

the insurance carrier. It is estimated, however, that these employees, by getting a group rate, may realize a savings of between 15 and 20 percent on insurance premiums.

It is important that we encourage Americans to prepare for their long-term health care needs. Too often Americans are unprepared for this need and the failure to have such coverage often forces families to deplete their resources. It is important that we pass this bill for the benefit of our federal employees and members of our armed services and retirees. This will help them in their efforts to provide for their families and their retirement security.

In addition to the passage of this bill, I will continue to work to ensure that the costs of long-term care insurance are deductible from taxes. I am disappointed that we have not been able to get this tax relief signed into law, and I am hopeful that we can move this forward this year. This will benefit all Americans in preparing for needs that they may have in the future.

I urge all of my colleagues to join me in passing H.R. 4040 and to commit to work to make these premiums tax deductible.

Mr. STARK. Mr. Speaker, insurance coverage for long-term care services is a gaping hole in our nation's healthcare safety net. H.R. 4040, the Long-term Care Security Act, will establish a long-term care insurance program for federal employees. It is a small step in the right direction. But, this bill is more notable for unmasking the shortcomings of private long-term care insurance than for meeting the long-term care needs of the American people.

Americans deserve long-term care insurance that satisfies three criteria: reasonable cost, broad access and high quality. The main lesson of this bill is that the only way to achieve reasonable cost is to sacrifice both access and quality. We are in the dark about the actual provisions of the long-term care insurance plan that will ultimately be offered to federal employees. But the Office of Personnel Management's primary objective is clear to negotiate a competitive price. OPM has been upfront in telling us that limitations on access and quality of these policies will be necessary to negotiate this price.

Will FEHBP's long-term care insurance program be available to all federal employees and their families? The answer is "no". One form of underwriting known as "short-form", will exclude active employees who are most likely to require long-term care services in the near future. More extensive "long-term" underwriting, which requires a more detailed medical history, will exclude larger numbers of retired employees and their family members.

Will FEHBP's long-term insurance program guarantee basic consumer protections such as inflation protection, and provisions that guarantee that policies are still good in the event of carrier buyout or bankruptcy? Again, the answer is "no". Inflation protection under H.R. 4040 will only be available as an option. Yet, without inflation protection, the average 60 year old purchaser will be shopping for long-term care services in 2020 with year 2000 dollars! In other words, by design, many of the policies will not meet purchasers' needs when they become eligible for benefits.

The bottom line is that high quality private long-term care insurance policies with universal access result in an excessively high price tag, while affordable long-term care insurance policies may be inferior in quality and

not accessible to all. The real lesson of H.R. 4040 is that even the formidable purchasing power of the federal employees is not enough to turn private long-term care insurance into the answer to the long-term care problem.

I will vote for H.R. 4040 today because it does inch us forward on long-term care products. However, private long-term care insurance falls far short in delivering comprehensive and high quality long-term care services to all who need it.

The only way we will actually assure long-term care protections for people is through a national social insurance program like Medicare. That's where the debate needs to move next.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my strong support for H.R. 4040, the Long-Term Care Security Act. For the first time, the federal government will make a concerted effort to provide the men and women who have dedicated their lives to the service of this country, with long-term health care.

Under this bill, the Office of Personnel Management will simply fulfill the role of a Human Resources department and solicit competitive bids from private insurers to provide the most equitable and comprehensive long-term health care to federal employees. That commitment by OPM represents the extent of the Government's active participation in this process. Once the contract is awarded and the program is established, all federal employees who chose to participate will be responsible for paying 100% of the insurance premiums.

I think it is important to note that this bill has some minor administrative costs associated with it, I believe roughly \$21 million over two years, that are necessary implementation costs. After that initial two year period, the benefits of H.R. 4040, which will be available to both current Uniformed Services and civilian employees, as well as military and civilian retirees, will actually start showing a profit. That makes this bill a win-win both in terms of cost and in services provided.

I would like to commend my good friend from Florida, the Chairman of the Civil Service Subcommittee, Mr. SCARBOROUGH, for managing this bill on the floor today. I would also like to take a moment to thank the gentle lady from Maryland, Mrs. MORELLA. Her dedication to protecting and promoting issues important to federal employees is well known. Specifically, Mrs. MORELLA has long championed the cause of providing all federal employees and retirees with the most comprehensive and affordable health care available, and without her work on this issue, H.R. 4040 would not be on the Floor today.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H.R. 4040, the "Long Term Care Security Act." The Government Reform Committee, in particular the Civil Service Subcommittee chaired by Congressman JOE SCARBOROUGH worked in a bipartisan manner to bring forward this legislation. The bill will allow all federal employees, retirees, active duty and retired members of the Uniformed Services, as well as their qualified relatives to purchase long term care insurance. By offering the program through the federal government, we can provide long term care options at affordable rates.

The Civil Service Subcommittee held several hearings on long term care. We found that as Americans have begun to live much

longer, the number of individuals needing long term care is on the rise. As the baby boomers are reaching retirement age, we will only see our elderly population increase. As a result, the need for long term care will continue to grow.

The cost of long term care, whether in a professional facility or at home presently exceeds \$45,000 a year. What many people do not realize is that their health plans, disability insurance, or even Medicare will not cover these costs. Unfortunately, many find out that they are not covered when it is too late—when a family member suddenly needs that care. Our Committee has heard from people who have depleted their entire life savings caring for a loved one. A family's assets are sometimes just not enough. Without the proper insurance, the vast majority of families is unprepared for the burden of long term care. Through our hearings, we found that for many, the best way to maintain retirement security is to purchase long term care insurance.

I am pleased that our Committee was able to work together in a bipartisan manner to bring that security to our federal workforce and Uniformed Services. Mr. SCARBOROUGH, along with Mrs. MORELLA and Mr. CUMMINGS, worked very hard to ensure that the long term care bill took into account everyone's concerns. We wanted to ensure that there would be open competition in the contracting process in order to achieve the best rates. H.R. 4040 is a strong consensus bill which the Committee believed would provide the framework for a strong long term care plan. Under the legislation, the Office of Personnel Management would be able to negotiate with the insurers for the best plans with the most options while keeping premiums affordable for all federal employees.

Mr. SCARBOROUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, as amended.

The Clerk read as follows:

H.R. 3244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trafficking Victims Protection Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes and findings.
- Sec. 3. Definitions.
- Sec. 4. Annual Country Reports on Human Rights Practices.
- Sec. 5. Interagency task force to monitor and combat trafficking.
- Sec. 6. Prevention of trafficking.
- Sec. 7. Protection and assistance for victims of trafficking.
- Sec. 8. Minimum standards for the elimination of trafficking.
- Sec. 9. Assistance to foreign countries to meet minimum standards.
- Sec. 10. Actions against governments failing to meet minimum standards.
- Sec. 11. Actions against significant traffickers.
- Sec. 12. Strengthening protection and punishment of traffickers.
- Sec. 13. Authorization of appropriations.

SEC. 2. PURPOSES AND FINDINGS.

(a) PURPOSES.—The purposes of this Act are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) FINDINGS.—The Congress finds that:

(1) Millions of people every year, primarily women or children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons, of whom the overwhelming majority are women and children, are trafficked into the international sex trade, often by means of force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, within activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The rapid expansion of the sex industry and the low status of women in many parts of the world have contributed to a burgeoning of the trafficking industry, of which sex trafficking by force, fraud, and coercion is a major component.

(3) Trafficking in persons is not limited to sex trafficking, but often involves forced labor and other violations of internationally recognized human rights. The worldwide trafficking of persons is a growing transnational crime, migration, economics, labor, public health, and human rights problem that is significant on nearly every continent.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, lack of access to education, chronic unemployment, discrimination, and lack of viable economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of good working conditions at relatively high pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy girls from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often facilitate victims' movement from their home communities to unfamiliar destinations, away from family and friends, religious institutions, and other sources of protection and support, making the victims more vulnerable.

(6) Victims are often forced to engage in sex acts or to perform labor or other services through physical violence, including rape and other forms of sexual abuse, torture, starvation, and imprisonment, through threats of violence, and through other forms of psychological abuse and coercion.

(7) Trafficking is perpetrated increasingly by organized and sophisticated criminal enterprises. Trafficking in persons is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized criminal activity in the United States and around the world. Trafficking often is aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(8) Traffickers often make representations to their victims that physical harm may occur to them or to others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as specific threats to inflict such harm.

(9) Sex trafficking, when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion, includes all the elements of the crime of forcible rape, which is defined by all legal systems as among the most serious of all crimes.

(10) Sex trafficking also involves frequent and serious violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. The United States must take action to eradicate the substantial burdens on commerce that result from trafficking in persons and to prevent the channels of commerce from being used for immoral and injurious purposes.

(13) Trafficking of persons in all its forms is an evil that calls for concerted and vigorous action by countries of origin, transit countries, receiving countries, and international organizations.

(14) Existing legislation and law enforcement in the United States and in other nations around the world have proved inadequate to deter trafficking and to bring traffickers to justice, principally because such legislation and enforcement do not reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of forcible sex trafficking are often punished under laws that also apply to far less serious offenses such as consensual sexual activity and illegal immigration, so that traffickers typically escape severe punishment.

(15) In the United States, the seriousness of the crime of trafficking in persons is not reflected in current sentencing guidelines for component crimes of the trafficking scheme, which results in weak penalties for convicted traffickers. Adequate services and facilities do not exist to meet the health care, housing, education, and legal assistance needs for the safe reintegration of domestic trafficking victims.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by active official participation in trafficking.

(17) Because existing laws and law enforcement procedures often fail to make clear distinctions between victims of trafficking and persons who have knowingly and willfully violated laws, and because victims often do not have legal immigration status in the countries into which they are trafficked, the victims are often punished more harshly than the traffickers themselves.

(18) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, and because they are often subjected to coercion and intimidation including physical detention, debt bondage, fear of retribution, and fear of forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(19) The United States and the international community are in agreement that trafficking in persons often involves grave violations of human rights and is a matter of pressing international concern. The Universal Declaration of Human Rights; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other relevant instruments condemn slavery and involuntary servitude, violence against women, and other components of the trafficking scheme.

(20) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which our country was founded.

(21) The Universal Declaration of Human Rights recognizes the right to be free from slavery and involuntary servitude, arbitrary detention, degrading or inhuman treatment, and arbitrary interference with privacy or the family, as well as the right to protection by law against these abuses.

(22) The United Nations General Assembly has passed three resolutions during the last 3 years (50/167, 51/66, and 52/98) recognizing that the international traffic in women and girls, particularly for purposes of forced prostitution, is a matter of pressing international concern involving numerous violations of fundamental human rights. The resolutions call upon governments of receiving countries as well as countries of origin to strengthen their laws against such practices, to intensify their efforts to enforce such laws, and to ensure the full protection, treatment, and rehabilitation of women and children who are victims of trafficking.

(23) The Final Report of the World Congress against Sexual Exploitation of Children, held in Stockholm, Sweden, in August 1996, recognized that international sex trafficking is a principal cause of increased exploitation and degradation of children.

(24) The Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls who are victims of trafficking, to address the root factors that put women and girls at risk to traffickers, and to take measures to dismantle the national, regional, and international networks on trafficking.

(25) In the 1991 Moscow Document of the Organization for Security and Co-operation in Europe, participating states, including the

United States, agreed to seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures.

(26) Numerous treaties to which the United States is a party address government obligations to combat trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and requires signatories not to make use of any forced or compulsory labor.

(27) Trafficking in persons is a transnational crime with national implications. In order to deter international trafficking and to bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense and must act on this recognition by prescribing appropriate punishment, by giving the highest priority to investigation and prosecution of trafficking offenses, and by protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry and take steps to promote and facilitate cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) "Sex trafficking" means the purchase, sale, securing, recruitment, harboring, transportation, transfer or receipt of a person for the purpose of a commercial sex act.

(2) "Severe forms of trafficking in persons" means—

(A) sex trafficking in which either a commercial sex act or any act or event contributing to such act is effected or induced by force, coercion, fraud, or deception, or in which the person induced to perform such act has not attained the age of 18 years; and

(B) the purchase, sale, securing, recruitment, harboring, transportation, transfer or receipt of a person for the purpose of subjection to involuntary servitude, peonage, or slavery or slavery-like practices which is effected by force, coercion, fraud, or deception.

(3) "Slavery-like practices" means inducement of a person to perform labor or any other service or act by force, by coercion, or by any scheme, plan, or pattern to cause the person to believe that failure to perform the work will result in the infliction of serious harm, debt bondage in which labor or services are pledged for debt on terms calculated never to allow full payment of the debt or otherwise amounting to indentured servitude for life or for an indefinite period, or subjection of the person to conditions so harsh or degrading as to provide a clear indication that the person has been subjected to them by force, fraud, or coercion.

(4) "Coercion" means the use of force, violence, physical restraint, or acts or circumstances not necessarily including physical force but calculated to have the same effect, such as the credible threat of force or of the infliction of serious harm.

(5) "Act of a severe form of trafficking in persons" means any act at any point in the process of a severe form of trafficking in persons, including any act of recruitment, harboring, transport, transfer, purchase, sale or receipt of a victim of such trafficking, or

any act of operation, management, or ownership of an enterprise in which a victim of such trafficking engages in a commercial sex act, is subjected to slavery or a slavery-like practice, or is expected or induced to engage in such acts or be subjected to such condition or practice, or sharing in the profits of the process of a severe form of trafficking in persons or any part thereof.

(6) "Victim of sex trafficking" and "victim of a severe form of trafficking in persons" mean a person subjected to an act or practice described in paragraphs (1) and (2) respectively.

(7) "Commercial sex act" means a sex act on account of which anything of value is given to or received by any person.

(8) "Minimum standards for the elimination of trafficking" means the standards set forth in section 8.

(9) "Appropriate congressional committees" means the Committee on Foreign Relations of the United States Senate and the Committee on International Relations of the United States House of Representatives.

(10) "Nonhumanitarian foreign assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) assistance under chapter 8 of part I of that Act;

(ii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 of part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iii) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(iv) antiterrorism assistance under chapter 8 of part II of that Act;

(v) assistance which involves the provision of food (including monetization of food) or medicine;

(vi) assistance for refugees; and

(vii) humanitarian and other development assistance in support of programs of non-governmental organizations under chapters 1 and 10 of that Act;

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961; and

(C) financing under the Export-Import Bank Act of 1945.

SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Secretary of State, with the assistance of the Assistant Secretary of Democracy, Human Rights and Labor, shall, as part of the annual Country Reports on Human Rights Practices, include information to address the status of trafficking in persons, including—

(1) a list of foreign countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking;

(2) a description of the nature and extent of severe forms of trafficking in persons in each country;

(3) an assessment of the efforts by the governments described in paragraph (1) to combat severe forms of trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in such trafficking;

(B) which governmental authorities are involved in activities to combat such trafficking;

(C) what steps the government has taken against its officials who participate in, facilitate, or condone such trafficking;

(D) what steps the government has taken to investigate and prosecute officials who participate in or facilitate such trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking;

(F) what steps the government has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government—

(i) is cooperating with governments of other countries to extradite traffickers when requested;

(ii) is assisting in international investigations of transnational trafficking networks and in other co-operative efforts to combat trafficking;

(iii) refrains from prosecuting victims of severe forms of trafficking and from other discriminatory treatment of such victims due to such victims having been trafficked, or due to their having left or entered the country illegally; and

(iv) recognizes the rights of victims and ensures their access to justice.

(4) Information described in paragraph (2) and, where appropriate, in paragraph (3) shall be included in the annual Country Reports on Human Rights Practices on a country-by-country basis.

(5) In addition to the information described in this section, the Annual Country Reports on Human Rights Practices may contain such other information relating to trafficking in persons as the Secretary determines to be appropriate.

SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this section referred to as the "Task Force").

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Director of the Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of the Central Intelligence Agency, and such other officials as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Secretary of State.

(d) SUPPORT FOR THE TASK FORCE.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be administered by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international nongovernmental and inter-governmental organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain

staff members from agencies represented on the Task Force.

(e) **ACTIVITIES OF THE TASK FORCE.**—In consultation with nongovernmental organizations, the Task Force shall carry out the following activities:

(1) Coordinate the implementation of this Act.

(2) Measure and evaluate progress of the United States and countries around the world in the areas of trafficking prevention, protection and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international "sex tourism" industry in the trafficking of women and children and in the sexual exploitation of women and children around the world and make recommendations on appropriate measures to combat this industry.

SEC. 6. PREVENTION OF TRAFFICKING.

(a) **ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.**—The President, acting through the Administrator of the United States Agency for International Development and the heads of other appropriate agencies, shall establish and carry out initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decision making;

(3) programs to keep children, especially girls, in elementary and secondary schools and to educate persons who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) **PUBLIC AWARENESS AND INFORMATION.**—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) **CONSULTATION REQUIREMENT.**—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsection (a).

SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) **ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.**—

(1) **IN GENERAL.**—The Secretary of State and the Administrator of the United States Agency for International Development, in

consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking and their children. Such programs and initiatives shall be designed to meet the mental and physical health, housing, legal, and other assistance needs of such victims and their children, as identified by the Inter-Agency Task Force to Monitor and Combat Trafficking established under section 5.

(2) **ADDITIONAL REQUIREMENT.**—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking including stateless victims.

(b) **VICTIMS IN THE UNITED STATES.**—

(1) **ASSISTANCE.**—

(A) Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) Subject, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, and the Board of Directors of the Legal Services Corporation shall expand benefits and services to victims of severe forms of trafficking in persons in the United States.

(C) For the purposes of this paragraph, the term "victim of a severe form of trafficking in persons" means only a person—

(i) who has been subjected to an act or practice described in section 3(2) as in effect on the date of the enactment of this Act; and

(ii) (I) who has not attained the age of fifteen years, or

(II) who is the subject of a certification under subparagraph (E).

(D) Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Board of Directors of the Legal Services Corporation, shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

(E) (i) The certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C) (ii) (II)—

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act that has not been denied or is a person whose presence in

the United States the Attorney General is ensuring under subsection (c) (4).

(ii) For the purpose of a certification under this subparagraph, the term "investigation and prosecution" includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

(F) A person, who is the subject of a certification under subparagraph (E) because the Attorney General is ensuring such person's presence under subsection (c) (4) in order to effectuate prosecution, is eligible for benefits and services under this paragraph only for so long as the Attorney General determines such person's presence is necessary to effectuate such prosecution.

(2) **BENEFITS.**—Subject to the availability of appropriations and notwithstanding any other provision of law, victims of severe forms of trafficking in persons in the United States shall be eligible, without regard to their immigration status, for any benefits that are otherwise available under the Crime Victims Fund, established under the Victims of Crime Act of 1984, including victims' services, compensation, and assistance.

(3) **GRANTS.**—

(A) Subject to the availability of appropriations, the Attorney General may make grants to States, territories, and possessions of the United States (including the Commonwealths of Puerto Rico and the Northern Mariana Islands), Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) To receive a grant under this paragraph, an eligible unit of government or organization shall certify that its laws, policies, and practices, as appropriate, do not punish or deny services to victims of severe forms of trafficking in persons on account of the nature of their employment, services, or other acts performed in connection with such trafficking.

(C) Of amounts made available for grants under this paragraph, there shall be set aside 3 percent for research, evaluation and statistics; 2 percent for training and technical assistance; and 1 percent for management and administration.

(D) The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(4) **CIVIL ACTION.**—An individual who is a victim of a violation of section 1589, 1590, 1591 of title 18, United States Code, regarding trafficking, may bring a civil action in United States district court. The court may award actual damages, punitive damages, reasonable attorneys' fees, and other litigation costs reasonably incurred.

(c) **TRAFFICKING VICTIM REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall be housed in appropriate shelter as quickly as possible; receive prompt medical care, food, and other assistance; and be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker.

(2) Victims of severe forms of trafficking shall not be jailed, fined, or otherwise penalized due to having been trafficked, but the

authority of the Attorney General under the Immigration and Nationality Act to detain aliens shall not be curtailed by any regulation promulgated to implement this paragraph.

(3) Victims of severe forms of trafficking shall have access to legal assistance, information about their rights, and translation services.

(4) Federal law enforcement officials shall act to ensure an alien's continued presence in the United States, if after an assessment, it is determined that such alien is a victim of a severe form of trafficking in persons, or a material witness to such trafficking, in order to effectuate prosecution of those responsible and to further the humanitarian interests of the United States. Such officials, in investigating and prosecuting persons engaging in such trafficking, shall take into consideration the safety and integrity of such victims, but the authority of the Attorney General under the Immigration and Nationality Act to detain aliens shall not be curtailed by any regulation promulgated to implement this paragraph.

(5) Appropriate personnel of the Department of State and the Department of Justice are trained in identifying victims of severe forms of trafficking and providing for the protection of such victims. Training under this paragraph should include methods for achieving antitrafficking objectives through the nondiscriminatory application of immigration and other related laws.

(d) CONSTRUCTION.—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its offices or employees.

(e) FUNDING.—Funds from asset forfeiture under section 1594 of title 18, United States Code, (as added by section 12 of this Act) shall first be disbursed to satisfy any judgments awarded victims of trafficking under subsection (b)(4) or section 1593 of title 18, United States Code, (as added by section 12 of this Act). The remaining funds from such asset forfeiture are authorized to be available in equal amounts for the purposes of subsections (a) and (b) and shall remain available for obligation until expended.

(f) PROTECTION FROM REMOVAL FOR CERTAIN VICTIMS OF TRAFFICKING.—

(1) NONIMMIGRANT CLASSIFICATION FOR CERTAIN VICTIMS OF TRAFFICKING.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by striking "or" at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(C) by adding at the end the following:

"(T) subject to section 214(n), an alien, and the spouse and children of the alien if accompanying or following to join the alien, who the Attorney General determines—

"(i) is or has been a victim of a severe form of trafficking in persons (as defined in section 3 of the Trafficking Victims Protection Act of 2000);

"(ii) is physically present in the United States or at a port of entry into the United States by reason of having been transported to the United States or the port of entry in connection with such severe form of trafficking in persons;

"(iii) (I) has not attained 15 years of age; or

"(II) was induced to participate in the commercial sex act or condition of involuntary servitude, peonage, or slavery or slavery-like practices that is the basis of the determination under clause (i) by force, coercion, fraud, or deception, did not voluntarily agree to any arrangement including such participation, and has complied with any reasonable request for assistance in the investigation or prosecution of severe forms of trafficking in persons; and

"(iv) (I) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States; or

"(II) would suffer extreme hardship in connection with the victimization described in clause (i) upon removal from the United States;

and, if the Attorney General considers it to be necessary to avoid extreme hardship, the sons and daughters (who are not children), of any such alien (and the parents of any such alien, in the case of an alien under 21 years of age) if accompanying or following to join the alien."

(2) CONDITIONS ON NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by redesignating the subsection (1) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-1820) as subsection (m); and

(2) by adding at the end the following:

"(n) (1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 3 of the Trafficking Victims Protection Act of 2000).

"(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

"(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

"(4) Aliens who are subject to the numerical limitation of paragraph (2) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status."

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

"(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).

"(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

"(i) paragraphs (1) and (4) of subsection (a); and

"(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10)(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i).

"(C) Nothing in this paragraph shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T) for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(T)."

(4) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(1)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)—

"(A) has been physically present in the United States for a continuous period of at

least 3 years since the date of such admission;

"(B) has, throughout such period, been a person of good moral character;

"(C) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of severe forms of trafficking in persons; and

"(D) (i) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States; or

"(ii) would suffer extreme hardship in connection with the victimization described in section 101(a)(15)(T)(i) upon removal from the United States;

the Attorney General may adjust the status of the alien (and the spouse, parents, married and unmarried sons and daughters of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence.

"(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

"(A) paragraphs (1) and (4) of section 212(a); and

"(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10)(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i).

"(3) An alien shall be considered to have failed to maintain continuous physical presence in the United States for purposes of paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

"(4)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.

"(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

"(C) Aliens who are subject to the numerical limitation of subparagraph (A) shall have their status adjusted in the order in which applications are filed for such adjustment.

"(D) Upon the approval of adjustment of status under paragraph (1)—

"(i) the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval; and

"(ii) the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under this Act for any fiscal year."

SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—Minimum standards for the elimination of trafficking for a country that is a country of origin, of transit, or of destination for a significant number of victims are as follows:

(1) The country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving fraud, force, or coercion or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the country should prescribe punishment commensurate with that for the most serious crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the

country should prescribe punishment which is sufficiently stringent to deter and which adequately reflects the heinous nature of the offense.

(4) The country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA.—In determinations under subsection (a)(4) the following factors should be considered:

(1) Whether the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the country cooperates with other countries in the investigation and prosecution of severe forms of trafficking in persons.

(3) Whether the country extradites persons charged with acts of severe forms of trafficking in persons on the same terms and to the same extent as persons charged with other serious crimes.

(4) Whether the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner which is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of victims and the internationally recognized human right to leave countries and to return to one's own country.

(5) Whether the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provision for legal alternatives to their removal to countries in which they would face retribution or other hardship.

(6) Whether the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

The Secretary of State and the Director of the Agency for International Development are authorized to provide assistance to foreign countries for programs and activities designed to meet the minimum international standards for the elimination of trafficking, including drafting of legislation to prohibit and punish acts of trafficking, investigation and prosecution of traffickers, and facilities, programs, and activities for the protection of victims.

SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) STATEMENT OF POLICY.—It is the policy of the United States not to provide nonhumanitarian foreign assistance to countries which do not meet minimum standards for the elimination of trafficking.

(b) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—Not later than April 30 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons which shall include a list of those countries, if any, to which the minimum standards for the elimination of trafficking under section 8 are applicable and which do not meet such standards, and which may include additional information, including information about efforts to combat trafficking and about countries which have taken appropriate actions to combat trafficking.

(2) INTERIM REPORTS.—The Secretary of State may submit to the appropriate congressional committees in addition to the annual report under subsection (b) one or more interim reports with respect to the status of

severe forms of trafficking in persons, including information about countries whose governments have come into or out of compliance with the minimum standards for the elimination of trafficking since the transmission of the last annual report.

(c) NOTIFICATION.—For fiscal year 2002 and each subsequent fiscal year, for each foreign country to which the minimum standards for the elimination of trafficking are applicable and which has failed to meet such standards, as described in an annual or interim report under subsection (b), not less than 45 days and not more than 90 days after the submission of such a report the President shall submit a notification to the appropriate congressional committees of one of the determinations described in subsection (d).

(d) DETERMINATIONS.—The determinations referred to in subsection (c) are as follows:

(1) WITHHOLDING OF NONHUMANITARIAN ASSISTANCE.—The President has determined that—

(A)(i) the United States will not provide nonhumanitarian foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards; or

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

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

(2) SUBSEQUENT COMPLIANCE.—The Secretary of State has determined that the country has come into compliance with the minimum standards.

(3) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the country to comply with minimum standards for the elimination of trafficking, the President has determined that the provision of nonhumanitarian foreign assistance to the country is in the national interest of the United States.

(4) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (3) with respect to all nonhumanitarian foreign assistance to a country or with respect to one or more programs, projects, or activities.

(e) CERTIFICATION.—Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that with respect to assistance described in clause (i), (ii), or (iv) of subparagraph 3(10)(A) or in subparagraph 3(10)(B), no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.

(a) AUTHORITY TO SANCTION SIGNIFICANT TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emer-

gency Economic Powers Act (50 U.S.C. 1705) in the case of any foreign person who is on the list described in subsection (b).

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.

(3) IEEPA AUTHORITIES.—For purposes of clause (i), the term "IEEPA authorities" means the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)).

(b) LIST OF TRAFFICKERS OF PERSONS.—

(1) COMPILING LIST OF TRAFFICKERS IN PERSONS.—The Secretary of State is authorized to compile a list of the following persons:

(A) any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States or any of its territories or possessions;

(B) foreign persons who materially assist in, or provide financial or technological support for or to, or providing goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A); and

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

(2) REVISIONS TO LIST.—The Secretary of State shall make additions or deletions to any list published under paragraph (1) on an ongoing basis based on the latest information available.

(3) CONSULTATION.—The Secretary of State shall consult with the following officers in carrying out paragraphs (1) and (2).

(A) the Attorney General;

(B) the Director of Central Intelligence;

(C) the Director of the Federal Bureau of Investigation;

(D) the Secretary of Labor; and

(E) the Secretary of Health and Human Services.

(4) PUBLICATION OF LIST.—Upon compiling the list referred to in paragraph (1) and within 30 days of any revisions to such list, the Secretary of State shall submit the list or revisions to such list to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on the Foreign Relations and the Select Committee on Intelligence of the Senate; and publish the list or revisions to such list in the Federal Register.

(c) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PERSONS.—Upon exercising the authority of subsection (a), the President shall report to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on the Foreign Relations and the Select Committee on Intelligence of the Senate—

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

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

(d) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the identity of any person, if the Director of Central Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) LAW ENFORCEMENT.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and

(c) shall not disclose the name of any person if the Attorney General, in coordination as appropriate with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected to—

(A) compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) endanger the life or physical safety of any person; or

(D) cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—(A) Whenever either the Director of Central Intelligence or the Attorney General makes a determination under this subsection, the Director of Central Intelligence or the Attorney General shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and explain the reasons for such determination.

(B) The notification required under this paragraph shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate not later than July 1, 2000, and on an annual basis thereafter.

(e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(f) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting the following new subparagraph at the end:

“(H) SIGNIFICANT TRAFFICKERS IN PERSONS.—Any alien who—

“(i) is on the most recent list of significant traffickers provided in section 10 of the Trafficking Victims Protection Act of 1999, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons as defined in the section 3 of such Act; or

“(ii) who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.”.

(g) IMPLEMENTATION.—

(1) The Secretary of State, the Attorney General, and the Secretary of Treasury are authorized to take such actions as may be necessary to carry out this section, including promulgating rules and regulations permitted under this Act.

(2)(A) Subject to subparagraph (B), such rules and regulations shall require that a reasonable effort be made to provide notice and an opportunity to be heard, in person or through a representative, prior to placement of a person on the list described in subsection (b).

(B) If there is reasonable cause to believe that such a person would take actions to un-

dermine the ability of the President to exercise the authority provided under subsection (a), such notice and opportunity to be heard shall be provided as soon as practicable after the placement of the person on the list described in subsection (b).

(h) DEFINITION OF FOREIGN PERSONS.—As used in this section, the term “foreign person” means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(i) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the placement of any person on the list of traffickers in person described in subsection (b).

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking “10 years” and inserting “20 years”; and

(B) by adding at the end the following: “If death results from a violation of this section, or if such 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.”;

(2) by inserting at the end the following:

“§ 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 use of fraud, deceit, or misrepresentation if the person is a minor, mentally disabled, or otherwise particularly susceptible to undue influence;

“(3) 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, serious harm or physical restraint would be inflicted on that person or another person; or

“(4) 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 a violation of this section, or if such 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.

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

“Whoever knowingly—

“(1) recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter; or

“(2) benefits, financially or otherwise, from an enterprise in which a person has been subjected to 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 a violation of this section, or if such 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.

“§ 1591. Sex trafficking of children or by coercion, fraud, deceit, or misrepresentation

“(a) IN GENERAL.—Whoever knowingly—

“(1) recruits, harbors, transports, provides, or obtains by any means a person, or

“(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, enticed, harbored, transported, provided, or obtained in violation of paragraph (1);

knowing that coercion, fraud, deceit, misrepresentation, or other abusive practices 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) PUNISHMENT.—The punishment for an offense under subsection (a) is—

“(1) if the offense was effected by coercion, fraud, deceit, misrepresentation, or other abusive practices or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

“(2) if the offense was not so effected, and the person transported 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 or imprisonment for not more than 20 years, or both.

“(c) DEFINITION.—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, and—

“(A) which takes place in the United States;

“(B) which affects United States foreign commerce; or

“(C) in which either the person caused or expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.”

“(2) The term ‘other abusive practices’ means—

“(A) threats of serious harm to, or physical restraint against, the person or other person; and

“(B) the abuse or threatened abuse of law or the legal process.

“§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

“(a) Whoever destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration documents, or any other documentation of another person—

“(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation; or

“(2) to prevent or restrict, without lawful authority, the person’s liberty to move or travel in interstate or foreign commerce in furtherance of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation; 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 3(6) of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

“§ 1593. Mandatory restitution

“(a) Notwithstanding sections 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.

"§ 1594. General provisions

"(a) An attempt or conspiracy 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)(1) 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—

"(A) 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

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

"(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 7(e) of the Trafficking Victims Protection Act of 2000.

"(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)."; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

"1589. Forced labor.

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

"1591. Sex trafficking of children or by coercion, fraud, deceit, or misrepresentation.

"1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

"1593. Mandatory restitution.

"1594. General provisions."

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE INTERAGENCY TASK FORCE.—To carry out the purposes of section 5, there are authorized to be appropriated to the Secretary of State \$1,500,000 for fiscal year 2000 and \$3,000,000 for fiscal year 2001.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Secretary of Health and Human Services \$5,000,000 for fiscal year 2000 and \$10,000,000 for fiscal year 2001.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—To carry out the purposes of section 7(a) there are authorized to be appropriated to the Secretary of State \$5,000,000 for fiscal year 2000 and \$10,000,000 for fiscal year 2001.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Attorney General \$5,000,000 for fiscal year 2000 and \$10,000,000 for fiscal year 2001.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 6 there are authorized to be appropriated to the President \$5,000,000 for fiscal year 2000 and \$10,000,000 for fiscal year 2001.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of section 9 there are authorized to be appropriated to the President \$5,000,000

for fiscal year 2000 and \$10,000,000 for fiscal year 2001.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Secretary of Labor \$5,000,000 for fiscal year 2000 and \$10,000,000 for fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased to rise in strong support of H.R. 3244, the Trafficking Victims Protection Act of 2000. I am pleased to cosponsor H.R. 3244.

This legislation would not be before us today without the strong leadership and extensive work by the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights of our Committee on International Relations. He was joined in refining this legislation by the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking Democratic member of our committee. Together they produced a very fine product which deserves the support of every Member of this body.

As noted in the legislation, Mr. Speaker, millions of people, primarily women and children, are trafficked every year across the international borders for sexual or other exploitive purposes. Approximately 50,000 women and children are trafficked into the United States for such purposes every year. H.R. 3244 contains a number of provisions designed to ensure that our government uses its influence around the world to stop this abominable trafficking in human beings. Moreover, it enhances the protections under U.S. law for victims of trafficking in the United States.

This legislation establishes minimum standards that should be achieved in nations with significant trafficking problems in order for them to begin eliminating trafficking. The bill also authorizes U.S. foreign assistance to help countries meet those minimum standards and beginning in the year 2002, requires the withholding of non-humanitarian U.S. foreign assistance from countries that fail to meet those standards.

Mr. Speaker, this measure enables the President to exercise a national interest waiver to permit the delivery of nonhumanitarian assistance, notwithstanding this requirement. But in the

typical case, this threat should provide a powerful incentive to nations with trafficking problems to meet the minimum standards.

Within our Nation, the legislation permits certain victims of trafficking to remain in the country so that among other things, they can assist in the prosecution of the traffickers. Victims of severe forms of trafficking are also made eligible for special programs set up for crime victims. This legislation strengthens the criminal penalties for trafficking under U.S. law in a number of very critical respects.

Taken together, this is a solidly-crafted piece of legislation that addresses an urgent moral and humanitarian problem. Regrettably, the administration has opposed this legislation, but I am optimistic that a strong expression of support in the House of Representatives today will prompt the administration to reconsider its position.

Accordingly, Mr. Speaker, I urge our colleagues to fully support H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I thank the distinguished chairman of the Committee on International Relations for his very kind words; the feeling is mutual and the respect is mutual.

Mr. Speaker, I am deeply grateful that the House is meeting today to consider H.R. 3244, the Trafficking Victims Protection Act of 2000 which I introduced last year along with the gentleman from Connecticut (Mr. GEJDENSON), the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from Virginia (Mr. WOLF), and a number of other bipartisan cosponsors.

Before discussing the merits of the legislation, I would like to point out that the bill now has 36 cosponsors, 18 Democrats and 18 Republicans. Among the Republican cosponsors are the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, who last year gave us a very firm commitment that this bill would be brought to the floor because of the egregious nature of the situation that we are facing; the gentleman from Texas (Mr. DELAY), the majority whip; the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations who just spoke; the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce; and the gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution. The Democratic cosponsors include not only the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking minority member of the Committee on International Relations, but also the gentleman from Michigan (Mr. CONYERS), the gentleman from Illinois (Mr. GUTIERREZ), and the gentlewoman from Georgia (Ms. MCKINNEY), my friend and the ranking member on my subcommittee.

Another index of the broad support for the Trafficking Victims Protection

Act is that it has both the support of Charles Colson and Gloria Steinem, of the Family Research Council and of Equality Now; of the Religious Action Center of Reform Judaism, as well as the National Association of Evangelicals.

In crafting this legislation, we have also had the assistance of impartial experts, such as Michael Horowitz of the Hudson Institute, Gary Haugen of the International Justice Mission, which goes out and rescues trafficked women and children one-by-one. I especially want to thank Grover Joseph Rees, the chief counsel and chief of staff of the Subcommittee on International Operations and Human Rights, for his remarkable skill in helping to craft this measure and, in like manner, I would like to thank David Abramowitz, the chief counsel for the Minority staff, who has done tremendous work on it as well. I would also like to thank Dr. Laura Lederer of the Protection Project whose painstaking research has been indispensable in ensuring that we have the facts about this worldwide criminal enterprise and its victims.

As a matter of fact, Mr. Speaker, in testimony at a Helsinki Commission sexual trafficking hearing that I chaired on June 28, Dr. Lederer told the story of Lydia. Lydia's story, she told us, is an amalgamation of several true stories of women and girls who have been trafficked in Eastern Europe in recent years.

□ 1245

Lydia was 16 and hanging around with friends on streets, she told us. You can fill in the name of the country here, the Ukraine, Russia, Rumania, Lithuania, the Czech Republic, when they were approached by an older, beautifully dressed woman who befriended them and told them they were so nice looking she could get them a part-time job in modeling.

She took them to dinner, bought them some small gifts, and when the dinner was over she invited them back to her home for a drink. Taking the drink is the last thing that Lydia remembers. The woman drugged her and handed her and her friends over to an agent who drove them, unconscious, across the border. Here you can fill in another set of countries, be it Germany, the Netherlands, Italy, some Middle Eastern countries, even as far as Japan, Canada, and of course, the United States.

When Lydia awoke she was alone in a strange room in a foreign country. Her friends were gone. A while later a man came into the room and told her that she now belonged to him. I own you, he said. You are my property. You will work for me until I say stop. Don't try to leave. You have no papers. You have no passport. You don't speak the language in this country. He told her if she tried to escape his men would come in after her and beat her and bring her back. He told her that her family back home was in danger. He told her that

she owed the agency \$35,000, which she would work off in a brothel by sexually servicing men, sometimes 10 to 20 men a day.

Stunned, angry, rebellious, Lydia refused. The man then hit her. He beat her. He raped her. He sent friends in to gang rape her. She was left in the room alone without food or water for 3 days. Frightened and broken, she succumbed. For the next 6 months she was held in virtual confinement and forced to prostitute herself. She received no money. She had no hope of escape.

She was rescued when the brothel was raided by local police. They arrested the young women and charged them with working without a visa. They arrested the brothel manager and charged him with procuration, but he was later released. They did not attempt to arrest the brothel owners or to identify the traffickers.

The girls were interviewed, and those who were not citizens of the country were charged as illegal aliens and transferred to a woman's prison where they awaited deportation.

A medical examiner found that Lydia had several sexually transmitted diseases. In addition, she was addicted to a potent cough syrup, and she was physically weak. She was spiritually broken. There was no one to speak for Lydia. She feared the future because she knew her keepers. They had the networks, the power, the resources to track her down, kidnap her, and bring her back again.

The risk is low so the potential profits are high, and girls like Lydia are the real target. There seems to be no one who cares about Lydia's life. The authorities do not have an interest in tracking down the organizations or the individuals in this trafficking chain, from the woman who drugged Lydia to the agent who brought her across the border to the agent who broke her will to the brothel managers and to the brothel owners.

In addition, there are corrupt law enforcement officers involved, because the process of getting Lydia across the borders and keeping the brothels running involves payoffs to local visa officials and police in the country of origin, border patrols for both countries, and local police in the destination countries. Lydia is without protection. The traffickers have bought theirs.

Now, think of Lydia's story multiplied by hundreds of thousands and you get the picture of the scope of the problem. UNICEF is estimating that 1 million children are forced into prostitution in southeast Asia alone, another 1 million worldwide. These are just children. An estimated 250,000 women and children from Russia, the newly-independent States, and Eastern Europe are trafficked into Western Europe, the Middle East, Japan, Canada, and the U.S. each and every year.

An estimated 20,000 children from Central American countries, and this is a new figure from the Working Group on Contemporary Forms of Slavery,

are being trafficked for the purposes of commercial sexual exploitation up through Central America and into the United States.

Mr. Speaker, on an OSCE human rights trip to St. Petersburg last July, my wife Marie and I, joined by several other Members, met with Dr. Juliette Engel of MiraMed Institute, an NGO dedicated to helping women exploited by trafficking. We met with girls and young women who told us their heart-breaking stories of their captivity.

Dr. Engel's group has supported H.R. 3244 and points out that, unfortunately for Russian girls, sexual trafficking is the most profitable of all the criminal enterprises. Estimates are as high as \$4 billion last year, because unlike one-time sales of weapons and narcotics, women can be sold over and over again. Dreams are shattered, she writes, families are broken apart, lives are destroyed.

Mr. Speaker, our legislation, H.R. 3244, has attracted such broad support not only because it is pro-women, pro-child, pro-human rights, pro-family values, and anticrime, but because it addresses a problem that absolutely cries out for a solution.

The Trafficking Victims Protection Act focuses on the most severe forms of trafficking in human beings: on the buying and selling of children into the international sex industry, on sex trafficking of women and children alike by force, fraud, or coercion, and on trafficking into slavery, involuntary servitude, and forced labor.

Each year, as many as 2 million innocent victims, of whom the overwhelming majority of are women and children, are brought by force and/or fraud into the international commercial sex industry.

Efforts by the U.S. Government, international organizations, and others to stop this brutal practice have thus far proved, unfortunately, unsuccessful. Indeed, all the evidence suggests that instances of forcible and/or fraudulent sexual trafficking are far more numerous than just a few years ago.

Mr. Speaker, let me just say a couple of final points. Part of the problem is that current laws and enforcement strategies in the U.S. and other countries often punish the victims more severely than they punish the perpetrators. When a sex-for hire establishment is raided, the women and sometimes children in the brothel are typically deported if they are not citizens of the country in which the establishment is located, without reference to whether their participation was voluntary or involuntary, and without reference to whether they will face retribution or other serious harm upon return.

This not only inflicts further cruelty on the victims, it also leaves nobody to testify against the real criminals, and frightens other victims from coming forward.

My legislation, Mr. Speaker, seeks the elimination of slavery and particularly sex slavery by a comprehensive,

balanced approach of prevention, prosecution and enforcement, and victim protection.

The central principle behind the Trafficking Victims Protection Act is that criminals who knowingly operate enterprises that profit from sex acts involving persons who had been brought across international boundaries for such purposes by force or fraud, or who force human beings into slavery, should receive punishments commensurate with the penalties for kidnapping and forcible rape. That means up to life imprisonment. Putting these gangsters away for life would not only be just punishment but also a powerful deterrent, and the logical corollary of this principle is that we need to treat victims of these terrible crimes as victims who desperately need protection.

Let me just say, this bill needs to be passed, Mr. Speaker and it needs to be passed today.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start joining my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. GILMAN), and commend them for working together on something that has a broad bipartisan and broad ideological support. These are clearly some of the most vulnerable people on the planet: people who are impoverished, often; people who have not had the opportunities to defend themselves. This legislation begins a process of giving them some protection.

I would like to particularly thank Alethia Gordon, a Fellow in my office, for the work that she did in establishing the boundaries of this legislation and in doing much of the research; and also my friend, Gloria Steinem, for her work. This legislation crosses the political boundaries that often are dividing this House, again, both political and ideological.

I think, as Mr. SMITH pointed out, what is so frustrating in the present situation is often the laws that we have punish only the victims, people who are tricked from their small villages or large cities in either the former Soviet Union or poor countries around the world, Africa, Asia, almost anywhere, tricked and then threatened, intimidated, their passports taken away, people who do not know what rights they may have and often may understand that the laws even in our country only apply to them and not so much, often, to those who enslave them.

We in this legislation begin the process to both shift the burden to those who traffic not just in sexual slavery, but employment slavery. People are brought to this country as employees, often, legally and illegally, and are then worked beyond all reasonable length of time in completely abhorrent conditions.

We have seen that happen from Mexicans who are deaf brought to work the U.S. airports to oftentimes even people brought up with diplomats and international organizations coming here. Their passports are taken away.

We do more than just work on the punishment end, though. We also in this legislation begin the process of getting the information back to the villages.

I was with a group of people who were in Groton, Connecticut, the other day who were having a march for MADD, the organization that has done so much to raise awareness about drinking.

Of all the things they have done, and they have done some wonderful things, it occurs to me probably the most important thing they have done is make people aware of the problem, getting the messages back to the villages so families will not be fooled into thinking their child is going off to work in a factory somewhere, or work as a domestic and bring back resources to a hungry and impoverished community. That is also an important part of this legislation. We need to make sure that message gets out.

In the dissolution of the Soviet Union, the poverty that has enveloped many of those former Soviet countries, the poverty in countries around the world, that ought not be an excuse for allowing people's lives to be enslaved.

Again, I applaud all the cosponsors, particularly the gentleman from New Jersey (Mr. SMITH), and all those who have worked on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in support of the Trafficking Victims Protection Act, a bill that my good friend, the gentleman from New Jersey (Mr. SMITH) has worked on so tirelessly.

I would like to share a story with my colleagues. It is the story of a young girl from a very poor family in a developing country who had hopes for a better life in a wealthier land. This attractive young woman came from a good family, but it was a family that could provide her with very little. Like young people everywhere, she had dreams, dreams of nicer clothes, dreams of new opportunities, dreams of seeing foreign places.

One day she was offered the chance to make her dreams come true. She would have to leave her family and make her own way, but if she worked hard, she was promised a new life in a land of opportunity. She was nervous, but she took the chance.

When she got where she was going, she could tell something was wrong. She was led to a hot, dirty trailer and locked inside with a handful of other women, women with emotionless faces and broken spirits. It was there that her life as a sex slave began.

At first, she refused to do what she was told, but she could only take so many beatings. Then 30 men a day entered her trailer and raped her, sometimes beating her, always robbing her of her dignity and self-respect, almost constantly abused, crying until tears would no longer flow, month after month.

She could not escape because she was locked in a trailer. She didn't know where she was. She didn't know the language. This is a true story. It did not happen in Bangkok, it did not happen in Amsterdam, it did not happen in Rio de Janeiro, it happened in Florida. It is happening today in this country. Every year, 2 million women and children are trafficked into sexual slavery in this country and around the world, 45,500 to 50,000 times in America a year.

The sad ending to this story is that this poor girl, who was freed in an FBI raid 2 years ago, spent a year in jail waiting to be deported back to Mexico.

Mr. Speaker, if this country stands for justice at all, we can do better for this girl. Dr. Laura Lederer, director of the Protection Project of the John F. Kennedy School of Government, has taken the lead in researching and exposing the shockingly widespread nature of the international sex trade.

Here is what she says: "To conceptualize how immense the problem is, imagine a city the size of Minneapolis or St. Louis made up entirely of women and children. Imagine that those women and children are kidnapped, raped, and forced into prostitution. Imagine that it happens every year. Then stop imagining, because it is happening now in those numbers."

□ 1300

We all owe Dr. Lederer a debt that we cannot repay for the work he has done for the forgotten victims of this under-prosecuted area of organized crime. I urge my colleagues to vote for this important bill.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), who spent a tremendous amount of effort on this piece of legislation.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for yielding me this time. As he mentioned, on June 1994, I first introduced legislation addressing the growing problem of Burmese women and children who were being sold to work in a thriving sex industry in Thailand. It is an awful tragedy. These were sometimes young girls as young as 5 years.

This legislation responded to credible reports that indicated that thousands of Burmese women and girls were being trafficked into Thailand with false promises of good-paying jobs in restaurants or factories, and then being forced into brothels under slavery-like conditions.

Unfortunately, as I learned more and more about the issue, it became abundantly clear that the issue was not lim-

ited to one region of the world. In fact, in the wake of the discovery of a prostitution ring of trafficked women in Florida and the Carolinas, as well as a group of Thai garment workers held captive in California, I soon realized this was an issue that must also be dealt with in our own backyard.

Six years later, I am pleased to be standing here today to support this important legislation. H.R. 3244 sets forth policies not only to monitor but to eliminate trafficking here in the United States and abroad. More importantly, it does so in a way that punishes the true perpetrators, the traffickers themselves, while at the same time taking the necessary steps to protect the victims of this awful crime.

Finally, Mr. Speaker, it uses our Nation's considerable influence throughout the world to put pressure on other nations to adopt policies that will hopefully lead to an end to this abhorrent practice. I am especially pleased to see that this bill recognizes the fact that trafficking is not exclusively a crime of sexual exploitation. Taken independently, this action is an egregious practice in and of itself. But it is also important to be aware that people are being illegally smuggled across borders to work in sweatshops, domestic servitude, or other slavery-like conditions.

Mr. Speaker, developing this initiative has been a long and arduous process. At the beginning of this endeavor, many of the groups involved had different approaches to defining and dealing with the issue. And in addition, we also had to deal with a State Department that was often less than cooperative when dealing with the Congress.

Nevertheless, we are here today because this is an issue important enough to cross party lines and personality divides. I offer my personal thanks to the gentleman from New Jersey (Chairman SMITH) and the gentleman from Connecticut (Mr. GEJDENSON), ranking member, for moving the legislation and look forward to its passage.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my good friend who has been very earnest on all human rights issues, but this one as well.

Mr. WOLF. Mr. Speaker, I rise in strong support of H.R. 3244, the Trafficking Victims Protection Act, and I want to compliment the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON). Both have done an outstanding job. If it was not for the both of these gentlemen, last year when we passed the religious freedom bill, I remember they went in there and that bill passed. What the gentleman from Connecticut and the gentleman from New Jersey are doing today is a continuation of that policy.

The gentleman from New Jersey (Mr. SMITH) has a heart for these issues and really cares deeply. My main purpose was to congratulate Mr. SMITH and Mr.

GEJDENSON. It is a strong bill. It is a tough bill. It is comprehensive. It is another initiative fitting in with what their committee did last year with the religious freedom legislation. Hopefully, now this bill will be picked up in the Senate and passed quickly.

Mr. Speaker, I again thank the gentleman from Connecticut (Mr. GEJDENSON) for his efforts here and all the good work that he has done on human rights over the years. He has always been there on these issues. And the gentleman from New Jersey (Mr. SMITH) who, frankly, his people back in his congressional district can be very proud of him and his good work. Whenever there has been an issue like religious freedom, abortion, China, the Soviet Union, gulag, sex trafficking, the gentleman has been there; not in the crowd, but he has been right out in front and has made the big difference. So I thank him for the great job that he has done, and the staff as well. Mr. SMITH is a credit to the Congress and we are all better for his service.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY), who also spent immeasurable efforts on this legislation.

Ms. WOOLSEY. Mr. Speaker, I want to compliment the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON) for good work.

Mr. Speaker, I wholeheartedly agree that we must address the problem of sexual trafficking of women and children throughout the globe, and I support H.R. 3244 with a lot of enthusiasm.

More than 2 million women and girls are enslaved around the world. In the United States, estimates run as high as 100,000 being enslaved into sexual and domestic servitude as a result of lax protections.

Present laws in the United States are inadequate. This bill, H.R. 3244, addresses ways to deter trafficking and assist victims and it must be passed. But what is this Congress doing to strengthen women's human rights around the world in order to eradicate international sexual trafficking? Unfortunately, the Senate Foreign Relations Committee has not ratified the United Nation's women's treaty known as CEDAW, Convention to End Discrimination Against All Women.

The people's House must go on record to urge the Senate to ratify this Bill of Rights. Why? Because CEDAW establishes basic human rights for women around the globe, rights that are not fully addressed in any other international treaty. Ratification of CEDAW puts the United States in a position to be a real player when advocating for women's human rights and fighting against sexual trafficking.

Mr. Speaker, 165 countries, including Nepal, have ratified CEDAW. However, Nepal still struggles in its effort to fight against enslavement of nearly 200,000 women in Indian brothels. This is an example of where United States

ratification of CEDAW would lend muscle to the fight against sexual trafficking. We need to protect women from the human rights abuses they face simply as a result of their gender, and we can help to make that happen if the United States ratifies CEDAW.

It is time for Congress to take strides against sexual trafficking and having the Senate ratify CEDAW is key to this effort. Passing H.R. 3244 is also key.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the time of the gentleman from Connecticut (Mr. GEJDENSON) will be controlled by the gentleman from Ohio (Mr. BROWN).

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank my colleagues on both sides of the aisle for introducing this wonderful piece of legislation. I am sure, Mr. Speaker, there are many Americans who think that the buying and selling of people ended in the 19th century when slavery was abolished, and most people here are sure at least that if it happens, it certainly does not happen here.

Wrong. It is estimated that over 50,000 women and children are brought to the United States under false pretenses and forced to work as prostitutes, abused laborers or servants. And worldwide, it is even worse. Each year 1 to 2 million women and children are trafficked around the world. This is by far one of the worst human rights violations of our time. Women and children are easy targets for exploitation and are often the most marginalized members of society, the last to be educated, and the last to have economic independence.

Mr. Speaker, when I had the privilege of traveling with the President to South Asia, I saw a young girl named Nurjahan in Bangladesh. She was about 15 years old. All she knows for sure is that she thinks she is about 15 years old, but she knows for sure that at 8, she was bought by a brothel in Pakistan probably for between \$200 and \$1,500.

She finally escaped from a life as a sex slave. I met her and eight other girls at the headquarters of an organization called Action Against Trafficking and Sexual Exploitation of Children in Dhaka, Bangladesh. They all looked like the children they were, except for the acid scars borne by a few of them. The invisible scars one can hardly bear to imagine.

Many of these girls could not go home because even if their families would accept them, their communities would not. Adding to their unspeakable tragedy, some are infected with HIV and all require counseling, a relatively new practice in South Asia.

I am committed to advancing the economic, legal and political status of women and children here in the United States and worldwide, and urge my col-

leagues to support H.R. 3244, the Trafficking Victims Protection Act of 1999. Nurjahan and so many others are waiting for us to take seriously the horrendous practices involved in the trafficking of human beings.

Mr. BROWN of Ohio. Mr. Speaker, I have no further speakers on this side, and I yield back the balance of my time and ask for House support of H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I thank all of those who have supported this bill through an incredibly arduous process, as well as for the kind and important comments that were made on the floor.

Mr. Speaker, the Trafficking Victims Protection Act contains several mutually reinforcing provisions, probably two most notable of which are reforms to the United States criminal law to provide severe punishment, up to life imprisonment in the worse cases, for criminals who buy and sell human beings or who profit from the deliberate, premeditated and repeated rape of women and children. This includes people who recruit, transport, purchase, and sell these innocent victims as well as those who manage or share in the proceeds of trafficking enterprises. And of equal importance the bill establishes preventive programs, and provides real, tangible protections for the victims.

Finally, Mr. Speaker, we cannot wait one more day to begin saving these millions of women and children who are forced every day to submit to the most atrocious offenses against their persons and against their dignity as human beings. I urge unanimous support for the Trafficking Victims Protection Act of 2000.

Mr. ABERCROMBIE. Mr. Speaker, I wish to express my support for H.R. 3244, the Trafficking Victims Protection Act of 2000.

Trafficking in human beings is an evil which many assume was abolished long ago. Sadly, this is not the case. Human trafficking remains one of the worst human rights violations of the contemporary world. Its victims are typically the poorest, the most vulnerable and most disadvantaged. Trafficking is global in scope, fed by poverty, lawlessness, dictatorship and indifference. Each year, more than one million people, mostly women and children, are lured or forced into slavery. Traffickers buy young girls from relatives, kidnap children from their homes or lure women with false promises of legitimate employment. Traffickers use rape, starvation, torture, extreme physical brutality and psychological abuse to force victims to work in horrible conditions as prostitutes, in sweatshops or domestic servitude. Every American should be concerned and ashamed that many of these victims—perhaps numbering in the thousands—are trafficked into the United States each year.

It is clear that we need stronger laws to deter trafficking. We especially need to impose disincentives to deter the international criminal rings which profit from the practice. H.R. 3244 includes these disincentives and other provisions to deter and punish traffickers by:

Establishing new criminal provisions and increasing criminal and other penalties for traffickers;

Establishing initiatives to prevent trafficking by educating potential victims and improving their economic conditions to decrease the lure of traffickers;

Authorizing assistance for countries where victims originate to help them;

Authorizing a new visa for trafficking victims and providing certain federal benefits for such victims to create a safe haven so that victims will escape their conditions and help prosecute the traffickers;

Cutting off non-humanitarian assistance to countries that do not effectively combat trafficking, while providing the President a national interest waiver; and

Focusing U.S. Government efforts in order to create greater interagency coordination to combat this problem.

Trafficking in human beings is a shameful blot on the contemporary world. It imposes unspeakable hardship and cruelty on millions of people. I support the Trafficking Victims Protection Act of 2000, because it provides a legal framework to attack this contemporary evil. This measure deserves our support, because it affirms our adherence to universally accepted norms of human rights and it gives concrete expression to our will to defend and extend those rights.

Mr. GEORGE MILLER of California. Mr. Speaker, I am in support of this legislation to address the issue of international sex trade. I thank the author, Mr. SMITH, for offering this legislation and the Committee on International Relations for bringing it to the floor for discussion.

The approach of this legislation is admirable. It sets up a process whereby the United States will motivate other countries to strengthen their laws with regard to the illegal trafficking of women for sex. It recognizes that women and children from poorer nations are the primary targets for the sex trade industry. They are often lured into a scheme of travel, opportunity, and jobs, only to find themselves as indentured servants and sex slaves. They are isolated and have no means of escape. The legislation addresses this issue and provides a mechanism for the U.S. to withhold non-humanitarian aid to those countries which refuse to be proactive in their approach to help stop human trafficking from happening. Foreign countries must meet a minimum criteria to protect against illegal trafficking and to prosecute those individuals that profit from this despicable business. Along with providing states and territories with funding to establish programs designed to assist victims, H.R. 3422 also allows for victims to seek a change in their residential status under the Immigration and Nationality Act (INA) so that they can become permanent residents of the United States while seeking redress from their abusers.

The problem is this bill will not help the victims of sexual slavery in the U.S. territory of the Commonwealth of the Northern Mariana Islands (US/CNMI) where the INA does not apply. Just last month, the Central Intelligence Agency released a report entitled, International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime. The report identifies the CNMI as a United States locality used by international criminal organizations to import women for the sex industry. The US/CNMI is used both as a transfer point and a point of destination for human smugglers. Unfortunately, local enforcement of immigration in the

CNMI has been unable and unwilling to halt this importation of sexual slaves. In fact, local immigration just permitted the importation of 300 young women from Russia to work in a new casino in the US/CNMI purportedly as waitresses and public relations staff even though none of them speak English.

The Republican leadership of this House has consistently refused to address the human rights abuses in the US/CNMI and now this legislation neglects to assist its victims. We need to be sure that as we encourage other countries to address the issue of illegal trafficking of women in the sex industry that we also make ourselves and our system a model for countries to look upon. The first and perhaps the easiest step is to make sure we protect victims of this industry beneath our own flag.

Mr. CONYERS. Mr. Speaker, of all the human rights violations currently occurring in our world, the trafficking of human beings, predominantly women and children, has to be one of the most horrific practices of our time. At its core, the international trade in women and children is about abduction, coercion, violence and exploitation in the most reprehensible ways. H.R. 3244 is a modest effort to eradicate forcible and/or fraudulent trafficking of persons into prostitution or involuntary servitude. The bill provides some protection for victims who would otherwise be deportable if identified by law enforcement by creating a new "T" visa category for eligible victims. Unfortunately, the bill reported out of the Judiciary Committee is much more restrictive than the bill originally introduced by Representative CHRIS SMITH and Representative SAM GEJDENSON. A compromise bill was substituted by the Republicans immediately prior to the Judiciary Committee mark-up to satisfy their unrealistic concerns that the bill would enable persons to fraudulently obtain a lawful status by claiming that they were a victim of sex trafficking or involuntary servitude.

In particular, the Committee-reported bill incorporated several significant restrictions on the availability of visas for victims of sex trafficking and involuntary servitude. Among other things, the bill requires that victims establish that their presence is a "direct result of trafficking;" that they did not "voluntarily agree" to such trafficking; that they have a "a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States" or "would suffer extreme hardship in connection with the trafficking upon removal from the United States;" and limits the Attorney General's authority to waive grounds of inadmissibility for trafficking victims. Each one of these requirements represents a marked departure from the spirit and text of the introduced version of the legislation, and each has the potential to prevent real victims of the legislation, and each has the potential to prevent real victims of sex trafficking and involuntary servitude from receiving refuge from their tormentors.

Further, the bill unnecessarily caps at 5,000 per year the number of victims who can receive a nonimmigrant visa and caps at 5,000 per year the number of victims who can become permanent residents. Because estimates of the number of trafficking victims entering the United States are greater than 5,000 per year, we see no reason not to provide protection to the 5,001st who has been the subject of such terrible acts.

Not only would the original bill have been more helpful to victims and their families, I believe that we should be doing far more to protect not just the victims of sex traffickers and involuntary servitude but also the victims of other forms of abuse such as battered immigrants and sweatshop laborers. I hope we have the opportunity to consider such legislation in the near future.

Finally, I would like to note for the record my understanding of two somewhat technical issues. First, regarding the phrase in the new "T" visa provision that makes visas available to, "an alien, and the children and spouse of the alien if accompanying or following to join the alien, who * * *." It is clear that the principal foreign national who is applying for the visa must meet the criterion for eligibility which includes proof that he or she is or has been a victim of a severe form of trafficking and several other requirements. The possible ambiguity is with respect to whether a child or spouse accompanying or following to join the principal foreign national also has to meet those requirements. However, I have been assured that the intention of the provision is for the child or spouse to receive derivative benefits from the principal foreign national who is applying for the visa. The spouse and child do not have to meet the eligibility requirements themselves.

The bill also would permit trafficking victims who have been here for three years to become lawful permanent residents of the United States. This issue concerns the possibility of a misinterpretation in this provision too. Whereas the new nonimmigrant visa provision applies one eligibility criterion to "children" and another criterion to "sons and daughters (who are not children)," the provision for adjustment of status only addresses criterion applicable to "unmarried sons and daughters." In a perfect world, I would have preferred to use the term "children" in the adjustment of status context to explicitly state that "children are eligible for derivative permanent resident status. That being said, I accept the sponsors position that in the case of adjustment of status, derivative status is available to unmarried sons and daughters, which includes children, of the principal foreign national.

Mr. HOEFFEL. Mr. Speaker, I rise in support of H.R. 3244, the Trafficking Victims Protection Act of 2000.

The illegal trafficking of women and children for prostitution and forced labor is one of the fastest growing criminal enterprises in the world.

Globally, between 1 and 2 million people are trafficked each year. Of these, 45,000 to 50,000 are brought to the United States. Some are made to work in illegal sweatshops, while many more are forced into prostitution or domestic servitude here in the United States.

There is an increasing need for adequate laws to deter trafficking. This legislation is meant to combat this modern day form of slavery by including provisions to punish traffickers and protect its victims.

Specifically, H.R. 3244 would require the Secretary of State to include information on trafficking in the Annual Country Reports on Human Rights Practices. This bill would also require the President to appoint an Interagency Task Force to Monitor and Combat Trafficking and authorizes the Secretary of State to establish an Office to Monitor and Combat Trafficking to assist the Task Force.

This bill also has strong enforcement mechanisms. For example, H.R. 3244 would establish minimum standards applicable to those countries found to have significant trafficking problems to prevent, punish, and eliminate trafficking. If these countries do not meet the minimum standards, the President would be authorized to withhold nonhumanitarian assistance. This legislation would also require the Secretary of State to publish a list of those believed to be involved with illegal trafficking and would allow the President to impose International Emergency Economic Powers Act (IEEPA) sanctions against any individual on this list.

Mr. Speaker, I urge passage of this important legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3244, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mr. LAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, as amended.

The Clerk read as follows:

H.R. 4386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Prevention and Treatment Act of 2000".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDEY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking "or" at the end;

(B) in subclause (XVII), by adding "or" at the end; and

(C) by adding at the end the following: "(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);".

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following: