

INITIAL REPORT OF
THE
UNITED STATES OF AMERICA
TO THE
UN COMMITTEE ON THE RIGHTS OF THE CHILD
CONCERNING THE
OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD
ON THE
SALE OF CHILDREN,
CHILD PROSTITUTION AND
CHILD PORNOGRAPHY

Contents

I. INTRODUCTION.....	1
II. INFORMATION ON MEASURES AND DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE PROTOCOL.....	1
ARTICLE 1 – PROHIBITION OF SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION	1
ARTICLE 2 – DEFINITIONS	2
ARTICLE 3 – CRIMINALIZATION	3
<i>Article 3(1)(a)(i)a – Sexual Exploitation.....</i>	<i>3</i>
<i>Article 3(1)(a)(i)b – Transfer of Organs of the Child for Profit.....</i>	<i>4</i>
<i>Article 3(1)(a)(i)c – Engagement of the Child in Forced Labor</i>	<i>5</i>
<i>Article 3(1)(a)(ii) – Improperly Inducing Consent as an Intermediary for Adoption in Violation of Applicable International Legal Instruments on Adoption</i>	<i>6</i>
<i>Article 3(1)(b) – Child Prostitution.....</i>	<i>8</i>
<i>Article 3(1)(c) – Child Pornography</i>	<i>8</i>
<i>Article 3(2) – Ancillary Criminal Liability.....</i>	<i>10</i>
<i>Article 3(3) – Effective Sanction.....</i>	<i>10</i>
<i>Article 3(4) – Liability of Legal Persons</i>	<i>12</i>
ARTICLE 4 – JURISDICTION	12
<i>Article 4(1) – Territorial, Ship, and Aircraft Jurisdiction.....</i>	<i>13</i>
<i>Article 4(2) – Nationality and Passive Personality Jurisdiction</i>	<i>14</i>
<i>Article 4(3) – Jurisdiction Where Extradition is Denied on Grounds of Nationality</i>	<i>14</i>
ARTICLE 5 – EXTRADITION	15
ARTICLE 6 – MUTUAL LEGAL ASSISTANCE.....	16
ARTICLE 7 – SEIZURE AND CONFISCATION	16
ARTICLE 8 – PROTECTION OF CHILD VICTIMS.....	18
<i>Article 8(2) through 8(6).....</i>	<i>21</i>
ARTICLE 9 – PREVENTION.....	22
ARTICLE 10 – INTERNATIONAL COOPERATION AND ASSISTANCE	25
ANNEX I – U.S. INSTRUMENT OF RATIFICATION.....	29
ANNEX II – PRINCIPAL U.S. STATUTES CITED IN THIS REPORT.....	32

I. INTRODUCTION

1. The Government of the United States of America welcomes this opportunity to report to the Committee on the Rights of the Child on measures giving effect to its undertakings under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (the “Protocol”), in accordance with Article 12 thereof. The organization of this initial report follows the General Guidelines of the Committee on the Rights of the Child regarding the form and content of initial reports to be submitted by States Parties (CRC/OP/SA/1, 4 April 2002).¹

2. It is especially important for the United States that the Protocol contains effective and practical strategies to prosecute and penalize those who commit crimes involving child prostitution, child pornography and trafficking in children. The Protocol is subject to ratification by any State Party or signatory to the Convention on the Rights of the Child. Thus, the United States was able to become a party to the Protocol because it had signed the Convention on the Rights of the Child in February 1995, although the United States assumed no obligation under the Convention on the Rights of the Child by becoming a party to the Protocol. The U.S. instrument of ratification is attached at Annex I.

3. Prior to U.S. ratification of the Protocol, U.S. federal and state law satisfied the substantive requirements of the Protocol. Accordingly, no new, implementing legislation was required to bring the United States into compliance with the substantive obligations that it assumed under the Protocol, although a technical legal lacuna caused the United States to enter a reservation with respect to offenses committed on board a ship or aircraft registered in the United States. The provisions of the Protocol are not self-executing under U.S. domestic law, with one exception. That exception is Article 5, discussed below, which permits States Parties to consider the offenses covered by Article 3(1) as extraditable offenses in any existing extradition treaty between States Parties.

II. INFORMATION ON MEASURES AND DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE PROTOCOL

Article 1 – Prohibition of Sale of Children, Child Pornography and Child Prostitution

4. Article 1 provides that “States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.” By its terms, Article 1 is introductory in nature and creates no obligations aside from those set forth in

¹ We note that the Committee adopted Revised Guidelines on November 3, 2006 (CRC/C/OPSC/2). Because most of the preparation and drafting of this initial report predates the Revised Guidelines, the organization of this report follows those guidelines adopted in 2002 (CRC/OP/SA/1).

the remaining articles.

Article 2 – Definitions

5. Article 2 defines “sale of children,” “child prostitution” and “child pornography.”

6. Article 2(a) defines sale of children as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or other consideration.”

7. To clarify the definition of sale of children in Article 2(a) the following understanding accompanied the U.S. instrument of ratification:

The United States understands that the term “sale of children”, as defined in Article 2(a) of the Protocol, is intended to cover any transactions in which remuneration or other consideration is given and received under circumstances in which a person who does not have a lawful right to custody of the child thereby obtains *de facto* authority over the child.

8. With this understanding, as more fully discussed in the analysis of Article 3, U.S. law is consistent with the obligations of the Protocol with respect to the sale of children.

9. Article 2(b) defines child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration.” As more fully described in the analysis of Article 3, the definition set forth in the Protocol is consistent with U.S. federal and state law and practice.

10. Article 2(c) defines child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose.” A number of delegations, including those of the European Union, Japan, and the United States, stated their understanding that the term “any representation” meant “visual representation.” Delegations, including the U.S. delegation, also stated their understanding that the term “sexual parts” meant “genitalia.” These understandings were included in the negotiating record of the final session.

11. To confirm this meaning of Article 2(c), the following understanding accompanied the U.S. instrument of ratification:

The United States understands the term, “child pornography”, as defined in Article 2(c) of the Protocol, to mean the visual representation of a child engaged in real or simulated sexual activities or of the genitalia of a child where the dominant characteristic is depiction for a sexual purpose.

12. With this understanding, as more fully discussed in the analysis of Article 3, U.S. law is consistent with the obligations of the Protocol with respect to child pornography.

Article 3 – Criminalization

13. Article 3(1) provides that States Parties shall ensure that the following acts are covered under their criminal or penal law and punishable by appropriate penalties, taking into account the grave nature of such offenses:

- in the context of sale of children, the offering, delivering, or accepting by whatever means a child for the purpose of sexual exploitation of the child, transfer of organs for profit, or engagement of the child in forced labor (Article 3(1)(a)(i));
- in the context of sale of children, “improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international instruments on adoption” (Article 3(1)(a)(ii));
- offering, obtaining, procuring or providing a child for child prostitution (Article 3(1)(b)); and
- producing, distributing, disseminating, importing, exporting, offering, selling, or possessing for these purposes child pornography (Article 3(1)(c)).

14. As discussed below, these acts violate criminal statutes under U.S. federal and state laws.

Article 3(1)(a)(i)a – Sexual Exploitation

15. The requirement to criminalize the sale of a child for purposes of sexual exploitation largely overlaps with the requirement to criminalize acts concerning child prostitution and child pornography. The term “sexual exploitation” is not defined, but it was generally understood during the negotiations that the term means prostitution, pornography, or other sexual abuse in the context of the sale of children.

16. In the United States, the Federal and State Governments have enacted criminal laws to protect children from sexual exploitation by adults. For example, federal and state laws prohibiting child sexual abuse and statutory rape laws are used to prosecute adults who sexually exploit children for the above-described purposes. Moreover, as set forth in detail in the analysis of Article 3(1)(b) and 3(1)(c), federal and state law prohibit exploitation of children for purposes of prostitution and pornography. Additionally, federal law prohibits trafficking in children for sexual purposes. 18 U.S.C. § 1591, which was passed as part of the Trafficking Victims Protection Act of 2000, criminalizes

all sex trafficking of children, regardless of whether fraud, force or coercion was used in the offense. There is no requirement that the sex trafficking cross state lines, provided it can be shown that the conduct is in or affecting interstate or foreign commerce. In addition, under 18 U.S.C. § 2423(a), it is prohibited to transport in interstate commerce any individual under age 18 with the intent that the “individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense.” Attempts to do so are prohibited by 18 U.S.C. § 2423(e). As an example of a state law, see, e.g., NMSA [New Mexico] 1978, § 30-6A 1-4, Sexual Exploitation of Children. During its Legislative Session 2007, New Mexico is also proposing a bill similar to 18 U.S.C. § 1591 to criminalize the trafficking of persons. In Utah, child prostitution is a second-degree felony punishable by 1 to 15 years in prison. Section 76-10-1306, Utah Code Annotated. Also, enticement of a child to engage in sexual activity over the Internet is a second-degree felony punishable by 1 to 15 years in prison. Section 76-5-401, Utah Code Annotated. Idaho punishes the following offenses: Sexual abuse of a child under the age of 16 years, I.C. § 18-1506, Ritualized abuse of a child, I.C. § 18-1506A, Sexual exploitation of a child, I.C. § 18-1507, Lewd conduct with minor child under sixteen, I.C. § 18-1508, Sexual battery of a minor child under eighteen years of age, I.C. § 18-1508A.

Article 3(1)(a)(i)b – Transfer of Organs of the Child for Profit

17. During the negotiations, States limited the scope of the Protocol with respect to organ trafficking to situations where (1) the sale of a child occurred and (2) the organs of that child were subsequently extracted and sold for a profit.

18. U.S. federal law contains comprehensive protections against trafficking in the organs of a child. U.S. federal law criminalizes acquiring, receiving, or otherwise transferring any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce. 42 U.S.C. § 274e (National Organ Transplant Act of 1984, as amended). The federal proscription is limited to transfers affecting interstate commerce because “laws governing medical treatment, consent, definition of death, autopsy, burial, and the disposition of dead bodies are exclusively State law.” S.Rep. 98-382, 98th Cong., 2nd Sess. 1984. Nonetheless, the phrase “affecting interstate commerce” is generally interpreted broadly by U.S. courts.

19. While U.S. state law may not always criminalize the sale of organs *per se*, the situation addressed in the Protocol would inevitably fall within the scope of one or more criminal state statutes. Since the transfer of organs of a child must be within the context of the sale of a child, situations involving the lawful consent of a child to donate an organ in which the transfer does not involve valuable consideration are not prohibited. Accordingly, depending on the nature of the crime and state law, the conduct prohibited by the Protocol would constitute assault, and might also be battery, maiming, child abuse or criminal homicide.

20. Consequently, to clarify the scope of the obligation to criminalize the transfer of organs in Article 3 the United States expressed the following understanding in its instrument of ratification:

The United States understands that the term “transfer of organs for profit” as used in Article 3(1)(a)(i) of the Protocol, does not cover any situation in which a child donates an organ pursuant to lawful consent. Moreover, the United States understands that the term “profit”, as used in Article 3(1)(a)(i) of the Protocol, does not include the lawful payment of a reasonable amount associated with the transfer of organs, including any payment for the expense of travel, housing, lost wages, or medical costs.

Article 3(1)(a)(i)c – Engagement of the Child in Forced Labor

21. The Protocol requires States Parties to criminalize the conduct of both the seller and buyer of a child in the context of a sale, i.e., (1) acts of arranging for a buyer of a child (seller’s conduct), (2) delivering the child pursuant to a sale (the seller’s conduct or the conduct of his/her agent), and (3) accepting the child pursuant to the sale (the buyer’s conduct). Since “offering, delivering or accepting” a child for the purpose of forced labor must take place in the context of a sale, criminal penalties are required under Article (3)(1)(a)(i)c where the transaction has been completed.

22. U.S. federal law, consistent with the requirements of Article 3(1)(a)(i)c, criminalizes the sale of a child for the purpose of engagement in forced labor. Forced labor is specifically prohibited by 18 U.S.C. § 1589, which was passed as part of the Trafficking Victims Protection Act of 2000. Section 1589 criminalizes providing or obtaining the labor or services of a person by (1) threats of serious harm to, or physical restraint against, that person or another person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, or (3) by means of the abuse or threatened abuse of the law or the legal process. Congress passed § 1589 in response to the Supreme Court’s narrow interpretation of the involuntary servitude statute, 18 U.S.C. § 1584, in United States v. Kozminski, 487 U.S. 931 (1988) (holding that the statutory prohibition against involuntary servitude is limited to cases involving compulsion of services by use or threatened use of physical or legal coercion). In addition to the forced labor statute, other provisions of the U.S. Code provide criminal penalties for peonage, enticement into slavery, involuntary servitude, and trafficking with respect to peonage, slavery, involuntary servitude, or forced labor, sex trafficking, as discussed above, and unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor. *See* 18 U.S.C. §§ 1581, 1583, 1584, 1590, 1591, and 1592. Attempts to commit such crimes are penalized under 18 U.S.C. § 1594. These laws reach any such conduct that takes

place anywhere in the United States. Federal law further criminalizes interstate kidnapping (18 U.S.C. § 1201). The kidnapping statutes punish individuals who kidnap others, including minors, across state lines. Also, New Mexico is proposing a bill during its Legislative Session 2007 to criminalize the trafficking of persons, including provisions to prohibit forced labor of children, and will include provisions to penalize the seller and the buyer. Idaho law prohibits human trafficking for sexual purposes or for labor. I.C. §§ 18-18-8501 through 18-8505.

23. The provisions of 18 U.S.C. § 241, the federal civil rights conspiracy statute, prohibits conspiracies to violate the Thirteenth Amendment. The Thirteenth Amendment prohibits slavery and involuntary servitude and has been interpreted very broadly. “The undoubted aim of the Thirteenth Amendment . . . was not merely to end slavery but to maintain a system of completely free and voluntary labor throughout the United States.” Pollock v. Williams, 322 U.S. 4, 17 (1944). It has been construed to grant Congress the “power to pass all laws necessary and proper for abolishing all badges and incidents of slavery.” Civil Rights Cases, 109 U.S. 3, 20 (1883). In Jones v. Alfred H. Mayer Co., 392 U.S. 409, 440 (1968), the Supreme Court declared that Congress has the power “rationally to determine what are the badges and the incidents of slavery.” Furthermore, under the Thirteenth Amendment, Congress may reach conduct by private individuals as well as governments.

24. Finally, a person who “aids, abets, counsels, commands, induces or procures” the commission of one of these federal offenses is punishable as a principal under 18 U.S.C. § 2. Accordingly, those who take part in a portion of the transaction resulting in the sale of a child for the purpose of forced labor will also be subject to punishment under U.S. anti-trafficking laws in combination with § 2. Such conduct when involving two or more persons could also incur conspiracy liability under 18 U.S.C. § 371.

Article 3(1)(a)(ii) – Improperly Inducing Consent as an Intermediary for Adoption in Violation of Applicable International Legal Instruments on Adoption

25. The obligation contained in Article 3(1)(a)(ii) to criminalize “improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption” is drawn from the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (the “Hague Convention”), adopted May 29, 1993. The Hague Convention (Article 4(c)(3)) requires that an adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin determine, *inter alia*, that consent has not been induced by payment or compensation of any kind.

26. During the final session of negotiations of the Protocol, both Japan and the United States stated their understanding that “applicable international instruments on adoption” meant the Hague Convention. Further, both countries stated their understanding that,

since they were not parties to that instrument, they would not be bound to penalize the conduct barred by the Hague Convention, i.e., improperly inducing consent. The United States further stated that it understood the term “improperly inducing consent” to mean knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights. These understandings are reflected in the negotiating record of the last session. No delegation stated a contrary understanding.

27. On September 20, 2002, the United States Senate gave its advice and consent to ratification of the Hague Convention. The Executive Branch is expected to deposit the instrument of ratification for the Convention as soon as it is able to carry out all of the obligations of the Convention. If the United States were to ratify the Hague Convention, it would have an obligation under the Protocol to criminalize the conduct specified in Article 3(1)(a)(ii). The implementing legislation with respect to the Hague Convention would criminalize an intermediary’s knowing and willful inducement of consent by offering or giving compensation for the relinquishment of parental rights. *See* Intercountry Adoption Act of 2000, § 404, P.L. 106-279.

28. The U.S. Government has issued final regulations necessary to meet Convention obligations, notably 22 C.F.R. 96. Application of the regulations is underway; accrediting entities have been identified and engaged and they are in the process of accrediting adoption service providers. New immigration rules also need to be promulgated and/or put into effect by the Department of Homeland Security, which exercises authority over immigration matters. Once these processes are complete, the United States will be in a position to carry out obligations under the Convention. Currently, it is estimated that this will occur, and that the United States will be able to deposit its instrument of ratification sometime in 2007. Up-to-date status information is available on the web at http://www.travel.state.gov/family/adoption/convention/convention_462.html.

29. In order to clarify the nature of U.S. obligations under Article 3(1)(a)(ii), the following understanding accompanied the U.S. instrument of ratification:

The United States understands that the term “applicable international legal instruments” in Articles 3(1)(a)(ii) and 3(5) of the Protocol refers to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at the Hague on May 29, 1993 (in this paragraph referred to as “The Hague Convention”). The United States is not a party to The Hague Convention, but expects to become a party. Accordingly, until such time as the United States becomes a party to The Hague Convention, it understands that it is not obligated to criminalize conduct proscribed by Article 3(1)(a)(ii) of the Protocol or to take all appropriate legal and administrative measures required by Article 3(5) of the Protocol. The United States further understands that the term “improperly inducing consent” in Article 3(1)(a)(ii) of the Protocol means

knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights.

Article 3(1)(b) – Child Prostitution

30. Child prostitution is not legal anywhere in the United States. Under U.S. federal law, the Mann Act, 18 U.S.C. § 2421, prohibits transporting a person across foreign or state borders for the purpose of prostitution. In addition to this general prohibition, federal law specifically prohibits transportation across foreign or state borders of any individual under age 18 with the intent that the “individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense.” 18 U.S.C. § 2423. Federal laws further prohibit enticing, persuading, inducing, etc., any person to travel across a state boundary for prostitution or for any sexual activity for which any person may be charged with a crime, 18 U.S.C. § 2422, and travel with intent to engage in any sexual act with one under age 18, 18 U.S.C. § 2423(b). The newest federal legal tool in the fight against child prostitution is 18 U.S.C. § 1591, which prohibits sex trafficking of children. Sex trafficking is defined as causing a person to engage in a commercial sex act through force, fraud, or coercion, or where the victim is under 18. The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by anyone. For offenses involving persons under the age of 18, there is no requirement of force, fraud, or coercion. There are additional penalties if the victim is younger than 14. Furthermore, unlike the Mann Act, there is no requirement that any person be transported across foreign or state borders.

31. In addition, all 50 states prohibit prostitution activities involving minors under the age of 18. State child prostitution statutes specifically address patronizing a child prostitute, inducing or employing a child to work as a prostitute, or actively aiding the promotion of child prostitution. *See, e.g.*, NMSA [New Mexico] 1978, §30-6A (4), Sexual Exploitation of Children by prostitution; in Utah, child prostitution is a second-degree felony punishable by 1 to 15 years in prison. Section 76-10-1306, Utah Code Annotated.

Article 3(1)(c) – Child Pornography

32. U.S. federal and state criminal laws also prohibit the child pornography activities proscribed by Article 3(1)(c).

33. Federal law prohibits the production, distribution, receipt, and possession of child pornography, if the pornographic depiction was produced using any materials that had ever been transported in interstate or foreign commerce, including by computer, or if the image was transported interstate or across a U.S. border. 18 U.S.C. §§ 2251-2252A. Conspiracy and attempts to violate the federal child pornography laws are also

chargeable federal offenses. Thus, federal law essentially reaches all the conduct proscribed by this Article.

34. More specifically, 18 U.S.C. § 2251 establishes as criminal offenses the use, enticement, employment, coercion, or inducement of any minor to engage in “any sexually explicit conduct for the purpose of producing any visual depiction” of that conduct. That provision further prohibits the transportation of any minor in interstate or foreign commerce with the intent that the minor engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct. Parents, legal guardians and custodians are punishable under this provision if they permit a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct that the parent or guardian knows or has reason to know will be transported or has been transported in interstate or foreign commerce. The provision also subjects to criminal penalty those who produce and reproduce the offending material, as well as those who advertise seeking/offering to receive such materials or seeking/offering participation in visual depictions of minors engaged in sexually explicit conduct.

35. Federal law also prohibits (1) the transfer, sale, purchase, and receipt of minors for use in production of visual depictions of minors engaged in sexually explicit conduct, 18 U.S.C. § 2251A; (2) knowingly transporting, shipping, receiving, distributing, or possessing any visual depiction involving a minor in sexually explicit conduct, 18 U.S.C. §§ 2252 and 2252A; (3) the use of a minor to produce child pornography for importation into the United States, and the receipt, distribution, sale, or possession of child pornography intending that the visual depiction will be imported into the United States, 18 U.S.C. § 2260. For purposes of these statutes, a minor is defined as anyone under age 18. 18 U.S.C. § 2256(1).

36. Sexually explicit conduct is defined in these federal statutes as “actual or simulated (A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (B) bestiality; (C) masturbation; (D) sadistic or masochistic abuse; or (E) lascivious exhibition of the genitals or pubic area of any person.” 18 U.S.C. § 2256(2). Further, each state has enacted laws addressing child pornography. The precise scopes of these statutes vary from state to state; however, they all prohibit the visual depiction by any means of a child engaging in sexually explicit conduct. While the exact wording of the statutes may differ, all state statutes address the following three areas: (1) *production*: employment or use of a minor to engage in or assist in any sexually explicit conduct for the purpose of producing a depiction of that conduct; (2) *trafficking*: distributing, transmitting or selling child pornography; and (3) *procurement*: inducing or persuading a minor to be the subject of child pornography. Under NMSA 1978, § 30-6A (3), Sexual Exploitation of Children, New Mexico state law prohibits the production, distribution, receipt, and possession of child pornography, and under NMSA 1978, § 30-37-3.2, Child Solicitation by a Computer, it prohibits the soliciting of a minor, by computer, to engage in sexual intercourse, sexual contact, or in a sexual obscene performance. For the purposes of

determining jurisdiction, child solicitation by computer is committed in New Mexico if a computer transmission either originates or is received in New Mexico. In Utah, possession, production or distribution of child pornography is a second-degree felony punishable by 1 to 15 years in prison. Section 76-5a-4, Utah Code Annotated. Enticement of a child to engage in sexual activity over the Internet is also a second-degree felony punishable by 1 to 15 years in prison. Section 76-5-401, Utah Code Annotated.

Article 3(2) – Ancillary Criminal Liability

37. The Protocol does not obligate States to criminalize attempts to commit acts covered by Article 3(1) or complicity or participation in such acts. Article 3(2) provides that “subject to the provisions of a State Party’s national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.” The phrase “subject to the provisions of a State Party’s national law” was specifically incorporated into Article 3(2) to reflect the fact that practice with respect to the coverage of attempts differs in national laws.

38. Under 18 U.S.C. § 2, aiding and abetting the commission of an offense against the United States is a criminal offense. Federal and state laws do not, however, criminalize all attempts to commit the offenses covered by the Protocol. (E.g., many U.S. states do not criminalize attempts to commit prostitution.)

39. In sum, although U.S. law does not always punish the attempt to commit, or all forms of participation in, Article 3(1) offenses, U.S. law is consistent with the requirements of Article 3(2).

Article 3(3) – Effective Sanction

40. U.S. federal and state laws punish the conduct proscribed by the Protocol with sufficient severity as required by Article 3(3): For example, federal offenses cited above, by which the United States would implement the Protocol’s requirement to criminalize the conduct described in Article 3(1), are felonies. For 18 U.S.C. § 1584 (involuntary servitude) and § 1589 (forced labor), the term of imprisonment is up to 20 years, but if death results or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant may be sentenced to any term of years or life. Penalties for sex trafficking of children are even more severe. 18 U.S.C. § 1591 provides for a mandatory minimum of 15 years imprisonment and a maximum penalty of life imprisonment for child sex trafficking if the victim is under 14 years of age, and a mandatory minimum of 10 years imprisonment and a maximum of 40 years imprisonment if the victim is between the ages of 14 and 18.

41. The statute relating to sexual exploitation of minors (which prohibits producing and advertising child pornography), 18 U.S.C. § 2251, provides for a range of penalties, including fines and sentences ranging from 15 years to life imprisonment; the statute prohibiting selling or buying of children for the purpose of producing child pornography, 18 U.S.C. § 2251A, has a mandatory minimum penalty of 30 years imprisonment and a maximum penalty of life imprisonment; the statutes covering activities related to material involving the sexual exploitation of children and child pornography (the statutes are slightly different, but both generally cover child pornography offenses other than production, which is covered by § 2251), 18 U.S.C. §§ 2252 and 2252A, provide for penalties ranging from a maximum of 40 years imprisonment (for knowing distribution, transportation, receipt, etc., of child pornography, with a prior qualifying conviction), a mandatory minimum of 5 years imprisonment for knowing distribution, transportation, receipt, etc., of child pornography, and a maximum imprisonment of not more than 10 years for possession of child pornography without a prior qualifying conviction (possession of child pornography with a prior qualifying conviction is punishable by a mandatory minimum term of 10 years imprisonment and a maximum term of 20 years imprisonment). The prohibition of the production or use of sexually explicit depictions of a minor for importation into the United States, 18 U.S.C. § 2260, contains penalties ranging from a mandatory minimum of 5 years and a maximum of 15 years for a first offense not involving production and a mandatory minimum of 15 years imprisonment and a maximum penalty of 30 years for a first offense involving production to a mandatory minimum of 35 years and a maximum of life for a third offense involving production.

42. The statutes relating to transportation for purposes of prostitution or criminal sexual activity, 18 U.S.C. §§ 2421-2423, provide for fines and terms of imprisonment ranging from not more than 10 years imprisonment (18 U.S.C. § 2421—transportation of any individual for prostitution or criminal sexual activity) to life imprisonment (18 U.S.C. § 2422(b)—enticement of a minor to engage in criminal sexual activity; 18 U.S.C. § 2423(a)—transportation of a minor to engage in criminal sexual activity). Both 18 U.S.C. §§ 2422(b) and 2423(a) have a 10 year mandatory minimum term of imprisonment. Additionally, as noted above, 18 U.S.C. § 1591 provides for a mandatory minimum of 15 years imprisonment and a maximum penalty of life imprisonment for child sex trafficking.

43. With regard to the transfer of organs, 42 U.S.C. § 274e(b) provides for a substantial fine and/or a term of imprisonment of not more than five years.

Article 3(4) – Liability of Legal Persons

44. Article 3(4) requires States Parties, where appropriate and subject to provisions of their national law, to establish liability (whether criminal, civil, or administrative) of legal persons for the offenses established in Article 3(1).

45. Generally, under U.S. law, a corporation is criminally liable for the acts of its employees or agents if the employee's or agent's acts (1) lie within the scope of employment and (2) are motivated at least in part by an intent to benefit the corporation. See United States v. Sun Diamond, 138 F.3d 961, 970 (D.C. Cir. 1998). Liability can be imputed to the corporation even though the employee's conduct was not within the employee's actual authority (provided it was within his "apparent authority") and even though it may have been contrary to the corporation's stated policies. See United States v. Hilton Hotels, Inc., 467 F.2d 1000, 1004 (9th Cir. 1972). Accordingly, U.S. law is consistent with Article 3(4) since a State Party is required to establish corporate liability "where appropriate" and "subject to provisions of its national law."

Article 4 – Jurisdiction

46. Article 4 provides that each State Party shall take measures as may be necessary to establish jurisdiction over criminal conduct identified in Article 3(1) concerning the sale of children, child prostitution, and child pornography when the offense is committed in its territory or on board a ship or aircraft registered in that State (Article 4(1)). Each State Party is also required to establish jurisdiction when the alleged offender is present in its territory and it does not extradite him to another State Party on the ground that the offense has been committed by one of its nationals (Article 4(3)). Article 4 further provides that each State Party may, but is not obligated to, establish jurisdiction in the following cases: (1) when the alleged offender is a national of that State or has his habitual residence in that country (Article 4(2)(a)) and (2) when the victim is a national of that State (Article 4(2)(b)).

47. The general nature of the U.S. obligations under the Protocol was clarified by the following U.S. understanding:

The United States understands that the Protocol shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of the Protocol.

Article 4(1) – Territorial, Ship, and Aircraft Jurisdiction

48. Article 4(1) obligates States to take “such measures as may be necessary” to establish jurisdiction over the offenses referred to in Article 3(1), when the offenses are committed in its territory or on board a ship or aircraft registered in that State.

49. Federal laws criminalizing the offenses described in the Protocol confer jurisdiction over such offenses committed on U.S. territory. Additionally, U.S. laws extend special maritime and territorial criminal jurisdiction (18 U.S.C. § 7) over crimes involving (among others) sexual abuse, (18 U.S.C. §§ 2241-2245), child pornography (18 U.S.C. §§ 2252 and 2252A), assault (18 U.S.C. § 113), maiming (18 U.S.C. § 114), murder (18 U.S.C. § 1111), and manslaughter (18 U.S.C. § 1112). Special maritime and territorial jurisdiction extends to any vessel or aircraft belonging in whole or in part to the United States, or any citizen or corporation thereof, while such vessel or aircraft is on or over the high seas or any other waters within the admiralty or maritime jurisdiction of the United States and out of the jurisdiction of any particular State. Special maritime jurisdiction also extends to any place outside of the jurisdiction of any nation with respect to an offense by or against a national of the United States. Additionally, federal law extends special aircraft jurisdiction over the following crimes (among others) if committed on aircraft registered in the United States (49 U.S.C. §§ 46501, 46506): assault (18 U.S.C. § 113), maiming (18 U.S.C. § 114), murder (18 U.S.C. § 1111), manslaughter (18 U.S.C. § 1112), and attempts to commit murder or manslaughter (18 U.S.C. § 1113). For cases not covered by special aircraft or special maritime and territorial jurisdiction, U.S. law extends jurisdiction in other ways. U.S. law extends jurisdiction over transportation in foreign commerce of any individual who has not attained the age of 18 years with the intent to cause the person to be used to produce child pornography and the transportation in foreign commerce of child pornography images (18 U.S.C. §§ 2251, 2252, and 2252A). U.S. law also prohibits travel with intent to engage in illicit sexual conduct (defined as a commercial sex act with a person under 18 or a sexual act with a person under 18 that would be in violation of federal law had it happened in the special maritime and territorial jurisdiction of the United States) (18 U.S.C. § 2423(b), or engaging in illicit sexual conduct in foreign places (18 U.S.C. § 2423(c)). U.S. law also applies extraterritorially to child pornography offenses where there is an intent to import the images to the United States (18 U.S.C. § 2260). U.S. law also broadly extends criminal jurisdiction over vessels used in peonage and slavery (18 U.S.C. §§ 1582, 1585-1588), while the statute outlawing child sex trafficking applies in cases in or affecting foreign commerce as well (18 U.S.C. § 1591).

50. Accordingly, while U.S. law provides a broad range of bases on which to exercise jurisdiction over offenses covered by the Protocol that are committed “on board a ship or aircraft *registered in*” the United States (emphasis added), U.S. jurisdiction in such cases is not uniformly stated for all crimes covered by the Protocol, nor is it always couched in terms of “registration” in the United States. Therefore, the reach of U.S. jurisdiction may not be co-extensive with the obligation contained in this Article. This is a minor

technical discrepancy. As a practical matter, it is unlikely that any case would arise which could not be prosecuted due to the lack of maritime or aircraft jurisdiction. The United States did not, therefore, delay ratification of the Protocol for this reason, but instead entered a reservation at the time of ratification that suspended the obligation that the United States establish jurisdiction over any covered offenses that may fall within this technical gap until the United States has enacted the necessary legislation to establish such jurisdiction. Accordingly, the following reservation accompanied the U.S. instrument of ratification:

Subject to the reservation that, to the extent that the domestic law of the United States does not provide for jurisdiction over an offense described in Article 3(1) of the Protocol if the offense is committed on board a ship or aircraft registered in the United States, the obligation with respect to jurisdiction over that offense shall not apply to the United States until such time as the United States may notify the Secretary-General of the United Nations that United States domestic law is in full conformity with the requirements of Article 4(1) of the Protocol.

Article 4(2) – Nationality and Passive Personality Jurisdiction

51. With respect to Article 4(2), some federal laws provide for the assertion of jurisdiction over U.S. nationals for covered offenses committed outside the United States, e.g., 18 U.S.C. § 1585 (seizure, detention, transportation, or sale of slaves); 18 U.S.C. § 1587 (possession of slaves aboard vessel). However, U.S. extraterritorial jurisdiction based on nationality of the offender does not reach all offenses set forth in the Protocol. Also, federal law generally does not provide for the assertion of extraterritorial jurisdiction where the victim is a U.S. national. Nonetheless, since Article 4(2) is permissive rather than obligatory, U.S. law is consistent with the requirements of the provision.

Article 4(3) – Jurisdiction Where Extradition is Denied on Grounds of Nationality

52. The requirement of Article 4(3)—that States Parties that do not extradite their nationals must have a means of asserting jurisdiction over them—does not apply to the United States. The United States does not deny extradition on the grounds that the person sought is a U.S. national, and the Secretary of State may order the extradition of a U.S. citizen under an extradition treaty if the other requirements of the treaty are met. *See* 18 U.S.C. § 3196. Accordingly, this paragraph does not require any change in current U.S. law or practice.

Article 5 – Extradition

53. Article 5 addresses the legal framework for extradition of alleged offenders and contains standard provisions that effectively amend existing U.S. bilateral extradition treaties to include the offenses defined in Article 3(1) as extraditable offenses for purposes of those treaties. The Article is generally modeled on similar provisions contained in other multilateral conventions to which the United States is a party, such as the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

54. Article 5(1) provides that the offenses described in Article 3(1) will be “deemed to be included as extraditable offenses” in preexisting extradition treaties between States Parties to the Protocol and will be included in future extradition treaties. The effect of Article 5(1) on the bilateral extradition treaties to which the U.S. is a party is to expand any lists of extraditable offenses to include the offenses described in Article 3(1) of the Protocol.

55. Articles 5(2) and (3) concern extradition requests when no bilateral extradition treaty exists between the requesting and requested State. If, under the law of the requested State, a treaty is required for extradition, that State may at its option consider the Protocol as the treaty that provides the legal basis for extradition. If, on the other hand, the law of the requested State permits extradition without a treaty, it must extradite subject to the conditions established by its law. Under U.S. law, with very limited statutory exceptions, a treaty is generally required for extradition from the United States. Article 5(2) does not provide an obligatory basis for extradition. Moreover, since the United States has a general regime for extradition by treaty, no obligation exists under Article 5(3) to extradite to States with which the United States does not have an extradition treaty.

56. Article 5(4) provides that for purposes of extradition between States Parties, offenses shall be treated as if they occurred within the States required to assert jurisdiction in accordance with Article 4. This provision is understood to require a Party to determine extraditability by assessing whether the conduct would be criminal if it had been committed in its territory. Under U.S. extradition law, precisely this type of analysis is undertaken in assessing whether the dual criminality standard has been satisfied. *See, e.g., Collins v. Loisel*, 259 U.S. 309 (1922); *Bozilov v. Seifert*, 983 F.2d 140 (9th Cir. 1993); *United States v. Casamento*, 887 F.2d 1141 (2d Cir. 1989); *Emami v. United States District Court*, 834 F.2d 1444 (9th Cir. 1987).

57. Article 5(5) provides that if a request for extradition of an alleged offender found within its jurisdiction is refused on the basis of the nationality of the offender, the State shall “take suitable measures” to submit the case to its competent authorities for prosecution. As stated above, since the United States does not deny extradition on the basis of nationality, the United States is in compliance with Article 5(5) of the Protocol.

Article 6 – Mutual Legal Assistance

58. This article provides for general mutual legal assistance between States Parties in connection with investigations or criminal or extradition proceedings brought in respect of the offenses established in Article 3(1). The article is modeled on other multilateral conventions, to which the United States is a party, including the International Convention for the Suppression of Terrorist Bombing and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Article 6(1) provides that States Parties “shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings” concerning Article 3(1) offenses, including the supply of evidence at their disposal necessary for the proceedings. While not expressly stated, it was generally understood that the law of the requested state applies to determine the scope of the assistance that would be afforded.

59. Article 6(2) provides that the obligation contained in Article 6(1) shall be carried out “in conformity with” any treaties or arrangements on mutual legal assistance. In the event that no treaty or other arrangement on mutual legal assistance is in effect between the respective States, assistance would be provided in accordance with the domestic law of the requested State.

60. The United States has Mutual Legal Assistance Treaties (MLATs) with more than 50 countries and could offer assistance to those countries to the extent provided for under each MLAT. In the absence of a treaty, 28 U.S.C. § 1782 permits a U.S. district judge to order the production of evidence for a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. Accordingly, this Article can be implemented on the basis of U.S. law and treaties.

Article 7 – Seizure and Confiscation

61. Article 7 provides that States parties shall, “subject to the provisions of their national law” take, “as appropriate,” measures: (1) to provide for the seizure and confiscation of goods used to commit offenses under the Protocol or proceeds derived from such offenses (Article 7(1)); (2) to execute requests from another State Party for seizure and confiscation of such goods or proceeds (Article 7(2)); and (3) aimed at closing on a temporary or definitive basis premises used to commit such offenses.

62. Given that the obligations of Article 7 are subject to the limits of a State Party’s laws and that each State Party is obligated to take only such measures as are appropriate, U.S. ratification did not require implementing legislation. Existing U.S. law contains several provisions authorizing forfeiture for offenses covered by the Protocol. 18 U.S.C. § 1594 authorizes criminal forfeiture and civil (*in rem*, non-conviction-based) forfeiture for violations of federal laws prohibiting forced labor and child sex trafficking. 18 U.S.C. § 2253 and § 2254 authorize, respectively, criminal and civil forfeiture for violations of

federal child pornography laws. 18 U.S.C. § 2428 authorizes criminal and civil forfeiture for violations of federal laws prohibiting transportation and enticement for criminal sexual activity and travel for illicit sexual conduct. These provisions all authorize forfeiture of all property, real and personal, used or intended to be used to commit or to facilitate the commission of the offense, and all property constituting or derived from proceeds of the offense. Sections 2253 and 2254 also authorize forfeiture of the pornographic depictions themselves. Most of the offenses that are predicates for these forfeiture statutes are also predicates for money laundering prosecutions pursuant to 18 U.S.C. §§ 1956 and 1957. The money laundering statutes prohibit certain domestic and international financial transactions with the proceeds of specified predicate offenses, and international movement of money for the purpose of committing such offenses. Property involved in money laundering, and property traceable to such property, are forfeitable under 18 U.S.C. § 981 (civil forfeiture) and 18 U.S.C. § 982 (criminal forfeiture).

63. Certain other U.S. statutes authorize forfeiture of obscene materials, not limited to materials involving children. 18 U.S.C. § 1467, as amended in July 2006 by the Adam Walsh Child Protection and Safety Act of 2006, authorizes civil and criminal forfeiture of obscene materials, real or personal property constituting or traceable to proceeds of obscenity offenses, and real or personal property used to commit or to promote the commission of such offenses. 19 U.S.C. § 1305 authorizes civil forfeiture of obscene materials being imported into the United States.

64. Thus, consistent with Article 7, existing federal statutes authorize forfeiture of obscene and pornographic materials, proceeds derived from the subject offenses, and real and personal property used to commit the offenses. *See, e.g., Alexander v. United States*, 509 U.S. 544 (1993) (forfeiture of businesses and real estate connected with the sale of obscene materials); *United States v. Parcels of Property Located at 14 Leon Drive*, 2006 WL 1476060 (M.D. Ala. May 25, 2006) (civil forfeiture under 18 U.S.C. § 2254 of residence used for child sexual exploitation); *United States v. Ownby*, 926 F. Supp. 558 (W.D. Va. 1996), *aff'd* 131 F.3d 138 (4th Cir. 1997) (forfeiture under 18 U.S.C. § 2253(a)(3) of a house used to store pornography of juveniles engaged in sexually explicit conduct); *United States v. Krasner*, 841 F. Supp. 649 (M.D. Pa. 1993) (forfeiture pursuant to 18 U.S.C. § 982 of a business involved in laundering the proceeds of obscenity offenses).

65. Neither federal nor state law generally provides for the forfeiture of all proceeds and instrumentalities of wholly foreign offenses covered by the Protocol in a U.S. criminal or civil (*in rem* non-conviction-based) forfeiture proceeding. However, U.S. law does provide for the execution of foreign confiscation orders and judgments for any foreign offense for which there would be forfeiture under U.S. federal law, if that offense had been committed within the United States. *See* 28 U.S.C. § 2467. As set forth in paragraphs 62 through 64, *supra*, this means that the United States can enforce foreign confiscation orders and judgments against the proceeds and instrumentalities of offenses set forth in the Protocol as to which forfeiture is authorized under U.S. law. The only

prerequisite for such assistance is that both the United States and the party requesting the assistance are parties to a treaty or agreement that provides for confiscation or forfeiture assistance, as this Protocol does.

Article 8 – Protection of Child Victims

66. Article 8(1) provides that State Parties shall adopt “appropriate” measures to protect the rights and interests of child victims of the practices prohibited under the Protocol at all stages of the criminal justice process, in particular by: (1) recognizing the vulnerability of child victims and adopting procedures to recognize their special needs (Article 8(1)(a)); (2) informing child victims of their rights and the progress and disposition of related proceedings (Article 8(1)(b)); (3) allowing the views, needs and concerns of child victims to be presented in proceedings where their personal interests are affected, “in a manner consistent with the procedural rules of national law” (Article 8(1)(c)); (4) providing “appropriate” support services to child victims throughout the legal process (Article 8(1)(d)); (5) protecting, “as appropriate,” the privacy and identity of child victims and taking measures “in accordance with national law” to avoid the “inappropriate” dissemination of information that could lead to the identification of child victims (Article 8(1)(e)); (6) providing, in “appropriate cases,” for the safety of child victims, family members, and witnesses (Article 8(1)(f)); and (7) avoiding “unnecessary” delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims (Article 8(1)(g)).

67. During the negotiations, delegations generally recognized that the protections to be afforded children under Article 8(1) are necessarily a matter of discretion under national law. As described below, federal and state law provides extensive protection for child victims in the criminal justice process as contemplated by Article 8(1).

68. With regard to Article 8(1)(a), U.S. law at both the federal and state levels recognizes the special needs of child victims and witnesses. For example, in federal cases, 18 U.S.C. § 3509(b) provides various alternatives for live, in-court testimony when it is determined that a child cannot or should not testify. Additionally, all states provide special accommodation for child victims and witnesses, including the use of videotaped or closed-circuit testimony, child interview specialists, and developmentally-appropriate questioning. *See, e.g.*, Colorado Revised Statutes 18-3-413.5; North Dakota Century Code, 31-04-04.1. New Mexico law, NMSA 1978 § 30-9-17, provides for videotaped depositions of alleged victims who are under sixteen years of age in lieu of direct testimony. Utah uses Children’s Justice Centers to interview child victims of sexual or serious physical abuse. These Centers provide a safe, home-like, child-friendly facility with interviewers trained in child interviewing protocols to minimize the trauma for the child. Section 67-5b -101, *et seq.*, Utah Code Annotated. In addition, nationwide, there are over 600 Child Advocacy Centers (CACs) supported by various combinations of federal, state, and local funds that use a similar approach. In order to reduce the need for

multiple child-interviews by the various disciplines involved in a case, which can be traumatic to the child, CACs utilize a multidisciplinary approach, with one key interviewer observed and provided questions by the rest of the team in one interview. The Federal Government also aids states in reducing the trauma to child sexual abuse victims through funding to states under the Children's Justice Act, established in the Victims of Crime Act (VOCA), and the Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. § 5101 *et seq*; 42 U.S.C. § 5116 *et seq*).

69. With respect to Article 8(1)(b), federal and state law also provides for informing child victims of their rights and the progress of their cases. For example, the general Federal Guidelines for Treatment of Crime Victims and Witnesses in the Criminal Justice System provide that law enforcement personnel should ensure that victims are informed about the role of the victim in the criminal justice system, as well as the scheduling of their cases and advance notification of proceedings in the prosecution of the accused. The Federal Government also helps provide for appropriate notification of victims through funding to states under the Victims of Crime Act (VOCA) and technical assistance programs. The promotion by the Federal Government of state compliance is also an "appropriate measure" to protect the rights referred to in Article 8(1)(b). Guidelines and statutes at the state level further provide extensive procedures for victim notification of the victim's rights and of the scheduling of proceedings. *See, e.g.*, Iowa Victim Rights Act, 1997 Ia. HF 2527, §§ 6-14; NM Const., Art. II § 24, [New Mexico] Victims Rights, NMSA 1978 §31-26-4, Victim Rights.

70. With respect to Article 8(1)(c), federal and state law allows the views and needs of child victims to be presented in a manner consistent with the procedural rules of national law. For example, at the federal level, 18 U.S.C. § 3509 specifically provides for the preparation of a victim impact statement to be used to prepare the pre-sentence report in sentencing offenders in cases in which the victim was a child. Through guidelines and statutes, states provide for victims' presentation of their views at different stages of proceedings. *See, e.g.*, Iowa Victim Rights Act, 1997 Ia. HF 2527, § 17.

71. Both federal and state laws also provide appropriate support services throughout the legal process consistent with the provisions of Article 8(1)(d). For example, at the federal level, 18 U.S.C. § 3509(g) provides for the use of multidisciplinary child abuse teams "when it is feasible to do so". Likewise, in order to "protect the best interests of the child," 18 U.S.C. § 3509(h) provides for the appointment of a guardian *ad litem* for a child who has been a victim of or witness to a crime involving abuse or exploitation. ("Exploitation" is defined as child prostitution or pornography.) CAPTA requires that all States receiving the Basic State Grant under CAPTA provide a guardian *ad litem* to all child abuse victims involved in court proceedings related to their victimization (42 U.S.C. § 5106(a)(b)(2)(xiii)). Additionally, all states provide special accommodations and support services, including the appointment of guardians *ad litem* or other support persons. *See, e.g.*, California Penal Code § 1348.5; HRS § 587-2 (Hawaii).

72. Federal and state laws further provide for protecting, “as appropriate,” the privacy of child victims in accordance with national law, as required by Article 8(1)(e). Both federal and state laws attempt to provide for the privacy of child victims. *See, e.g.*, 18 U.S.C. § 3509(d), “confidentiality of information,” which provides detailed procedures for keeping the name of or any other information about a child confidential; 18 U.S.C. § 3509(m), which provides for images of child pornography to remain in the care, custody, and control of the government or the court during criminal proceedings, thereby minimizing further dissemination of the images; and Iowa Code § 915.36. While modalities of protection of privacy may vary from state to state, the Protocol requires only that a Party provide the level of protection deemed “appropriate.” Given this flexibility, current U.S. law meets the requirements of this provision.

73. With respect to Article 8(1)(f), U.S. law and policy provide, “in appropriate cases,” for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation. In the United States at both the federal and state levels there is a general policy of attempting to establish promptly the criminal responsibility of service providers, customers, and intermediaries in child prostitution, child pornography, and child abuse, in part in order to provide for the safety of victims and their families. Additionally, at both the federal and state levels, safe havens may be provided on a discretionary basis for children escaping from sexual exploitation, as well as protection for those who provide assistance to victims of commercial exploitation from intimidation and harassment. *See, e.g.*, Federal Witness Protection Act, 18 U.S.C. § 3521; HRS § 587-2 (Hawaii).

74. The U.S. judicial procedure at both the federal and state levels provides protection against unnecessary delay in the disposition of cases and the execution of orders granting awards to child victims, consistent with the provisions of Article 8(1)(g). In all U.S. criminal cases, the Sixth Amendment to the Constitution requires a speedy trial. Additionally, many states as well as the Federal Government have enacted speedy trial laws, which set strict time deadlines for the charging and prosecution of criminal cases. *See Speedy Trial Act*, 18 U.S.C. § 3161 *et seq.*

75. Also, the immigration laws of the United States bear important protections for child victims of trafficking. For example, the Immigration and Nationality Act, as amended by section 107 of the Trafficking Victims Protection Act of 2000, provides for a “T visa” that allows victims of severe forms of trafficking in persons to remain in the United States and to receive certain kinds of public assistance to the same extent as refugees. *See* 8 U.S.C. § 1101(a)(15)(T); 8 CFR 214.11. After three years in T status, victims of human trafficking may apply for permanent residency. In addition, subject to some limitations, eligible child victims of trafficking may apply for lawful immigration status for their parents. The immigration laws also provide that a child victim of trafficking may not be removed from the United States based solely on information provided by

the trafficker and sets forth robust confidentiality protections for child trafficking victims. *See* 8 U.S.C. § 1367.

76. Furthermore, administered by the Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services, the Unaccompanied Refugee Minors (URM) program was developed in 1979 to address the needs of thousands of children from Southeast Asia who entered the United States as refugees without a parent or a guardian to care for them. Since 1980, over 12,000 minors have entered the URM program. Currently, ORR has over 600 minors in URM care. Two lead voluntary agencies, the Lutheran Immigration and Refugee Services (LIRS) and the United States Conference of Catholic Bishops (USCCB) work in conjunction with ORR on the URM program, and there are currently 19 URM affiliate sites. Those currently eligible for the URM program include minors who are unaccompanied refugees, Amerasians, Cuban and Haitian entrants, asylees, and victims of a severe form of trafficking. In addition, accompanied minors can become eligible for URM program services after arrival in the United States through a reclassification process, e.g., through family breakdown, age re-determination, a death in the family, or a grant of asylum.

77. Each child in the care of this program is eligible for the same range of child-welfare benefits as non-refugee children. Depending on their individual needs, minors are placed in home foster care, group care, independent living, or residential treatment. The URM program assists unaccompanied minors in developing appropriate skills to enter adulthood and to achieve economic and social self-sufficiency. Services provided through the program include English language training, career planning, health/mental needs, socialization skills/adjustment support, family reunification, residential care, education/training, and ethnic/religious preservation. Individuals must be under the age of 18 in order to qualify for the program, but can in most cases remain in the program until age 20 or 21, depending on state guidelines for emancipation.

Article 8(2) through 8(6)

78. Article 8 further provides that States Parties shall, with respect to the offenses prohibited under the Protocol: (1) ensure that uncertainty as to the actual age of the victim not prevent the initiation of a criminal investigation (Article 8(2)); (2) ensure that the best interest of the child be a primary consideration in the treatment of child victims by the criminal justice system (Article 8(3)); (3) “take measures” to ensure “appropriate” training, in particular legal and psychological, for the persons who work with child victims (Article 8(4)); and (4) “in appropriate cases,” adopt measures in order to protect the safety and integrity of the persons and/or organizations involved in the prevention and/or protection and rehabilitation of child victims (Article 8(5)).

79. U.S. federal and state law satisfies each of these requirements. With respect to Article 8(2), nothing in U.S. federal or state law prohibits an investigation of

exploitation of a child from going forward when the age of the child is unknown, or when it is unclear if the victim is, in fact, an adult. In fact, it is common for investigations in the United States to try to determine the child's age while investigating all aspects of the case.

80. With respect to Article 8(3), it is a general policy underlying both federal and state law that the best interests of the child are a primary consideration in the treatment of child victims. In many cases, laws have been passed with the child victim's best interest specifically in mind. *See, e.g.*, Rhode Island Children's Bill of Rights, R.I. Gen. Laws § 42-72-15; Hawaii Child Protective Act, HRS 587.

81. Article 8(4) and 8(5) are flexible; in view of the broad scope of the provision, the obligations were qualified, i.e., "take measures to ensure appropriate" training and protect the safety of the child in "in appropriate cases." Consistent with these articles, it is a general policy of the Federal and State Governments at all levels to provide training for those who work with child victims, and to adopt measures where appropriate to protect those involved with prevention of such offenses and the protection and rehabilitation of children. The United States also satisfies its obligations by providing federal funding to states where such training is needed. These federal funds are administered by, *inter alia*, the Department of Health and Human Services (HHS) and the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Office of Victims of Crime (OVC). Similar provisions exist at the state level. *See, e.g.*, Ark. Stat. Ann. § 20-82-206 (Arkansas); Idaho Code § 16-1609A.

82. Article 8(6) is a savings clause. It states that nothing in it shall be construed as prejudicial to the rights of the accused to a fair and impartial trial. The provisions in United States law that provide for a fair and impartial trial are grounded in the United States Constitution. Nothing in this Protocol would or could undermine those fundamental human rights and civil rights protections of people brought before courts in the United States.

Article 9 – Prevention

83. Article 9 provides that States Parties shall, with respect to the offenses referred to in the Protocol, (1) adopt or strengthen, implement, and disseminate laws, policies, and programs to prevent the offenses (Article 9(1)); (2) promote awareness in the public at large, including children, about "the preventive measures and harmful effects of the offences" (Article 9(2)); (3) take all "feasible" measures with "the aim" of ensuring "all appropriate" assistance to victims of such offenses, including their full social reintegration, and their full physical and psychological recovery (Article 9(3)); (4) ensure that child victims have access to adequate procedures to seek compensation (Article 9(4)); and (5) take "appropriate" measures "aimed at" effectively prohibiting advertisement of the offenses covered by the Protocol (Article 9(5)).

84. The United States meets the requirements of Article 9. With respect to Articles 9(1) and 9(2), it is a priority commitment for the United States at both the federal and state levels to strengthen and implement laws to prevent the offenses prohibited by the Protocol. It is also a policy priority for the United States to create a climate through education, social mobilization, and development activities to ensure that parents and others legally responsible for children are able to protect children from sexual exploitation. In April 2006, the United States Government in partnership with three U.S. non-governmental organizations held a mid-term review to take stock of United States' efforts in combating child sexual exploitation since the 2001 Second World Congress on the Commercial Sexual Exploitation of Children in Yokohama. A report, including areas for improvement, was produced from mid-term review and will be submitted for the 2007 Third World Congress.

85. With respect to measures to ensure appropriate assistance to victims, including their full social integration and full physical and psychological recovery, a wide range of federal and state programs satisfy the standards set forth in Article 9(3). The Federal Government provides many types of aid to such agencies and comparable organizations that serve children. The Family and Youth Services Bureau of the Department of Health and Human Services (HHS) administers grant programs supporting a variety of locally based youth services. These services include youth shelters, which provide emergency shelter, food, clothing, outreach services, and crisis intervention for victimized youths; "transitional living programs" for homeless youth, which assist these youth in developing skills and resources to live independently in society; and education and prevention grants to reduce sexual abuse of runaway, homeless, and street youth. HHS's Children's Bureau administers the Chafee Independent Living Program, providing concrete support such as housing and education for children who "age out" of the foster care system at age 18.

86. The Justice Department's Office of Juvenile Justice and Delinquency Prevention oversees the Model Court Project under which local courts have put in place a variety of reforms to strengthen their abilities to improve court decision-making in abuse and neglect cases, and to work more closely with the child welfare agencies to move children out of foster care and into safe, stable, permanent homes.

87. HHS's Children's Bureau supports research on the causes, prevention, and treatment of child abuse and neglect; demonstration programs to identify the best means of preventing maltreatment and treating troubled families; and the development and implementation of training programs. Grants are provided nationwide on a competitive basis to state and local agencies and organizations. Projects have focused on every aspect of the prevention, identification, investigation, and treatment of child abuse and neglect. HHS's Children's Bureau also administers the Community-Based Child Abuse Prevention program which provides funding to states for the maintenance of a statewide prevention network and the provision of prevention services at the local level, as well as the Court Improvement Program focusing on the work of the courts in child welfare cases.

88. State child protection agencies ensure the safety of children and youth who require protective custody, making placement recommendations and coordinating assessments and interviews of children and adults with appropriate law enforcement and licensing agencies. Victim assistance programs provide victimized youth with assistance in dealing with the court system, emotional support, and referrals to additional resources. Such services enable these youth both to address the immediate consequences of their victimization and to reenter society. The routine operation of state child welfare agencies also serves these aims.

89. With regard to the requirement under Article 9(4) that States Parties ensure access by child victims to adequate procedures for seeking compensation, there is mandatory restitution for victims in these cases under federal law. 18 U.S.C. § 1593 provides for mandatory restitution for any trafficking offense, including the crimes of forced labor and sex trafficking. In addition, 18 U.S.C. § 2259 provides for mandatory restitution for any offense involving the sexual exploitation of children, including selling and buying of children. There are also civil remedies available to victims of trafficking and sexual exploitation. *See* 18 U.S.C. §§ 1595 and 2255. The Victims of Crime Act (VOCA) funds support more than 4,000 victim services programs across the country, and many of these provide services for child victims. In addition, VOCA supports state victim compensation programs for which child victims or their caretakers can apply.

90. Consistent with the provisions of Article 9(5), U.S. law contains certain restrictions on advertising that are appropriate under our legal system. For example, 18 U.S.C. § 2251 proscribes advertising child pornography when the child pornography actually exists for sale or distribution. Advertising or promoting child prostitution could, in some circumstances, be punished under federal law if it aids and abets child prostitution or constitutes a conspiracy to violate child prostitution laws.

91. The Department of Justice has formed and funded 42 anti-trafficking task forces in 25 states and territories. The task forces are primarily intended to lead to the identification and rescue of more victims of human trafficking by providing for support staff, training programs, interpreter/translator services, and liaisons with U.S. Attorneys' Offices and other agencies concerned with the identification and rescue of trafficking victims.

92. One initiative to protect children from sexual exploitation is the Innocence Lost Initiative, which combats child prostitution in the United States. The Innocence Lost Initiative is a partnership between the Criminal Division of the Department of Justice, the Federal Bureau of Investigation, and the National Center for Missing & Exploited Children. Part of this initiative is an intensive week-long training program on the investigation and prosecution of child prostitution cases, held for members of multi-disciplinary teams from cities across the United States. The program brings state and federal law enforcement agencies, prosecutors, and social services providers all from one

city to be trained together. This grouping and training is designed to cultivate cooperation, partnership, and an effective integration among the critical enforcement entities in each city. As of September 30, 2006, the Innocence Lost Initiative has resulted in 241 open investigations, 614 arrests, 129 criminal informations or grand jury indictments, and 106 convictions in both the federal and state systems.

Article 10 – International Cooperation and Assistance

93. Article 10 provides that States Parties shall undertake international cooperation for: (1) the prevention, detection, investigation, prosecution, and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography, and sex tourism (Article 10(1)); (2) the rehabilitation and social reintegration of children who have been victims of such practices (Article 10(2)); and (3) addressing the root causes of the vulnerability of children to these crimes (Article 10(3)). Article 10 does not, however, require States Parties to provide a specific type or amount of assistance. Article 10(4) specifies that States Parties “in a position to do so” shall provide financial, technical, or other assistance through existing multilateral, regional, bilateral, or other programs.

94. With regard to Article 10(1), the United States regularly engages in bilateral and multilateral efforts to deter and prevent the increasing international traffic in children for labor and sexual exploitation. In an effort to attack this issue at its source, the United States has worked with foreign governments and non-governmental organizations (NGO’s) to inform potential victims of the risks posed to them by the traffic in women and children, the tactics criminal groups use to coerce victims and conduct such traffic, and the ways in which victims can seek assistance in the United States. The United States has also funded deterrence and public information campaigns abroad in countries such as Cambodia, Costa Rica, Brazil, Belize, and Mexico targeted at U.S. child sex tourists.

95. Additionally, pursuant to bilateral and multilateral legal assistance treaties with foreign governments, the United States regularly cooperates with law enforcement agencies of other countries to counteract child prostitution, pornography, and sale of children, as well as sex tourism. The United States funds training for law enforcement and consular officials of foreign countries in the areas of trafficking in persons, child sex tourism, and sexual exploitation of women and children. The United States also supports deterrent programs that encourage innovative partnerships among governments, labor, industry groups, and NGOs to end the employment of children in hazardous or abusive conditions. Examples of these innovative partnerships include: cooperation with the government of South Korea to replicate a San Francisco-based model offenders prevention program targeted at persons who are arrested for soliciting sexual services from prostituted persons; cooperation with travel and tourism companies both in the U.S. and abroad to support an ethical code of conduct to protect children from commercial

sexual exploitation, which was developed by a U.S. NGO in partnership with Nordic tour operators; and cooperation between an international faith-based organization, UNICEF and the Madagascar ministries of Population, Tourism and Education to conduct a survey of the types of child labor and sexual exploitation that will lead to a nationwide anti-trafficking campaign.

96. In 2003, President Bush launched a \$50 million Initiative on Trafficking in Persons (POTUS Initiative) to support organizations that rescue, shelter, and provide services to women and children who are victims of trafficking. This initiative has funded projects in Brazil, Cambodia, India, Indonesia, Mexico, Moldova, Sierra Leone, and Tanzania. In 2007, New Mexico and the State of Chihuahua, Mexico will enter into a bilateral agreement to create an initiative similar to the POTUS Initiative. It will include the establishment of a joint task force and the sharing of resources and information regarding organized criminal trafficking networks.

97. The United States contributes to a wide array of programs that support the elimination of child labor worldwide, including programs to address the sexual exploitation of children. In particular, since 1995, the U.S. Government has provided approximately \$500 million for technical assistance projects aimed at eliminating exploitative child labor around the world. Of this amount, over \$191 million has been awarded to the International Labor Organization and other grantees to address the trafficking of children for commercial sexual exploitation and labor in Asia, Africa, Latin America and the Caribbean, the Middle East, and Europe. These projects promote educational and training opportunities for child laborers or children at risk of engaging in exploitative labor. The projects also aim to develop comprehensive regional and national strategies to combat trafficking, improve law enforcement capacity to arrest and prosecute traffickers, enhance support to victims of trafficking, and increase awareness of both at-risk populations and policymakers to trafficking.

98. With regard to Articles 10(2) and 10(3), the United States is committed to working with other governments to address the root causes of these crimes and to developing rehabilitation approaches that are effective. The United States funds and supports international initiatives to provide vocational training for children and income-generating opportunities for their families and assists various countries in developing, implementing, and enforcing national policies to combat child labor and sex crimes. In addition, the United States supports and funds a variety of international initiatives to safeguard children from hazardous or abusive working conditions, including projects that assist exploited children and provide them and their families with a variety of social services. The United States has recently provided funds to expand existing shelters and rehabilitation programs, including in Morocco for former child maids, in India for children of prostituted women, as well as in the Philippines and Gabon for trafficked children.

99. Through various components of the Department of Justice, the U.S. has trained foreign law enforcement officials in numerous countries on investigating and prosecuting child sex trafficking and has worked with governments to develop model anti-trafficking legislation.

100. For example, the Civil Rights Division sent prosecutors to Ukraine and Mexico and its victim witness coordinator to the Republic of Georgia to share the experiences of the United States in combating human trafficking and assisting victims. Several countries, such as Poland, Thailand, Venezuela, Azerbaijan, the United Kingdom, Brazil, India, Russia, China, Bhutan, Bulgaria, the Netherlands, Kazakhstan, Turkmenistan, Nepal, and Bangladesh, sent representatives to the United States to learn more about this global issue through meetings with Civil Rights Division attorneys and victim staff.

101. The Child Exploitation and Obscenity Section (CEOS) of the U.S. Department of Justice Criminal Division, in partnership with the Office of Overseas Prosecutorial Development and Training and the State Department, regularly provides training for foreign delegates on child exploitation offenses as part of the State Department's International Visitor Program. These training sessions range from providing an overview of U.S. child exploitation laws, including child protection statutes, to how to investigate and prosecute human trafficking cases successfully.

102. In 2006, CEOS presented 24 training sessions to delegates from around the world. CEOS discussed these issues with delegates from countries such as Indonesia, Brazil, Ecuador, China, France, Germany, and Saudi Arabia, to name a few.

103. Moreover, CEOS trial attorneys regularly perform extensive overseas training programs. For example, in May 2006, a CEOS trial attorney was a member of a training team sent to Latvia to train law enforcement on human trafficking. Members of the team traveled to several cities throughout Latvia, including the capital city of Riga to train an audience of Latvian judges, police, and prosecutors on numerous topics related to human trafficking. These topics included an overview of U.S. laws, a discussion of appropriate investigative techniques, and a primer on the international response to human trafficking, including a discussion of relevant international treaties. This program was part of a continuing effort in Latvia to support the fight against trafficking in persons.

104. In 2006, CEOS attorneys conducted similar training programs in Nigeria, Armenia, and Indonesia, and from July to November 2006, a CEOS attorney served as the Intermittent Legal Advisor for Human Trafficking in the Republic of Indonesia.

105. The United States is also a Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The United States signed the Protocol on December 13, 2000, and it entered into force for the United States on December 3, 2005. The Protocol calls for information exchange in certain circumstances (Art. 10). The general provisions of the Transnational Organized Crime

Convention, to which the United States is also a Party, apply to the Protocol and contain provisions on extradition (Art. 16) and mutual legal assistance (Art. 18).

106. Additionally, since the Trafficking Victims Protection Act (TVPA) was passed in 2000, the United States has submitted annual Trafficking in Persons Reports to the U.S. Congress on foreign governments' efforts to eliminate severe forms of trafficking in persons. The Report is a major tool for advancing international cooperation to combat human trafficking and raising global awareness on the issue. The 2006 Report assessed the efforts of 149 countries to combat trafficking in persons, including their efforts to prosecute traffickers, protect victims, and prevent the crime. A government that fails to make significant efforts to bring itself into compliance with the minimum standards for eliminating trafficking, as established in the TVPA, receives a "Tier 3" assessment in the Report. Such an assessment may trigger the withholding of U.S. non-humanitarian, non-trade-related foreign assistance to that country.

ANNEX I – U.S. INSTRUMENT OF RATIFICATION

GEORGE W. BUSH

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

CONSIDERING THAT:

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, was adopted by the United Nations General Assembly on May 25, 2000 and signed on behalf of the United States on July 5, 2000; and

The Senate of the United States of America by its resolution of June 18, 2002, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Optional Protocol, subject to the following reservation:

To the extent that the domestic law of the United States does not provide for jurisdiction over an offense described in Article 3(1) of the Protocol if the offense is committed on board a ship or aircraft registered in the United States, the obligation with respect to jurisdiction over that offense shall not apply to the United States until such time as the United States may notify the Secretary-General of the United Nations that United States domestic law is in full conformity with the requirements of Article 4(1) of the Protocol.

The Senate's advice and consent is subject to the following understandings:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD.-The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) THE TERM "CHILD PORNOGRAPHY" -The United States understands that the term "sale of children", as defined in Article 2(a) of the Protocol, is intended to cover any transaction in which remuneration or other consideration is given and received under circumstances in which a person who does not have a lawful right to custody of the child thereby obtains de facto control over the child.

(3) THE TERM "CHILD PORNOGRAPHY".-The United States understands the term "child pornography", as defined in Article 2(c) of the Protocol, to mean the visual representation of a child engaged in real or simulated sexual activities or of the genitalia of a child where the dominant characteristic is depiction for a sexual purpose.

(4) THE TERM "TRANSFER OF ORGANS FOR PROFIT".-The United States understands that-

(A) the term "transfer of organs for profit", as used in Article 3(1)(a)(i) of the Protocol, does not cover any situation in which a child donates an organ pursuant to lawful consent; and

(B) the term "profit", as used in Article 3(1)(a)(i) of the Protocol, does not include the lawful payment of a reasonable amount associated with the transfer of organs, including any payment for the expense of travel, housing, lost wages, or medical costs.

(5) THE TERMS "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS" AND "IMPROPERLY INDUCING CONSENT".-

(A) UNDERSTANDING OF APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS".-The United States understands that the term "applicable international legal instruments" in Articles 3(1)(a)(ii) and 3(5) of the Protocol refers to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993 (in this paragraph referred to as "The Hague Convention").

(B) NO OBLIGATION TO TAKE CERTAIN ACTION.-The United States is not a party to The Hague Convention, but expects to become a party. Accordingly, until such time as the United States becomes a party to The Hague Convention, it understands that it is not obligated to criminalize conduct proscribed by Article 3(1)(a)(ii) of the Protocol or to take all appropriate legal and administrative measures required by Article 3(5) of the Protocol.

(C) UNDERSTANDING OF "IMPROPERLY INDUCING CONSENT".-The United States understands that the term "improperly inducing consent" in Article 3(1)(a)(ii) of the Protocol means knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights.

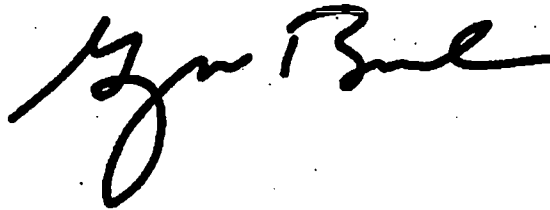
(6) IMPLEMENTATION OF THE PROTOCOL IN THE FEDERAL SYSTEM OF THE UNITED STATES.-The United states understands that the Protocol shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of the Protocol.

NOW, THEREFORE, I, George W. Bush, President of the United States of America, ratify and confirm the said Optional Protocol, subject to the above reservation and understandings.

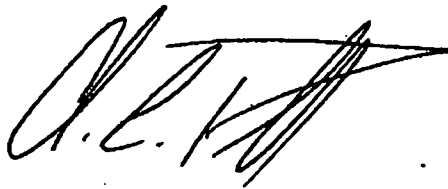
IN TESTIMONY WHEREOF, I have signed this instrument of ratification and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington
this fourteenth day of September in the year of our Lord two thousand two and of the Independence of the United States of America the two hundred twenty-seventh.

By the President:

A handwritten signature in black ink, appearing to read "George W. Bush". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Secretary of State

A handwritten signature in black ink, appearing to read "C. Powell". The signature is cursive and includes a prominent horizontal stroke across the middle.

ANNEX II – PRINCIPAL U.S. STATUTES CITED IN THIS REPORT

Principal U.S. Statutes Cited in this Report

Contents

8 U.S.C. § 1101 (A) (15) (T).....	35
8 U.S.C. § 1367.....	35
18 U.S.C. § 2.....	37
18 U.S.C. § 113.....	37
18 U.S.C. § 114.....	38
18 U.S.C. § 241.....	38
18 U.S.C. § 371.....	38
18 U.S.C. § 1111.....	39
18 U.S.C. § 1112.....	40
18 U.S.C. § 1113.....	40
18 U.S.C. § 1201.....	40
18 U.S.C. § 1467.....	42
18 U.S.C. § 1581.....	42
18 U.S.C. § 1582.....	43
18 U.S.C. § 1583.....	43
18 U.S.C. § 1584.....	43
18 U.S.C. § 1585.....	44
18 U.S.C. § 1586.....	44
18 U.S.C. § 1587.....	44
18 U.S.C. § 1588.....	44
18 U.S.C. § 1589.....	45
18 U.S.C. § 1590.....	45
18 U.S.C. § 1591.....	45
18 U.S.C. § 1592.....	46
18 U.S.C. § 1593.....	47
18 U.S.C. § 1594.....	47
18 U.S.C. § 1595.....	48
18 U.S.C. § 2241.....	48
18 U.S.C. § 2242.....	50

18 U.S.C. § 2243.....	50
18 U.S.C. § 2244.....	51
18 U.S.C. § 2245.....	52
18 U.S.C. § 2251.....	52
18 U.S.C. § 2252.....	53
18 U.S.C. § 2253.....	55
18 U.S.C. § 2254.....	56
18 U.S.C. § 2255.....	56
18 U.S.C. § 2256.....	56
18 U.S.C. § 2259.....	57
18 U.S.C. § 2260.....	58
18 U.S.C. § 2421.....	59
18 U.S.C. § 2422.....	59
18 U.S.C. § 2423.....	60
18 U.S.C. § 2428.....	61
18 U.S.C. § 3196.....	61
18 U.S.C. § 3509.....	61
19 U.S.C. § 1305.....	69
28 U.S.C. § 1782.....	70
42 U.S.C. § 274E.....	71
49 U.S.C. § 46506.....	72

8 U.S.C. § 1101 (a) (15) (T)

§ 1101. Definitions

(T)(i) subject to section 1184(o) of this title, an alien who the Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly; determines--

(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 7102 of Title 22,

(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,

(III)(aa) has complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; or

(bb) has not attained 18 years of age, and

(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal;

(ii) if accompanying, or following to join, the alien described in clause (i)--

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.

8 U.S.C. § 1367

§ 1367. Penalties for disclosure of information

(a) In general

Except as provided in subsection (b) of this section, in no case may the Attorney General, or any other official or employee of the Department of Justice, the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)--

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act [8 U.S.C. § 1101 et seq.] using information furnished solely by--

...

(F) in the case of an alien applying for status under section 101(a)(15) (T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section

7105(b)(1)(E)(i)(II)(bb) of Title 22, under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator, unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act [8 U.S.C. § 1251(a)(2)]; or

(2) permit use by or disclosure to anyone (other than a sworn officer or employee of the Department, or bureau or agency thereof, for legitimate Department, bureau, or agency purposes) of any information which relates to an alien who is the beneficiary of an application for relief under paragraph (15)(T), (15)(U), or (51) of section 101(a) of the Immigration and Nationality Act [8 U.S.C. § 1101(a)] or section 240A(b)(2) of such Act [8 U.S.C. § 1229b(b)(2)].

The limitation under paragraph (2) ends when the application for relief is denied and all opportunities for appeal of the denial have been exhausted.

(b) Exceptions

(1) The Attorney General may provide, in the Attorney General's discretion, for the disclosure of information in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of Title 13.

(2) The Attorney General may provide in the discretion of the Attorney General for the disclosure of information to law enforcement officials to be used solely for a legitimate law enforcement purpose.

(3) Subsection (a) of this section shall not be construed as preventing disclosure of information in connection with judicial review of a determination in a manner that protects the confidentiality of such information.

(4) Subsection (a)(2) of this section shall not apply if all the battered individuals in the case are adults and they have all waived the restrictions of such subsection.

(5) The Attorney General is authorized to disclose information, to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to section 1641(c) of this title.

(6) Subsection (a) of this section may not be construed to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

(7) Government entities adjudicating applications for relief under subsection (a)(2) of this section, and government personnel carrying out mandated duties under section 101(i)(1) of the Immigration and Nationality Act [8 U.S.C. § 1101(i)(1)], may, with the prior written consent of the alien involved, communicate with nonprofit, nongovernmental victims' service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims. Agencies receiving referrals are bound by the provisions of this section. Nothing in this paragraph

shall be construed as affecting the ability of an applicant to designate a safe organization through whom governmental agencies may communicate with the applicant.

...

18 U.S.C. § 2
§ 2. Principals

- (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.
- (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

18 U.S.C. § 113
§ 113. Assaults within maritime and territorial jurisdiction

- (a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:
 - (1) Assault with intent to commit murder, by imprisonment for not more than twenty years.
 - (2) Assault with intent to commit any felony, except murder or a felony under chapter 109A, by a fine under this title or imprisonment for not more than ten years, or both.
 - (3) Assault with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse, by a fine under this title or imprisonment for not more than ten years, or both.
 - (4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than six months, or both.
 - (5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both.
 - (6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.
 - (7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 5 years, or both.
- (b) As used in this subsection--
 - (1) the term "substantial bodily injury" means bodily injury which involves--
 - (A) a temporary but substantial disfigurement; or
 - (B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

(2) the term "serious bodily injury" has the meaning given that term in section 1365 of this title.

18 U.S.C. § 114

§ 114. Maiming within maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, and with intent to torture (as defined in section 2340), maim, or disfigure, cuts, bites, or slits the nose, ear, or lip, or cuts out or disables the tongue, or puts out or destroys an eye, or cuts off or disables a limb or any member of another person; or

Whoever, within the special maritime and territorial jurisdiction of the United States, and with like intent, throws or pours upon another person, any scalding water, corrosive acid, or caustic substance--

Shall be fined under this title or imprisoned not more than twenty years, or both.

18 U.S.C. § 241

§ 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured--

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 371

§ 371. Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and

one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

18 U.S.C. § 1111

§ 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

(c) For purposes of this section--

- (1) the term "assault" has the same meaning as given that term in section 113;
- (2) the term "child" means a person who has not attained the age of 18 years and is--
 - (A) under the perpetrator's care or control; or
 - (B) at least six years younger than the perpetrator;
- (3) the term "child abuse" means intentionally or knowingly causing death or serious bodily injury to a child;
- (4) the term "pattern or practice of assault or torture" means assault or torture engaged in on at least two occasions;
- (5) the term "serious bodily injury" has the meaning set forth in section 1365; and
- (6) the term "torture" means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).

18 U.S.C. § 1112

§ 1112. Manslaughter

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary--Upon a sudden quarrel or heat of passion.

Involuntary--In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than ten years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than six years, or both.

18 U.S.C. § 1113

§ 1113. Attempt to commit murder or manslaughter

Except as provided in section 1113 of this title, whoever, within the special maritime and territorial jurisdiction of the United States, attempts to commit murder or manslaughter, shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than seven years or fined under this title, or both.

18 U.S.C. § 1201

§ 1201. Kidnapping

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when--

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;

(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title; or

(5) the person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties, shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce. Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24- hour period has ended.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(d) Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years.

(e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49. For purposes of this subsection, the term "national of the United States" has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(g) Special rule for certain offenses involving children.--

(1) To whom applicable.--If--

(A) the victim of an offense under this section has not attained the age of eighteen years; and

(B) the offender--

(i) has attained such age; and (ii) is not--(I) a parent; (II) a grandparent; (III) a brother; (IV) a sister; (V) an aunt; (VI) an uncle; or (VII) an individual having legal custody of the victim;

the sentence under this section for such offense shall include imprisonment for not less than 20 years.

(h) As used in this section, the term "parent" does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order.

18 U.S.C. § 1467

§ 1467. Criminal forfeiture

(a) Property subject to criminal forfeiture.--A person who is convicted of an offense involving obscene material under this chapter shall forfeit to the United States such person's interest in--

(1) any obscene material produced, transported, mailed, shipped, or received in violation of this chapter;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.

18 U.S.C. § 1581

§ 1581. Peonage; obstructing enforcement

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, 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, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

18 U.S.C. § 1582

§ 1582. Vessels for slave trade

Whoever, whether as master, factor, or owner, builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, in any port or place within the United States, or causes such vessel to sail from any such port or place, for the purpose of procuring any person from any foreign kingdom or country to be transported and held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined under this title or imprisoned not more than seven years, or both.

18 U.S.C. § 1583

§ 1583. Enticement into slavery

Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or

Whoever entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held--

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.

18 U.S.C. § 1584

§ 1584. Sale into involuntary servitude

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, 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.

18 U.S.C. § 1585

§ 1585. Seizure, detention, transportation or sale of slaves

Whoever, being a citizen or resident of the United States and a member of the crew or ship's company of any foreign vessel engaged in the slave trade, or whoever, being of the crew or ship's company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and on any foreign shore seizes any person with intent to make that person a slave, or decoys, or forcibly brings, carries, receives, confines, detains or transports any person as a slave on board such vessel, or, on board such vessel, offers or attempts to sell any such person as a slave, or on the high seas or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from such vessel any person with intent to sell, or having previously sold, such person as a slave, shall be fined under this title or imprisoned not more than seven years, or both.

18 U.S.C. § 1586

§ 1586. Service on vessels in slave trade

Whoever, being a citizen or resident of the United States, voluntarily serves on board of any vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be fined under this title or imprisoned not more than two years, or both.

18 U.S.C. § 1587

§ 1587. Possession of slaves aboard vessel

Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas within the jurisdiction of the United States, or hovering off the coast thereof, and having on board any person for the purpose of selling such person as a slave, or with intent to land such person for such purpose, shall be fined under this title or imprisoned not more than four years, or both.

18 U.S.C. § 1588

§ 1588. Transportation of slaves from United States

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person with the knowledge or intent that such person is to be carried

from any place within the United States to any other place to be held or sold as a slave, or carries away from any place within the United States any such person with the intent that he may be so held or sold as a slave, shall be fined under this title or imprisoned not more than 10 years, or both.

18 U.S.C. § 1589

§ 1589. Forced labor

Whoever knowingly provides or obtains the labor or services of a person--

(1) by threats of serious harm to, or physical restraint against, that person or another person;

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

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

18 U.S.C. § 1590

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

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.

18 U.S.C. § 1591

§ 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, or obtains 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 that force, fraud, or coercion described in subsection (c)(2) 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 force, fraud, or coercion 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 this section:

(1) The term "commercial sex act" means any sex act, on account of which anything of value is given to or received by any person.

(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 "venture" means any group of two or more individuals associated in fact, whether or not a legal entity.

18 U.S.C. § 1592

§ 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.

18 U.S.C. § 1593

§ 1593. Mandatory restitution

(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) As used in this subsection, the term "full amount of the victim's losses" has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

(c) As used in this section, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

18 U.S.C. § 1594

§ 1594. General provisions

(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States--

(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(d) Witness protection.--Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

18 U.S.C. § 1595

§ 1595. Civil remedy

(a) An individual who is a victim of a violation of section 1589, 1590, or 1591 of this chapter may bring a civil action against the perpetrator in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

(b)(1) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(2) In this subsection, a "criminal action" includes investigation and prosecution and is pending until final adjudication in the trial court.

18 U.S.C. § 2241

§ 2241. Aggravated sexual abuse

(a) By force or threat.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which

persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General, knowingly causes another person to engage in a sexual act--

- (1) by using force against that other person; or
- (2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b) By other means.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General, knowingly--

- (1) renders another person unconscious and thereby engages in a sexual act with that other person; or
- (2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby--
 - (A) substantially impairs the ability of that other person to appraise or control conduct; and
 - (B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(c) With children.--Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

(d) State of mind proof requirement.--In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

18 U.S.C. § 2242

§ 2242. Sexual abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General, knowingly--

- (1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or
- (2) engages in a sexual act with another person if that other person is--
 - (A) incapable of appraising the nature of the conduct; or
 - (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or attempts to do so, shall be fined under this title and imprisoned for any term of years or for life.

18 U.S.C. § 2243

§ 2243. Sexual abuse of a minor or ward

(a) Of a minor.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General, knowingly engages in a sexual act with another person who--

- (1) has attained the age of 12 years but has not attained the age of 16 years; and
- (2) is at least four years younger than the person so engaging; or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Of a ward.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General, knowingly engages in a sexual act with another person who is--

- (1) in official detention; and
- (2) under the custodial, supervisory, or disciplinary authority of the person so engaging; or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(c) Defenses.—

- (1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

(2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

(d) State of mind proof requirement.--In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew--

- (1)** the age of the other person engaging in the sexual act; or
- (2)** that the requisite age difference existed between the persons so engaging.

18 U.S.C. § 2244

§ 2244. Abusive sexual contact

(a) Sexual conduct in circumstances where sexual acts are punished by this chapter.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General, knowingly engages in or causes sexual contact with or by another person, if so to do would violate--

- (1)** subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;
- (2)** section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;
- (3)** subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;
- (4)** subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both; or
- (5)** subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.

(b) In other circumstances.--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned not more than two years, or both.

(c) Offenses involving young children.--If the sexual contact that violates this section (other than subsection (a)(5)) is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.

18 U.S.C. § 2245

§ 2245. Offenses resulting in death

(a) In general.--A person who, in the course of an offense under this chapter, or section 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, murders an individual, shall be punished by death or imprisoned for any term of years or for life.

18 U.S.C. § 2251

§ 2251. Sexual exploitation of children

(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct shall be punished as provided under subsection (e) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that--

(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.

(d)(1) Any person who, in a circumstance described in paragraph (2), knowingly makes,

prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering--

(A) to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or
(B) participation in any act of sexually explicit conduct by or with any minor for the purpose of producing a visual depiction of such conduct: shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that--

(A) such person knows or has reason to know that such notice or advertisement will be transported in interstate or foreign commerce by any means including by computer or mailed; or

(B) such notice or advertisement is transported in interstate or foreign commerce by any means including by computer or mailed.

(e) Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned not less than 15 years nor more than 30 years, but if such person has one prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for not less than 30 years or for life.

18 U.S.C. § 2252

§ 2252. Certain activities relating to material involving the sexual exploitation of minors

(a) Any person who--

(1) knowingly transports or ships in interstate or foreign commerce by any means including by computer or mails, any visual depiction, if--

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual depiction is of such conduct;

(2) knowingly receives, or distributes, any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails, if--

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual depiction is of such conduct;

(3) either--

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly sells or possesses with intent to sell any visual depiction; or

(B) knowingly sells or possesses with intent to sell any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means, including by computer, if--

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct; or

(4) either--

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly possesses 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or

(B) knowingly possesses 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if--

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct; shall be punished as provided in subsection (b) of this section.

(b)(1) Whoever violates, or attempts or conspires to violate, paragraph (1), (2), or (3) of subsection (a) shall be fined under this title and imprisoned not less than 5 years and not more than 20 years, but if such person has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, or sex trafficking of children, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

(2) Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both, but if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of Title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

(c) Affirmative defense.--It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant--

(1) possessed less than three matters containing any visual depiction proscribed by that paragraph; and

(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof--

(A) took reasonable steps to destroy each such visual depiction; or

(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

18 U.S.C. § 2253

§ 2253. Criminal forfeiture

(a) Property subject to criminal forfeiture.--A person who is convicted of an offense under this chapter involving a visual depiction described in section 2251, 2251A, 2252, 2252A, or 2260 of this chapter or who is convicted of an offense under section 2252B of this chapter, or who is convicted of an offense under chapter 109A, shall forfeit to the United States such person's interest in--

(1) any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subsection (a).

18 U.S.C. § 2254

§ 2254. Civil forfeiture

Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.

18 U.S.C. § 2255

§ 2255. Civil remedy for personal injuries

(a) In general.--Any person who, while a minor, was a victim of a violation of section 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains and the cost of the suit, including a reasonable attorney's fee. Any person as described in the preceding sentence shall be deemed to have sustained damages of no less than \$150,000 in value.

(b) Statute of limitations.--Any action commenced under this section shall be barred unless the complaint is filed within six years after the right of action first accrues or in the case of a person under a legal disability, not later than three years after the disability.

18 U.S.C. § 2256

§ 2256. Definitions for chapter

For the purposes of this chapter, the term--

- (1) "minor" means any person under the age of eighteen years;
- (2)(A) Except as provided in subparagraph (B), "sexually explicit conduct" means actual or simulated--
 - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
 - (ii) bestiality;
 - (iii) masturbation;
 - (iv) sadistic or masochistic abuse; or
 - (v) lascivious exhibition of the genitals or pubic area of any person;
- (B) For purposes of subsection 8(B) of this section, "sexually explicit conduct" means--
 - (i) graphic sexual intercourse, including genital-genital, oral- genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;
 - (ii) graphic or lascivious simulated;
 - (I) bestiality;
 - (II) masturbation; or
 - (III) sadistic or masochistic abuse; or

- (iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person;
- (3) "producing" means producing, directing, manufacturing, issuing, publishing, or advertising;
- (4) "organization" means a person other than an individual;
- (5) "visual depiction" includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image;
- (6) "computer" has the meaning given that term in section 1030 of this title;
- (7) "custody or control" includes temporary supervision over or responsibility for a minor whether legally or illegally obtained;
- (8) "child pornography" means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--
 - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
 - (B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
 - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.
- (9) "identifiable minor"--
 - (A) means a person--
 - (i)(I) who was a minor at the time the visual depiction was created, adapted, or modified; or
 - (II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and
 - (ii) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and
 - (B) shall not be construed to require proof of the actual identity of the identifiable minor.
- (10) "graphic", when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted; and
- (11) the term "indistinguishable" used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

18 U.S.C. § 2259

§ 2259. Mandatory restitution

- (a) In general.--Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense

under this chapter.

(b) Scope and nature of order.--

(1) Directions.--The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).

(2) Enforcement.--An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) Definition.--For purposes of this subsection, the term "full amount of the victim's losses" includes any costs incurred by the victim for--

(A) medical services relating to physical, psychiatric, or psychological care;

(B) physical and occupational therapy or rehabilitation;

(C) necessary transportation, temporary housing, and child care expenses;

(D) lost income;

(E) attorneys' fees, as well as other costs incurred; and

(F) any other losses suffered by the victim as a proximate result of the offense.

(4) Order mandatory.--(A) The issuance of a restitution order under this section is mandatory.

(B) A court may not decline to issue an order under this section because of--

(i) the economic circumstances of the defendant; or

(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) Definition.--For purposes of this section, the term "victim" means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.

18 U.S.C. § 2260

§ 2260. Production of sexually explicit depictions of a minor for importation into the United States

(a) Use of minor.--A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

(b) Use of visual depiction.--A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship,

sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

(c) Penalties.--

(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.

18 U.S.C. § 2421

§ 2421. Transportation generally

Whoever knowingly transports any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

18 U.S.C. § 2422

§ 2422. Coercion and enticement

(a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

18 U.S.C. § 2423

§ 2423. Transportation of minors

(a) Transportation with intent to engage in criminal sexual activity.--A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.

(b) Travel with intent to engage in illicit sexual conduct.--A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(c) Engaging in illicit sexual conduct in foreign places.--Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(d) Ancillary offenses.--Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

(e) Attempt and conspiracy.--Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

(f) Definition.--As used in this section, the term "illicit sexual conduct" means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

(g) Defense.--In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

18 U.S.C. § 2428
§ 2428. Forfeitures

(a) In general.--The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States--

- (1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and
- (2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(b) Property subject to forfeiture.--

(1) In general.--The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) Applicability of chapter 46.--The provisions of chapter 46 of this title relating to civil forfeitures shall apply to any seizure or civil forfeiture under this subsection.

18 U.S.C. § 3196
§ 3196. Extradition of United States citizens

If the applicable treaty or convention does not obligate the United States to extradite its citizens to a foreign country, the Secretary of State may, nevertheless, order the surrender to that country of a United States citizen whose extradition has been requested by that country if the other requirements of that treaty or convention are met.

18 U.S.C. § 3509
§ 3509. Child victims' and child witnesses' rights

(a) Definitions.--For purposes of this section--

(1) the term "adult attendant" means an adult described in subsection (i) who accompanies a child throughout the judicial process for the purpose of providing emotional support;

(2) the term "child" means a person who is under the age of 18, who is or is alleged to be--

(A) a victim of a crime of physical abuse, sexual abuse, or exploitation; or

- (B) a witness to a crime committed against another person;
- (3) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child;
- (4) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;
- (5) the term "mental injury" means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response, or cognition;
- (6) the term "exploitation" means child pornography or child prostitution;
- (7) the term "multidisciplinary child abuse team" means a professional unit composed of representatives from health, social service, law enforcement, and legal service agencies to coordinate the assistance needed to handle cases of child abuse;
- (8) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;
- (9) the term "sexually explicit conduct" means actual or simulated--
 - (A) sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person;
 - (B) bestiality;
 - (C) masturbation;
 - (D) lascivious exhibition of the genitals or pubic area of a person or animal; or
 - (E) sadistic or masochistic abuse;
- (10) the term "sex crime" means an act of sexual abuse that is a criminal act;
- (11) the term "negligent treatment" means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child; and
- (12) the term "child abuse" does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

(b) Alternatives to live in-court testimony.--

(1) Child's live testimony by 2-way closed circuit television.--

(A) In a proceeding involving an alleged offense against a child, the attorney for the Government, the child's attorney, or a guardian *ad litem* appointed under subsection (h) may apply for an order that the child's testimony be taken in a room outside the courtroom and be televised by 2-way closed circuit television. The person seeking such an order shall apply for such an order at least 5 days before the trial date, unless the court finds on the record that the need for such an order was not reasonably foreseeable.

(B) The court may order that the testimony of the child be taken by closed-circuit television as provided in subparagraph (A) if the court finds that the child is unable to testify in open court in the presence of the defendant, for any of the following reasons:

- (i)** The child is unable to testify because of fear.
- (ii)** There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying.
- (iii)** The child suffers a mental or other infirmity.
- (iv)** Conduct by defendant or defense counsel causes the child to be unable to continue testifying.

(C) The court shall support a ruling on the child's inability to testify with findings on the record. In determining whether the impact on an individual child of one or more of the factors described in subparagraph (B) is so substantial as to justify an order under subparagraph (A), the court may question the minor in chambers, or at some other comfortable place other than the courtroom, on the record for a reasonable period of time with the child attendant, the prosecutor, the child's attorney, the guardian *ad litem*, and the defense counsel present.

(D) If the court orders the taking of testimony by television, the attorney for the Government and the attorney for the defendant not including an attorney pro se for a party shall be present in a room outside the courtroom with the child and the child shall be subjected to direct and cross-examination. The only other persons who may be permitted in the room with the child during the child's testimony are--

- (i)** the child's attorney or guardian *ad litem* appointed under subsection (h);
- (ii)** Persons necessary to operate the closed-circuit television equipment;
- (iii)** A judicial officer, appointed by the court; and
- (iv)** Other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child, including an adult attendant.

The child's testimony shall be transmitted by closed circuit television into the courtroom for viewing and hearing by the defendant, jury, judge, and public. The defendant shall be provided with the means of private, contemporaneous communication with the defendant's attorney during the testimony. The closed circuit television transmission shall relay into the room in which the child is testifying the defendant's image, and the voice of the judge.

(2) Videotaped deposition of child.—

(A) In a proceeding involving an alleged offense against a child, the attorney for the Government, the child's attorney, the child's parent or legal guardian, or the guardian *ad litem* appointed under subsection (h) may apply for an order that a deposition be taken of the child's testimony and that the deposition be recorded and preserved on videotape.

(B)(i) Upon timely receipt of an application described in subparagraph (A), the court shall make a preliminary finding regarding whether at the time of trial the child is likely to be unable to testify in open court in the physical presence of the defendant, jury, judge, and public for any of the following reasons:

- (I)** The child will be unable to testify because of fear.

(II) There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying in open court.

(III) The child suffers a mental or other infirmity.

(IV) Conduct by defendant or defense counsel causes the child to be unable to continue testifying.

(ii) If the court finds that the child is likely to be unable to testify in open court for any of the reasons stated in clause (i), the court shall order that the child's deposition be taken and preserved by videotape.

(iii) The trial judge shall preside at the videotape deposition of a child and shall rule on all questions as if at trial. The only other persons who may be permitted to be present at the proceeding are--

(I) the attorney for the Government;

(II) the attorney for the defendant;

(III) the child's attorney or guardian *ad litem* appointed under subsection (h);

(IV) persons necessary to operate the videotape equipment;

(V) subject to clause (iv), the defendant; and

(VI) other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child.

The defendant shall be afforded the rights applicable to defendants during trial, including the right to an attorney, the right to be confronted with the witness against the defendant, and the right to cross-examine the child.

(iv) If the preliminary finding of inability under clause (i) is based on evidence that the child is unable to testify in the physical presence of the defendant, the court may order that the defendant, including a defendant represented pro se, be excluded from the room in which the deposition is conducted. If the court orders that the defendant be excluded from the deposition room, the court shall order that 2-way closed circuit television equipment relay the defendant's image into the room in which the child is testifying, and the child's testimony into the room in which the defendant is viewing the proceeding, and that the defendant be provided with a means of private, contemporaneous communication with the defendant's attorney during the deposition.

(v) Handling of videotape.--The complete record of the examination of the child, including the image and voices of all persons who in any way participate in the examination, shall be made and preserved on video tape in addition to being stenographically recorded. The videotape shall be transmitted to the clerk of the court in which the action is pending and shall be made available for viewing to the prosecuting attorney, the defendant, and the defendant's attorney during ordinary business hours.

(C) If at the time of trial the court finds that the child is unable to testify as for a reason described in subparagraph (B)(i), the court may admit into evidence the child's videotaped deposition in lieu of the child's testifying at the trial. The court shall support a ruling under this subparagraph with findings on the record.

(D) Upon timely receipt of notice that new evidence has been discovered after the original videotaping and before or during trial, the court, for good cause shown, may order an additional videotaped deposition. The testimony of the child shall be restricted to the matters specified by the court as the basis for granting the order.

(E) In connection with the taking of a videotaped deposition under this paragraph, the court may enter a protective order for the purpose of protecting the privacy of the child.

(F) The videotape of a deposition taken under this paragraph shall be destroyed 5 years after the date on which the trial court entered its judgment, but not before a final judgment is entered on appeal including Supreme Court review. The videotape shall become part of the court record and be kept by the court until it is destroyed.

(c) Competency examinations.--

(1) Effect on Federal Rules of Evidence.--Nothing in this subsection shall be construed to abrogate rule 601 of the Federal Rules of Evidence.

(2) Presumption.--A child is presumed to be competent.

(3) Requirement of written motion.--A competency examination regarding a child witness may be conducted by the court only upon written motion and offer of proof of incompetency by a party.

(4) Requirement of compelling reasons.--A competency examination regarding a child may be conducted only if the court determines, on the record, that compelling reasons exist. A child's age alone is not a compelling reason.

(5) Persons permitted to be present.--The only persons who may be permitted to be present at a competency examination are--

(A) the judge;

(B) the attorney for the Government;

(C) the attorney for the defendant;

(D) a court reporter; and

(E) persons whose presence, in the opinion of the court, is necessary to the welfare and well-being of the child, including the child's attorney, guardian *ad litem*, or adult attendant.

(6) Not before jury.--A competency examination regarding a child witness shall be conducted out of the sight and hearing of a jury.

(7) Direct examination of child.--Examination of a child related to competency shall normally be conducted by the court on the basis of questions submitted by the attorney for the Government and the attorney for the defendant including a party acting as an attorney pro se. The court may permit an attorney but not a party acting as an attorney pro se to examine a child directly on competency if the court is satisfied that the child will not suffer emotional trauma as a result of the examination.

(8) Appropriate questions.--The questions asked at the competency examination of a child shall be appropriate to the age and developmental level of the child, shall not be related to the issues at trial, and shall focus on determining the child's ability to understand and answer simple questions.

(9) Psychological and psychiatric examinations.--Psychological and psychiatric examinations to assess the competency of a child witness shall not be ordered without a showing of compelling need.

(d) Privacy protection.--

(1) Confidentiality of information.--(A) A person acting in a capacity described in subparagraph (B) in connection with a criminal proceeding shall--

(i) keep all documents that disclose the name or any other information concerning a child in a secure place to which no person who does not have reason to know their contents has access; and

(ii) disclose documents described in clause (i) or the information in them that concerns a child only to persons who, by reason of their participation in the proceeding, have reason to know such information.

(B) Subparagraph (A) applies to--

(i) all employees of the Government connected with the case, including employees of the Department of Justice, any law enforcement agency involved in the case, and any person hired by the Government to provide assistance in the proceeding;

(ii) employees of the court;

(iii) the defendant and employees of the defendant, including the attorney for the defendant and persons hired by the defendant or the attorney for the defendant to provide assistance in the proceeding; and

(iv) members of the jury.

(2) Filing under seal.--All papers to be filed in court that disclose the name of or any other information concerning a child shall be filed under seal without necessity of obtaining a court order. The person who makes the filing shall submit to the clerk of the court--

(A) the complete paper to be kept under seal; and

(B) the paper with the portions of it that disclose the name of or other information concerning a child redacted, to be placed in the public record.

(3) Protective orders.--**(A)** On motion by any person the court may issue an order protecting a child from public disclosure of the name of or any other information concerning the child in the course of the proceedings, if the court determines that there is a significant possibility that such disclosure would be detrimental to the child.

(B) A protective order issued under subparagraph (A) may--

(i) provide that the testimony of a child witness, and the testimony of any other witness, when the attorney who calls the witness has reason to anticipate that the name of or any other information concerning a child may be divulged in the testimony, be taken in a closed courtroom; and

(ii) provide for any other measures that may be necessary to protect the privacy of the child.

(4) Disclosure of information.--This subsection does not prohibit disclosure of the name of or other information concerning a child to the defendant, the attorney for the defendant, a multidisciplinary child abuse team, a guardian *ad litem*, or an adult attendant, or to anyone to whom, in the opinion of the court, disclosure is necessary to the welfare and well-being of the child.

(e) Closing the courtroom.--When a child testifies the court may order the exclusion from the courtroom of all persons, including members of the press, who do not have a direct interest in the case. Such an order may be made if the court determines on the record that requiring the child to testify in open court would cause substantial psychological harm to the child or would result in the child's inability to effectively communicate. Such an order shall be narrowly tailored to serve the Government's specific compelling interest.

(f) Victim impact statement.--In preparing the presentence report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, the probation officer shall request information from the multidisciplinary child abuse team and other appropriate sources to determine the impact of the offense on the child victim and any other children who may have been affected. A guardian *ad litem* appointed under subsection (h) shall make every effort to obtain and report information that accurately expresses the child's and the family's views concerning the child's victimization. A guardian *ad litem* shall use forms that permit the child to express the child's views concerning the personal consequences of the child's victimization, at a level and in a form of communication commensurate with the child's age and ability.

(g) Use of multidisciplinary child abuse teams.--

(1) In general.--A multidisciplinary child abuse team shall be used when it is feasible to do so. The court shall work with State and local governments that have established multidisciplinary child abuse teams designed to assist child victims and child witnesses, and the court and the attorney for the Government shall consult with the multidisciplinary child abuse team as appropriate.

(2) Role of multidisciplinary child abuse teams.--The role of the multidisciplinary child abuse team shall be to provide for a child services that the members of the team in their professional roles are capable of providing, including--

(A) medical diagnoses and evaluation services, including provision or interpretation of x-rays, laboratory tests, and related services, as needed, and documentation of findings;

(B) telephone consultation services in emergencies and in other situations;

(C) medical evaluations related to abuse or neglect;

(D) psychological and psychiatric diagnoses and evaluation services for the child, parent or parents, guardian or guardians, or other caregivers, or any other individual involved in a child victim or child witness case;

(E) expert medical, psychological, and related professional testimony;

(F) case service coordination and assistance, including the location of services available from public and private agencies in the community; and

(G) training services for judges, litigators, court officers and others that are involved in child victim and child witness cases, in handling child victims and child witnesses.

(h) Guardian *ad litem*.--

(1) In general.--The court may appoint, and provide reasonable compensation and payment of expenses for, a guardian *ad litem* for a child who was a victim of, or a witness to, a crime involving abuse or exploitation to protect the best interests of the child. In making the appointment, the court shall consider a prospective guardian's background in, and familiarity with, the judicial process, social service programs, and child abuse issues. The guardian *ad litem* shall not be a person who is or may be a witness in a proceeding involving the child for whom the guardian is appointed.

(2) Duties of guardian *ad litem*.--A guardian *ad litem* may attend all the depositions, hearings, and trial proceedings in which a child participates, and make recommendations to the court concerning the welfare of the child. The guardian *ad litem* may have access to all reports, evaluations and records, except attorney's work product, necessary to

effectively advocate for the child. (The extent of access to grand jury materials is limited to the access routinely provided to victims and their representatives.) A guardian *ad litem* shall marshal and coordinate the delivery of resources and special services to the child. A guardian *ad litem* shall not be compelled to testify in any court action or proceeding concerning any information or opinion received from the child in the course of serving as a guardian *ad litem*.

(3) Immunities.--A guardian *ad litem* shall be presumed to be acting in good faith and shall be immune from civil and criminal liability for complying with the guardian's lawful duties described in paragraph (2).

(i) Adult attendant.--A child testifying at or attending a judicial proceeding shall have the right to be accompanied by an adult attendant to provide emotional support to the child. The court, at its discretion, may allow the adult attendant to remain in close physical proximity to or in contact with the child while the child testifies. The court may allow the adult attendant to hold the child's hand or allow the child to sit on the adult attendant's lap throughout the course of the proceeding. An adult attendant shall not provide the child with an answer to any question directed to the child during the course of the child's testimony or otherwise prompt the child. The image of the child attendant, for the time the child is testifying or being deposed, shall be recorded on videotape.

(j) Speedy trial.--In a proceeding in which a child is called to give testimony, on motion by the attorney for the Government or a guardian *ad litem*, or on its own motion, the court may designate the case as being of special public importance. In cases so designated, the court shall, consistent with these rules, expedite the proceeding and ensure that it takes precedence over any other. The court shall ensure a speedy trial in order to minimize the length of time the child must endure the stress of involvement with the criminal process. When deciding whether to grant a continuance, the court shall take into consideration the age of the child and the potential adverse impact the delay may have on the child's well-being. The court shall make written findings of fact and conclusions of law when granting a continuance in cases involving a child.

(k) Stay of civil action.--If, at any time that a cause of action for recovery of compensation for damage or injury to the person of a child exists, a criminal action is pending which arises out of the same occurrence and in which the child is the victim, the civil action shall be stayed until the end of all phases of the criminal action and any mention of the civil action during the criminal proceeding is prohibited. As used in this subsection, a criminal action is pending until its final adjudication in the trial court.

(l) Testimonial aids.--The court may permit a child to use anatomical dolls, puppets, drawings, mannequins, or any other demonstrative device the court deems appropriate for the purpose of assisting a child in testifying.

(m) Prohibition on reproduction of child pornography.--

(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.

(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.

19 U.S.C. § 1305

§ 1305. Immoral articles; importation prohibited

(a) Prohibition of importation

All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the appropriate customs officer that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes: *Provided further*, That effective January 1, 1993, this section shall not apply to any lottery ticket, printed paper that may be used as a lottery ticket, or advertisement of any lottery, that is printed in Canada for use in connection with a lottery conducted in the United States.

(b) Enforcement procedures

Upon the appearance of any such book or matter at any customs office, the same shall be

seized and held by the appropriate customs officer to await the judgment of the district court as hereinafter provided; and no protest shall be taken to the United States Court of International Trade from the decision of such customs officer. Upon the seizure of such book or matter, such customs officer shall transmit information thereof to the United States attorney of the district in which is situated either--

- (1) the office at which such seizure took place; or
- (2) the place to which such book or matter is addressed;

and the United States attorney shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed. Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury and any party may have an appeal or the right of review as in the case of ordinary actions or suits.

(c) Institution of forfeiture proceedings

Notwithstanding the provisions of subsections (a) and (b) of this section, whenever a customs officer discovers any obscene material after such material has been imported or brought into the United States, or attempted to be imported or brought into the United States, he may refer the matter to the United States attorney for the institution of forfeiture proceedings under this section. Such proceedings shall begin no more than 30 days after the time the material is seized; except that no seizure or forfeiture shall be invalidated for delay if the claimant is responsible for extending the action beyond the allowable time limits or if proceedings are postponed pending the consideration of constitutional issues.

(d) Stay of forfeiture proceedings

Upon motion of the United States, a court shall stay such civil forfeiture proceedings commenced under this section pending the completion of any related criminal matter.

...

28 U.S.C. § 1782

§ 1782. Assistance to foreign and international tribunals and to litigants before such tribunals

- (a) The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a

proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure.

A person may not be compelled to give his testimony or statement or to produce a document or other thing in violation of any legally applicable privilege.

(b) This chapter does not preclude a person within the United States from voluntarily giving his testimony or statement, or producing a document or other thing, for use in a proceeding in a foreign or international tribunal before any person and in any manner acceptable to him.

42 U.S.C. § 274e

§ 274. Prohibition of organ purchases

(a) Prohibition

It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce.

(b) Penalties

Any person who violates subsection (a) of this section shall be fined not more than \$50,000 or imprisoned not more than five years, or both.

(c) Definitions

For purposes of subsection (a) of this section:

(1) The term "human organ" means the human (including fetal) kidney, liver, heart, lung, pancreas, bone marrow, cornea, eye, bone, and skin or any subpart thereof and any other human organ (or any subpart thereof, including that derived from a fetus) specified by the Secretary of Health and Human Services by regulation.

(2) The term "valuable consideration" does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation,

quality control, and storage of a human organ or the expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ.

(3) The term "interstate commerce" has the meaning prescribed for it by section 321(b) of Title 21.

49 U.S.C. § 46506

§ 46506. Application of certain criminal laws to acts on aircraft

An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that--

- (1) if committed in the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18) would violate section 113, 114, 661, 662, 1111, 1112, 1113, or 2111 or chapter 109A of title 18, shall be fined under title 18, imprisoned under that section or chapter, or both; or
- (2) if committed in the District of Columbia would violate section 9 of the Act of July 29, 1892 (D.C. Code § 22-1112), shall be fined under title 18, imprisoned under section 9 of the Act, or both.