



## Urban Justice Center

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Congress passed the Trafficking Victims Protection Act (TVPA) in 2000 and reauthorized this historic legislation in 2003 and 2005. The TVPA is once again being reauthorized. The House of Representatives has passed its version of the reauthorization of the federal trafficking law, H.R. 3887: the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, which includes many problematic provisions.

**The Senate has introduced S.B. 3061, which includes provisions that protect trafficked persons, and does NOT include a *dangerous and unnecessary expansion of the Mann Act*. Therefore, we support S.B. 3061.**

### Problematic Provisions in H.R. 3887

- H.R. 3887 unnecessarily broadens the federal Mann Act, extending criminal penalties to “whoever knowingly, in or affecting interstate...commerce,...persuades, induces, or entices any individual to engage in prostitution, for which any person can be charged with an offense, or attempts to do so.”<sup>1</sup> It deceptively and inaccurately calls this prostitution-related crime “sex trafficking.”
- The House bill would make prostitution-related activities, even within state borders, a federal crime. This confusion of prostitution and trafficking shifts the focus from helping and protecting trafficked persons to using federal resources to prosecute state-level offenses involving consenting adults who may not see themselves as victims of a crime.
- These provisions would force the Justice Department to investigate and prosecute crimes of prostitution that are already being prosecuted under the state laws, thus diverting much needed and already scarce resources from actual trafficking cases to prostitution crimes.
- H.R. 3887 moves the real crime of sex trafficking from the list of 13<sup>th</sup> Amendment slavery crimes where it belongs to join the prostitution offenses in the Mann Act, thereby undermining the scope of 13<sup>th</sup> Amendment protections against modern-day slavery.

### Why Support S.B. 3061 and Oppose Provisions in H.R. 3887

- The TVPA of 2000 was intended to protect the most exploited among us – those held in compelled labor and minors in the sex sector. However, by equating prostitution with trafficking, H.R. 3887 will reduce this focus on these most vulnerable individuals – U.S. citizens and immigrants. Victims who are forced to work under horrific conditions of surveillance, barbed wire, physical abuse, and threats to themselves and family members will be forced to compete with tens of thousands of adult sex workers for services. Department of Justice prosecutors will have to balance resources between prosecuting these trafficking cases and a new requirement to prosecute thousands of ordinary prostitution cases.
- The House bill creates a new federal prostitution crime and calls it “sex trafficking,” even though there is no requirement of *force, fraud, or coercion*, the cornerstone of human trafficking. This change does not help victims of human trafficking to access help. Instead, it creates a federal crime of prostitution and broadens the category to protect those who are not compelled into prostitution against their will. Those who are in prostitution and who are under 18 or who experience a culture of control and coercion already qualify for protection under existing law.
- The Department of Justice does not possess the resources to prosecute all prostitution related offenses (there were approximately 70,000 arrests nation-wide for such crimes in 2005 alone) without diverting resources from areas that need it most: the sexual exploitation of children and actual forced labor of any kind. Local and state law enforcement have decades of experience and infrastructure addressing prostitution-related crimes. The proposed expansion duplicates this mandate and will unnecessarily burden taxpayers. **The Department of Justice and other law enforcement groups have sent letters to Congress opposing the provisions** for this reason.
- Local crimes are constitutionally the province of the states, as decisions made by individual states reflect the priorities of the affected communities.

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<sup>1</sup> Proposed Section 221(f)(1) of H.R. 3887.