



EQUALITY NOW

January 24, 2008

Senator Joseph R. Biden Jr.  
201 Russell Senate Office Building  
Washington, DC 20510

Via Courier

Dear Senator Biden,

Often when we as women's rights organizations get in touch with you, we are asking for something that takes the time of you and your staff.

This time, we are writing to say that the work has already been done on the House side. Our deep concerns about trafficking – and the inadequacy of the Trafficking Victim Protection Act – have been met by the strength and effectiveness of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007 (TVPRA), adopted by the House of Representatives on December 4 of last year. We ask only that it be reflected in the Senate bill you are co-sponsoring.

In particular we believe that it is critically important that the criminal justice provisions in the bill that passed the House be included in your bill. The Trafficking Victims Protection Act has not been an effective tool for law enforcement in sex trafficking prosecutions over the last seven years since it was passed because the "force, fraud, or coercion" requirement in the law is very difficult to prove, even when the conduct does constitute force, fraud, or coercion.

Such prosecutions rely heavily on victim testimony, which puts a huge burden on the victims, who are afforded little protection under the law. In addition to being under direct threat themselves, trafficking victims often have family back in their country of origin under threat; these and many other kinds of coercive pressure, which is very real and very frightening, often prevents them from testifying.

Meanwhile, the existing Mann Act can be and has been used in many of these sex trafficking cases because it does not have this requirement. What we want to see is the consolidation of the Mann Act within the TVPA, as well as some amendment of it, to create a coherent and comprehensive legal framework for prosecution of sex trafficking. This has been done in the TVPRA passed by the House.


Public education and law enforcement training on trafficking does not currently include the Mann Act, which is not seen as linked to trafficking. Yet there is a huge crossover – the

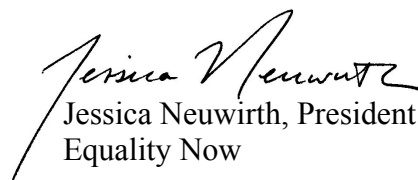
pimps currently covered by the Mann Act are often themselves traffickers or working within the distribution network of sex trafficking, with trafficking victims being transported across international or state lines and then handed off for sale in prostitution. A recent study on prostitution in Nevada documents the great extent to which there are trafficking victims in the brothels (legal as well as illegal brothels), who have been brought from across the country and around the world.

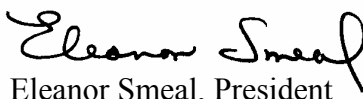
We would like to see the language of the Mann Act replace the interstate travel requirement with the requirement, “in or affecting interstate commerce.” This simple amendment would empower law enforcement authorities to address sex trafficking networks at all levels. Moving the Mann Act, so amended, into the TVPA, would also ensure that law enforcement officials are trained to address sex trafficking comprehensively. These modest but critically important changes are a large part of what makes the TVPRA passed by the House of Representatives the effective law enforcement tool that it is.

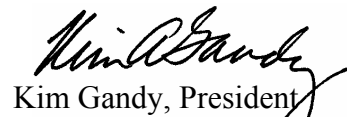
We are also very keen to see a strong and comprehensive provision on sex tourism and are convinced that the language in the TVPRA passed by the House will greatly enhance the capacity of the Justice Department to address sex tourism effectively. Current legislation explicitly relating to sex tourism deals only with child sex tourism. This is hugely problematic both because it is often impossible to prove the ages of the victims, who are in other countries and extraordinarily difficult to locate, and because sex tour operators prey on adults and children interchangeably. Several states including New York and Hawaii have passed legislation explicitly criminalizing sex tour operators, but we believe this is a crime often more effectively addressed at a federal level, due to the interstate and international nature of sex tourism.

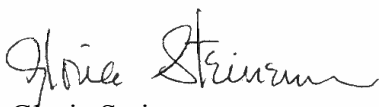
We also strongly support the amendments to the TVPA that are set forth in Title I of the TVPRA passed by the House, which address the politicization of the tier system of review. We are focusing on the criminal justice reforms because we particularly need your leadership in this area. We would welcome an opportunity to meet with you to discuss the TVPRA in more detail.


  
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