

URGENT

Total Pages: 4

LRM ID: AER311

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, November 2, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: John D. Burnim (for) Assistant Director for Legislative Reference

OMB CONTACT: Annette E. Rooney
E-Mail: Annette_E_Rooney@omb.eop.gov
PHONE: (202)395-7300 FAX: (202)395-5691

SUBJECT: President's Interagency Council on Women Talking Points on S600
International Trafficking of Women and Children Victim Protection Act of 1999

DEADLINE: 2:00 PM Tuesday, November 2, 1999

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: This paper is in addition to the papers circulated under LRM #AER310.

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Mary Helen Carbo
David Kilborn

**LRM ID: AER311 SUBJECT: President's Interagency Council on Women Talking Points on S600
International Trafficking of Women and Children Victim Protection Act of 1999**

**RESPONSE TO
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(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

**TO: Annette E. Rooney Phone: 395-7300 Fax: 395-5691
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-6194**

**FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)**

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

S. 600
International Trafficking of Women and Children Victim
Protection Act of 1999

Description:

S. 600 seeks to reduce trafficking of women and children and to protect its victims. It makes trafficking a criminal offense. It sanctions international law enforcement by denying assistance if a country's officials are involved in trafficking. Funding is authorized for both international and domestic protection for victims.

Position:

The Administration supports stronger anti-trafficking measures than those contained in S.600. We seek legislation that will fight trafficking in three ways: 1) prevention; 2) protection for trafficking victims; and 3) prosecution of and enforcement against traffickers. S. 600 contains some of these elements, but not all. In addition, the Administration opposes the sanctions mechanism in S.600.

Talking Points:

- The Administration supports trafficking legislation to combat this egregious human rights and criminal violation.
- Trafficking legislation should strengthen the USG's ability internationally and domestically to prevent trafficking, protect victims and prosecute traffickers.
- The Administration believes that while there are worthwhile elements within this bill, it needs to be improved.
- We object to the imposition of sanctions upon law enforcement. We need to work with and support the proper training of law enforcement personnel, not cut off funding.
- S. 600 needs to incorporate stronger prevention measures.

- More effective prosecution and enforcement mechanisms would be welcomed.
- We believe that HR 3154 introduced by Representative Gejdenson in the House and co-sponsored by 35 of his colleagues, both Democrats and Republicans, contains more effective anti-trafficking measures.
- We want to work with Congress - on a bi-partisan basis - to achieve legislation that will advance the policy framework of prevention, protection for victims and prosecution against traffickers.

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E-Mail: Annette_E_Rooney@omb.eop.gov
PHONE: (202)395-7300 FAX: (202)395-5691

SUBJECT: **President's Interagency Council on Women Talking Points on HR3154
Comprehensive Antitrafficking in Persons Act of 1999**

DEADLINE: X **1:00 PM Tuesday, November 2, 1999**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

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_____ Concur

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_____ No Comment

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_____ Other: _____

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of the President in the most effective and calibrated way to get the attention of countries that are truly problems. We prefer the approach taken in this bill.

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H.R. 3154

"The Comprehensive Anti-Trafficking in Persons Act of 1999"

Description: H.R. 3154 strengthens prosecution and enforcement tools against traffickers operating in the United States and expands existing services to meet the needs of domestic trafficking victims. This legislation also works through our international affairs agencies to help other countries prevent trafficking, protect victims, and enforce their own anti-trafficking laws. The bill creates an Inter-Agency Task Force to Monitor and Combat Trafficking, comprised of cabinet level members and chaired by the Secretary of State, and requires expanded coverage on trafficking in the annual Country Reports on Human Rights Practices. Finally, this legislation establishes a humanitarian, non-immigrant visa classification for trafficking victims in the United States and gives the President discretionary authority to impose sanctions against countries and individuals involved in trafficking.

Position: The Administration supports H.R. 3154. We look forward to continuing our work with Congress to pass the strongest possible anti-trafficking legislation.

Talking Points:

- H.R. 3154 is a very strong anti-trafficking bill and the Administration applauds the efforts of Representative Gejdenson and the bill's co-sponsors to address trafficking in all of its forms.
- Significantly, the bill is not limited to addressing sexual slavery, which is only one form of trafficking of persons.
- We support the bill's creation of a comprehensive strategic framework to guide US policy efforts which would fight trafficking through 1) prevention; 2) protection of trafficking victims; and 3) prosecution against traffickers.
- Most countries want to work cooperatively to combat trafficking. This bill contains discretionary sanctions provisions rather than mandatory economic sanctions. They therefore are available to be utilized in the judgement

- H.R. 3154 authorizes the Secretary of State to establish a discretionary office to institutionalize the fight against trafficking; this is preferable to imposing upon the Secretary or President a mandatory trafficking office which would limit their discretion in the best way to organize resources to address trafficking.

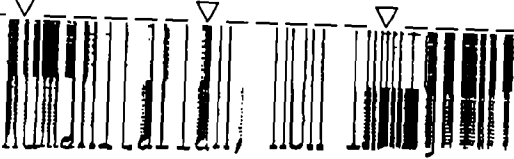
Report for ensuring that all requirements

- We encourage support for ensuring that all requirements upon the Executive Branch are adequately funded.
- We observe with approval the bipartisan support for this bill and this issue. We encourage continued bipartisan cooperation to eradicate this horrible human rights and criminal violation.

WELLSTONE SUBSTITUTE BILL

Description: The Wellstone substitute bill [based upon HR 3154 - the Comprehensive Anti-Trafficking in Persons Act of 1999, introduced by Rep. Gejdenson] strengthens prosecution and enforcement tools against traffickers operating in the United States and expands existing services to meet the needs of domestic trafficking victims. This legislation also works through our international affairs agencies to help other countries prevent trafficking, protect victims, and enforce their own anti-trafficking laws. The bill creates an Inter-Agency Task Force to Monitor and Combat Trafficking, comprised of cabinet level members and chaired by the Secretary of State, and requires expanded coverage on trafficking in the annual Country Reports on Human Rights Practices. Finally, this legislation establishes a humanitarian, non-immigrant visa classification for trafficking victims in the United States and gives the President discretionary authority to impose sanctions against countries and individuals involved in trafficking.

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trafficking victims in the United States and gives the President discretionary authority to impose sanctions against countries and individuals involved in trafficking.

Position: The Administration supports this bill. We look forward to continuing our work with Congress to pass the strongest possible anti-trafficking legislation.

Talking Points:

- This is a very strong anti-trafficking proposal and the Administration supports it.
 - Some of its strengths include:
 - Creation or expansion of a comprehensive framework of prevention; protection of trafficking victims; and prosecution against traffickers.
 - It addresses trafficking in all of its forms and is not limited to sexual slavery, which is only one form of trafficking of persons.
 - Most countries want to work cooperatively to combat trafficking. This bill contains discretionary sanctions provisions rather than mandatory sanctions. They therefore are available to be utilized in the judgement
-

of the President in the most effective and calibrated way to get the attention of countries that are truly problems.

- We note that the House counterpart of this bill - HR 3154 -- was introduced with bi-partisan support by over 35 original co-sponsors.
- We encourage support for ensuring that all requirements upon the Executive Branch are adequately funded. This bill contains authorizations and we would have very serious concerns about unfunded mandates.

OPTIONAL:

- This bill contains a discretionary office to fight trafficking; we have indicated in the past our concern for imposing a mandatory trafficking office which would limit the discretion of the Secretary or President and find this approach preferable.

H.R. 1356

"Freedom From Sexual Trafficking Act of 1999"

Description: H.R. 1356 makes sexual trafficking a crime. It would sanction governments that fail to meet standards in the bill, establish an Office For the Protection of Victims of Trafficking headed by a Presidential appointment within the State Department, authorize funds for both international and domestic trafficking programs, and require a new report.

Position: The Administration seeks to work with Congress to enact the strongest possible anti-trafficking legislation, but we oppose H.R. 1356. It fails to address trafficking comprehensively and seeks to impose objectionable economic sanctions on countries around the world.

Talking Points:

- The Administration supports efforts to eradicate sexual trafficking.
- However, H.R. 1356, by severely limiting its prosecution of traffickers and protection of victims to sexual trafficking, fails to address the entire trafficking problem.
- We are committed to addressing trafficking in all of its forms. We should not lose this opportunity for meaningful progress on this issue by addressing half-a-loaf.

Trafficking of persons, particularly women and children, that includes trafficking for involuntary servitude, slavery or slavery-like purposes, forced labor or services. (This includes forced prostitution, bonded sweatshop labor and domestic servitude.)

- We strongly oppose mandatory economic sanctions. They are a blunt instrument and unable to be implemented effectively to fight trafficking.
- We note with concern the bill's failure to include measures to address the economic root causes of trafficking.
- We oppose a mandatory new office structure that limits the discretion of the Secretary or President.
- The existing Human Rights Report is the appropriate vehicle for reporting on trafficking. We strongly oppose

a free-standing, unfunded report on trafficking which would be costly and burdensome to produce.

- The Administration looks forward to working with Congress to craft legislation that advances the United States policy framework of: 1) prevention; 2) protection and assistance for victims; and 3) prosecution and enforcement against traffickers. H.R. 1356 fails to adequately address all three elements

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