Each action plan prepared under this paragraph—

(i) shall include specific concrete actions to be taken by the country to substantively address deficiencies preventing the country from meeting Tier 2 standards, based on credible information; and

(ii) should be focused on short-term and multi-year goals.

(C) Briefings

The Ambassador-at-Large of the Office to Monitor and Combat Trafficking and all appropriate regional Assistant Secretaries shall make themselves available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of each action plan prepared under this paragraph.

(D) Savings provision

Nothing in this paragraph may be construed as modifying—

(i) minimum standards for the elimination of trafficking under section 7106 of this title; or

(ii) the actions against governments failing to meet minimum standards under this

section or the criteria for placement on the Special Watch List under paragraph (2).

(c) Notification

Not less than 45 days or more than 90 days after the submission, on or after January 1, 2003, of an annual report under subsection (b)(1), or an interim report under subsection (b)(2), the President shall submit to the appropriate congressional committees a notification of one of the determinations listed in subsection (d) with respect to each foreign country whose government, according to such report—

(A) does not comply with the minimum standards for the elimination of trafficking; and

(B) is not making significant efforts to bring itself into compliance, as described in subsection (b)(1)(C).

(d) Presidential determinations

The determinations referred to in subsection (c) are the following:

(1) Withholding of nonhumanitarian, nontrade-related assistance

The President has determined that—

(A)(i) the United States will not provide nonhumanitarian, nontrade-related foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; or

(ii) in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year, the United States will not provide such assistance to the government of the country for the subsequent fiscal year and will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director’s best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.

(2) Ongoing, multiple, broad-based restrictions on assistance in response to human rights violations

The President has determined that such country is already subject to multiple, broad-

based restrictions on assistance imposed in significant part in response to human rights abuses and such restrictions are ongoing and are comparable to the restrictions provided in paragraph (1). Such determination shall be accompanied by a description of the specific restriction or restrictions that were the basis for making such determination.

(3) Subsequent compliance

The Secretary of State has determined that the government of the country has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

(4) Continuation of assistance in the national interest

Notwithstanding the failure of the government of the country to comply with minimum standards for the elimination of trafficking and to make significant efforts to bring itself into compliance, the President has determined that the provision to the country of non-humanitarian, nontrade-related foreign assistance or funding for participation in educational and cultural exchange programs, or the multilateral assistance described in paragraph (1)(B), or both, would promote the purposes of this chapter or is otherwise in the national interest of the United States.

(5) Exercise of waiver authority

(A) In general

The President may exercise the authority under paragraph (4) with respect to—

- (i) all nonhumanitarian, nontrade-related foreign assistance or funding for participation in educational and cultural exchange programs to a country;
- (ii) all multilateral assistance described in paragraph (1)(B) to a country; or
- (iii) one or more programs, projects, or activities of such assistance.

(B) Avoidance of significant adverse effects

The President shall exercise the authority under paragraph (4) when necessary to avoid significant adverse effects on vulnerable populations, including women and children.

(6) Definition of multilateral development bank

In this subsection, the term “multilateral development bank” refers to any of the following institutions: the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

(e) Certification

Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that, with respect to any assistance described in clause (ii), (iii), or (v) of section 7102(8)(A)² of this title, or

with respect to any assistance described in section 7102(8)(B)² of this title, no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

(f) Subsequent waiver authority

After the President has made a determination described in subsection (d)(1) with respect to the government of a country, the President may at any time make a determination described in paragraphs (4) and (5) of subsection (d) to waive, in whole or in part, the measures imposed against the country by the previous determination under subsection (d)(1).

(Pub. L. 106-386, div. A, §110, Oct. 28, 2000, 114 Stat. 1482; Pub. L. 108-193, §6(e), (h), (i), Dec. 19, 2003, 117 Stat. 2882, 2884; Pub. L. 109-164, title I, §104(e)(1), Jan. 10, 2006, 119 Stat. 3565; Pub. L. 110-457, title I, §§107(a), (b), 108(b), Dec. 23, 2008, 122 Stat. 5049, 5051; Pub. L. 113-4, title XII, §§1205, 1212(b)(2)(A)(i), Mar. 7, 2013, 127 Stat. 139, 143; Pub. L. 115-425, title II, §203, Jan. 8, 2019, 132 Stat. 5482; Pub. L. 115-427, §6, Jan. 9, 2019, 132 Stat. 5505; Pub. L. 116-283, div. A, title XII, §1299R(b), Jan. 1, 2021, 134 Stat. 4027.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(4), 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.

Section 7102(8) of this title, referred to in subsec. (e), was redesignated section 7102(10) of this title by Pub. L. 115-427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 116-283 substituted “June 30” for “June 1”.

2019—Subsec. (b)(1). Pub. L. 115-427, §6(1)(A), substituted “The report shall, to the extent concurrent reporting data is available, cover efforts and activities taking place during the period between April 1 of the year preceding the report and March 31 of the year in which the report is made, and should” for “The report should” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 115-427, §6(1)(B), inserted “based only on concrete actions taken by the country that are recorded during the reporting period” after “such standards”.

Subsec. (b)(1)(B). Pub. L. 115-427, §6(1)(C), inserted “based only on concrete actions taken by the country (excluding any commitments by the country to take additional future steps during the next year) that are recorded during the reporting period” after “compliance”.

Subsec. (b)(1)(H). Pub. L. 115-427, §6(1)(D)–(F), added subpar. (H).

Subsec. (b)(2)(A)(iii)(I). Pub. L. 115-425, §203(1)(A), substituted “estimated” for “absolute” and inserted “and the country is not taking proportional concrete actions” before semicolon at end.

Subsec. (b)(2)(A)(iii)(III). Pub. L. 115-427, §6(2)(A)(iii), struck out subcl. (III) which read as follows: “the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.”

Subsec. (b)(2)(B). Pub. L. 115-427, §6(2)(B), substituted “April 1 of the previous year” for “the last annual report”.

² See References in Text note below.

Subsec. (b)(2)(D)(ii). Pub. L. 115-427, §6(2)(C), substituted “1 year” for “2 years” in introductory provisions.

Subsec. (b)(2)(E). Pub. L. 115-427, §6(2)(D), substituted “Congressional” for “Public” in heading and “shall—” and cls. (i) and (ii) for “shall provide a detailed description of the credible evidence supporting such determination on a publicly available website maintained by the Department of State.”

Subsec. (b)(2)(F). Pub. L. 115-425, §203(1)(B), added subpar. (F).

Subsec. (b)(3). Pub. L. 115-425, §203(2), designated existing provisions as subpar. (A), redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), realigned margins, and added subpar. (B).

Subsec. (b)(3)(C). Pub. L. 115-427, §6(3)(B), which directed striking the semicolon at end and inserting a period, could not be executed because there is no subpar. (C). See amendment of subsec. (b)(3) by Pub. L. 115-425, §203(2) above.

Subsec. (b)(3)(D) to (F). Pub. L. 115-427, §6(3)(A), (C), added subpars. (D) to (F).

Subsec. (b)(4). Pub. L. 115-427, §6(4), added par. (4).
2013—Subsec. (b)(1). Pub. L. 113-4, §1205(1)(A), in introductory provisions, substituted “describing the anti-trafficking efforts of the United States and foreign governments according to the minimum standards and criteria enumerated in section 7106 of this title, and the nature and scope of trafficking in persons in each country and analysis of the trend lines for individual governmental efforts. The report should include—” for “with respect to the status of severe forms of trafficking in persons that shall include—”.

Subsec. (b)(1)(G). Pub. L. 113-4, §1205(1)(B)–(D), added subpar. (G).

Subsec. (b)(2) to (4). Pub. L. 113-4, §1205(2)–(4), redesignated pars. (3) and (4) as (2) and (3), respectively, added subpar. (E) in par. (2), and struck out former par. (2) which related to interim reports.

Subsec. (e). Pub. L. 113-4, §1212(b)(2)(A)(i), substituted “section 7102(8)(A)” for “section 7102(7)(A) and “section 7102(8)(B)” for “section 7102(7)(B)”.

2008—Subsec. (b)(1)(E), (F). Pub. L. 110-457, §108(b), added subpars. (E) and (F).

Subsec. (b)(3)(D). Pub. L. 110-457, §107(a), added subpar. (D).

Subsec. (d)(1)(A)(ii). Pub. L. 110-457, §107(b), inserted “such assistance to the government of the country for the subsequent fiscal year and will not provide” after “the United States will not provide”.

2006—Subsec. (b)(1)(D). Pub. L. 109-164 added subpar. (D).

2003—Subsec. (b)(3), (4). Pub. L. 108-193, §6(e), added par. (3) and redesignated former par. (3) as (4).

Subsec. (d)(4). Pub. L. 108-193, §6(h)(1), inserted “or funding for participation in educational and cultural exchange programs” after “nonhumanitarian, nontrade-related foreign assistance”.

Subsec. (d)(5)(A)(i). Pub. L. 108-193, §6(h)(2), inserted “or funding for participation in educational and cultural exchange programs” after “foreign assistance”.

Subsec. (f). Pub. L. 108-193, §6(i), added subsec. (f).

COMMUNICATION WITH GOVERNMENTS OF COUNTRIES DESIGNATED AS TIER 2 WATCH LIST COUNTRIES ON THE TRAFFICKING IN PERSONS REPORT

Pub. L. 115-427, §7(a), Jan. 9, 2019, 132 Stat. 5507, provided that:

“(a) IN GENERAL.—Not less than annually, the Secretary of State shall provide, to the foreign minister of each country that has been downgraded to a ‘Tier 2 Watch List’ country pursuant to the Trafficking in Persons report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b))—

“(1) a copy of the annual Trafficking in Persons report; and

“(2) information pertinent to that country’s downgrade, including—

“(A) confirmation of the country’s designation to the Tier 2 Watch List;

“(B) the implications associated with such designation and the consequences for the country of a downgrade to Tier 3;

“(C) the factors that contributed to the downgrade; and

“(D) the steps that the country must take to be considered for an upgrade in status of designation.”

Statutory Notes and Related Subsidiaries

CHILD PROTECTION STRATEGIES IN WATCH LIST COUNTRIES

Pub. L. 115-425, title II, §204(b), Jan. 8, 2019, 132 Stat. 5484, provided that:

“(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall incorporate into the relevant country development cooperation strategy for each country on the list described in paragraph (1)(C) of section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) or the special watch list described in paragraph (2)(A)(iii) of such section, strategies for the protection of children and the reduction of the risk of trafficking.

“(2) COMPONENTS.—The child protection and trafficking reduction strategies required under paragraph (1) shall—

“(A) address the root causes of insecurity that leave children and youth vulnerable to trafficking; and

“(B) include common metrics and indicators to monitor progress across Federal agencies to prevent, address, and end violence against children and youth globally in post-conflict and post-disaster areas.”

TRANSLATION OF TRAFFICKING-IN-PERSONS REPORT

Pub. L. 110-457, title I, §107(c), Dec. 23, 2008, 122 Stat. 5050, provided that: “The Secretary of State shall—

“(1) timely translate the annual report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) into the principal languages of as many countries as possible, with particular emphasis on the languages of the countries on the lists described in subparagraphs (B) and (C) of section 110(b)(1) of such Act; and

“(2) ensure that the translations described in paragraph (1) are made available to the public through postings on the Internet website of the Department of State and other appropriate websites.”

Executive Documents

PRESIDENTIAL DETERMINATION WITH RESPECT TO THE EFFORTS OF FOREIGN GOVERNMENTS REGARDING TRAFFICKING IN PERSONS

Determination of President of the United States, No. 2020-12, Sept. 28, 2020, 85 F.R. 71209, provided:

Memorandum for the Secretary of State
Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) (the “Act”), as amended, I hereby determine as follows:

As provided for in section 110(d)(1)(A)(i) of the Act, and subject to the determinations below regarding assistance related to the COVID-19 pandemic, the Ebola virus disease, and meeting minimum standards for the elimination of trafficking in persons, I determine that the United States will not provide nonhumanitarian, nontrade-related assistance to the Governments of Burundi, China, Cuba, the Democratic People’s Republic of Korea (DPRK), Eritrea, Iran, Nicaragua, Russia, and Syria for Fiscal Year (FY) 2021 until such governments comply with the Act’s minimum standards or make significant efforts to bring themselves into compliance with the minimum standards.

As provided for in section 110(d)(1)(A)(ii) of the Act, and subject to the determinations below regarding assistance related to the COVID-19 pandemic, the Ebola virus disease, and meeting minimum standards for the elimination of trafficking in persons, I determine that the United States will not provide nonhumanitarian,

nontrade-related assistance to, or allow funding for participation in educational and cultural exchange programs by officials or employees of, the Governments of Cuba, the DPRK, and Syria for FY 2021 until such governments comply with the Act's minimum standards for the elimination of trafficking or make significant efforts to bring themselves into compliance with the minimum standards.

As provided for in section 110(d)(1)(B) of the Act, and subject to the determinations below regarding assistance related to the COVID-19 pandemic, the Ebola virus disease, and meeting minimum standards for the elimination of trafficking in persons, I hereby instruct the United States Executive Director of each multilateral development bank, as defined in the Act, and of the International Monetary Fund to vote against and use best efforts to deny any loan or other utilization of the funds of the respective institution (other than for humanitarian assistance; for trade-related assistance; or for development assistance that directly addresses basic human needs, is not administered by the government of such country, and confers no benefit to that government) for the Governments of Burundi, China, Comoros, Cuba, the DPRK, Eritrea, Iran, Nicaragua, Russia, and Syria for FY 2021 until such governments comply with the Act's minimum standards or make significant efforts to bring themselves into compliance with the minimum standards.

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow assistance described in section 110(d)(1) of the Act for programs, projects, activities, and assistance to respond to the threat posed by the COVID-19 pandemic would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow assistance described in section 110(d)(1) of the Act for programs, projects, activities, and assistance to respond to the threat posed by the Ebola virus disease would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow assistance described in section 110(d)(1) of the Act for programs, projects, activities, and assistance designed to meet the minimum standards for the elimination of trafficking in persons would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow assistance described in section 110(d)(1)(A)(i) of the Act with respect to Burma—with the exception of Global Health Programs (GHP), Peacekeeping Operations (PKO), Foreign Military Financing (FMF), International Military Education and Training (IMET), Foreign Military Sales (FMS), and Excess Defense Articles—would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow IMET assistance with respect to Comoros would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that a partial waiver to allow PKO and Development Assistance with respect to South Sudan would promote the purposes of the Act or is otherwise in the national interest of the United States;

Consistent with section 110(d)(4) of the Act, I determine that the provision of all programs, projects, and activities described in section 110(d)(1)(A)(i) of the Act with respect to the Governments of Afghanistan, Algeria, Belarus, Lesotho, Papua New Guinea, Turkmenistan, and Venezuela would promote the purposes of the Act or is otherwise in the national interest of the United States; and

Consistent with section 110(d)(4) of the Act, I determine that providing the assistance described in section

110(d)(1)(B) of the Act to Afghanistan, Algeria, Belarus, Burma, Lesotho, Papua New Guinea, South Sudan, Turkmenistan, and Venezuela would promote the purposes of the Act or is otherwise in the national interest of the United States.

You are authorized and directed to submit this determination, the certification required by section 110(e) of the Act, and the Memorandum of Justification, on which I have relied, to the Congress, and to publish the determination in the Federal Register.

DONALD J. TRUMP.

Prior determinations and certifications regarding trafficking in persons were contained in the following:

Determination of President of the United States, No. 2020-02, Oct. 18, 2019, 84 F.R. 59521.

Determination of President of the United States, No. 2019-05, Nov. 29, 2018, 83 F.R. 65281.

Determination of President of the United States, No. 2017-15, Sept. 30, 2017, 82 F.R. 50047.

Determination of President of the United States, No. 2016-12, Sept. 27, 2016, 81 F.R. 70311.

Determination of President of the United States, No. 2016-01, Oct. 5, 2015, 80 F.R. 62435.

Determination of President of the United States, No. 2014-16, Sept. 18, 2014, 79 F.R. 57699.

Determination of President of the United States, No. 2013-16, Sept. 17, 2013, 78 F.R. 58861.

Determination of President of the United States, No. 2012-16, Sept. 14, 2012, 77 F.R. 58921, as corrected by Department of State Public Notice 8048, dated Sept. 28, 2012, 77 F.R. 61046.

Determination of President of the United States, No. 2011-18, Sept. 30, 2011, 76 F.R. 62599.

Determination of President of the United States, No. 2010-15, Sept. 10, 2010, 75 F.R. 67017, 68411.

Determination of President of the United States, No. 2009-29, Sept. 14, 2009, 74 F.R. 48365.

Determination of President of the United States, No. 2009-5, Oct. 17, 2008, 73 F.R. 63839.

Determination of President of the United States, No. 2008-4, Oct. 18, 2007, 72 F.R. 61037.

Determination of President of the United States, No. 2006-25, Sept. 26, 2006, 71 F.R. 64431.

Determination of President of the United States, No. 2005-37, Sept. 21, 2005, 70 F.R. 57481.

Determination of President of the United States, No. 2004-46, Sept. 10, 2004, 69 F.R. 56155.

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 UNDER SECTIONS 110(c) AND (d)(4) OF THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Memorandum of President of the United States, Oct. 5, 2015, 80 F.R. 65605, 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 under section 110(d)(4) of the Trafficking Victims Protection Act of 2000 (the "Act") (22 U.S.C. 7107(d)(4)) to waive the application of the prohibition in

section 110(d)(1)(A)(i) of the Act to Yemen during Fiscal Year 2016, as applicable, and to make the determinations necessary for such waiver. I hereby also delegate to the Secretary of State the authority under section 110(c) of the Act to notify the appropriate congressional committees of such waiver and the justification for granting such waiver.

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

BARACK OBAMA.

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

Memorandum of President of the United States, July 29, 2013, 78 F.R. 48027.—Syria, fiscal year 2013.

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, or section 1263 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note), 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).

(D) Officials of a foreign government who participate in, facilitate, or condone severe forms of trafficking in persons for significant financial gain.

(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), 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),

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).

(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).

(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).

(Pub. L. 106-386, div. A, §111, Oct. 28, 2000, 114 Stat. 1484; Pub. L. 115-425, title I, §124, Jan. 8, 2019, 132 Stat. 5479.)

Editorial Notes

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.

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 115-425, §124(1), inserted “, or section 1263 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note),” after “without regard to section 1701 of title 50” in introductory provisions.