

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Re: President's Interagency Council on Women (partial) (2 pages)	05/04/2000	P3/b(3), b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Irene Bueno
OA/Box Number: 19896

FOLDER TITLE:

Trafficking - Adm. [1]

2017-1120-S

ry2207

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

INTERAGENCY TRAFFICKING WORKING GROUP**MAY 3, 2000****ROOM 1107, MAIN STATE****I. ✓ WHITE HOUSE**

- Anti-trafficking legislation and Administration efforts to assure passage of meaningful legislation.

II. ✓ INTERAGENCY INTELLIGENCE ON TRAFFICKING**III. ✓ DEPARTMENT REPORTS****A. ✓ DEPARTMENT OF JUSTICE** 888 428. 7581

- Worker Exploitation Task Force Activities
(Prosecution and Victim Protection)
(Civil Rights Division)

B. ✓ DEPARTMENT OF LABOR

- International Labor Organization
Activities/Trafficking (DAS Andrew Samet)

C. DEPARTMENT OF STATE

- REGIONAL BUREAU UPDATES

✓ □ EAST ASIA PACIFIC

- The Asia Regional Initiative Against Trafficking (ARIAT) and other international regional activities
(DAS Skip Boyce)

□ EUROPE

- Southeast European Cooperative Initiative (SECI) Proposal
(Ambassador Shifter)
- Kosovo Policies and Programs
(Ambassador Menzies)

□ NEWLY INDEPENDENT STATES

- Ukrainian Law Enforcement Conference
(Lorraine Predham)

- FUNCTIONAL OFFICES/BUREAU UPDATES

□ CONSULAR AFFAIRS

- Training Manual

□ INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT

- UN Protocol on Trafficking in Persons
(Jim Puleo and Mary Helen Carlson)

I. White House - want legislation (Wendy)

- House - may go on suspension probably not much changed.
- Senate - major diff b/w Brownback + Wellstone is Senate
- End of month
- Need to coordinate -- time sensitive

DOJ -

Tom Bunnus - comment on Wellstone bill. Glaring defect in criminal Constitutional defect... no fed ~~quadrilateral~~ jurisdiction over "commercial sex ~~business~~" In all bills, have communicated to the Hill.

II. Intelligence (Amy) - CIA

- (Amy) - W.W. CIA gov / CSI & = Study on trafficking. N9 Simon ^{Dateline int.} story + ↑ interest + foreign
- open interest. Cab. members, NGOs, Hill + embassies.

- Kathleen Morahan - Spain, Cameroon - Switzerland, Italy < Chinese & Eastern Europeans, Chinese press - cracking down on trafficking - 4 sentenced to death + imprisonment.
- Kosovo, Burma - Their border
- Regional b'ys -
- Alien trafficking Report - every 2 months

III. DOJ (John Mott) 514-3204

- Conrad Berg - best prosecutor
- Mike Zub ⁵¹⁴ Bill Lee Lewis contact person ²¹⁸⁹
- WETF - need to better coordinate
- Outrent Effort - (low) -
- Scipio - first slavery case - 9 yr. sentence - in opposed Mann Act - ^{business} ~~business~~
- Complaint Line 1-888-428-7581 - NGOs multiple, language line (only ^{Roma} ~~Roma~~)
- ~~2~~ - 2 months - opened 30-50 slavery cases as a result. Up to from 20/year.
- Working w/ EEOC + DOL on non-W.G. cases.
- Getting good anecdotal info in support for leg. (eg seizure of documents)
- Outreach - PSA's, folio, to work immig community.
- Training program overseas - Poland, Bulgaria, NGOs (Tom - ~~prostitute~~ who forced)
- model laws, legislation based on Mann Act
- Johns ~~are~~ as the liberators.
- Outreach
 - Parade
 - NGOs
 - getting up to ~~do~~ do ~~not~~ marketing in federal + local ^{exp. com} ~~agencies~~.
- Other ideas for publicity - ask Dateline to publish
 - specialty press

ADMINISTRATION'S INTERAGENCY TRAFFICKING WORKING GROUP

MAY 3, 2000

ROOM 1107, MAIN STATE

2:00 p.m.

I. WHITE HOUSE

- Anti-trafficking legislation and Administration efforts to assure passage of meaningful legislation.

II. INTERAGENCY INTELLIGENCE ON TRAFFICKING

III. DEPARTMENT REPORTS

A. DEPARTMENT OF JUSTICE

- Worker Exploitation Task Force Activities
(Prosecution and Victim Protection)
(Civil Rights Division)

B. DEPARTMENT OF LABOR

- International Labor Organization
Activities/Trafficking (Jorge Perez-Lopez)

C. DEPARTMENT OF STATE

- REGIONAL BUREAU UPDATES

□ EAST ASIA PACIFIC

- The Asia Regional Initiative Against Trafficking (ARIAT) and other international regional activities
(DAS Skip Boyce)

□ EUROPE

- Southeast European Cooperative Initiative (SECI) Proposal
(Ambassador Schifter)

□ NEWLY INDEPENDENT STATES

- Ukrainian Law Enforcement Conference
(Lorraine Predham)

- FUNCTIONAL OFFICES/BUREAU UPDATES

□ DEMOCRACY, HUMAN RIGHTS AND LABOR

□ CONSULAR AFFAIRS

- Training Manual

□ INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT

- UN Protocol on Trafficking in Persons
(Jim Puleo and Mary Helen Carlson)

- East Asia Pacific Manila

ARIAT-21 countries participated, key source + ~~recipient~~ ^{destination} countries.
developed a ^{draft} regional action plan -
Website, strengthen laws, ... \$25 million to follow up.
Will follow up.

- DOL (Manila) - child exploitation init

- Research + technical cooperation
- Published annual Child Labor reports By the sweat + toil of ~~these~~ children
(6 years in a row) - have focused on trafficking.
- IPEC - Congress has provided resources - \$30 m. grant.
- Program funded to deal child exploit. + trafficked.
 - ~~for~~ Thailand > prevention + rehabilitation
 - Nepal
 - West + Central Africa - 9 countries - document the trafficking routes + develop a strategy
 - Prevention + Rehab. Stage - FY 2000.
 - Bangladesh, Sri Lanka, = 2500 children will be assisted, also attention
 - Central America + Latin America
- ILO will attempt to collect info on child trafficking rapid ~~one~~ surveys.
- 5/17 - will Child Labor Conf at DOL -



The President's Interagency Council on Women

DATE: April 26, 2000

TO: IRENE BUENO

ORGANIZATION: WH

PHONE: 456 6558

FAX: 456 5581

FROM: Anita Botti / Stephen Warnath

PHONE: 202-647-6227

FAX: 202-647-5337

MESSAGE:

You are invited to attend a meeting of the Administration's Interagency Working Group on Trafficking in Women and Children. The meeting will be held from **2:00 to 3:30 p.m.** on **Wednesday May 3**, in **Room 1107** at the Department of State. Please enter the building through the C Street lobby.

The Interagency Working Group on Trafficking was established in 1998 in response to the President's Directive on this subject. Working under the auspices of the President's Interagency Council on Women, it is the Administration's mechanism for coordinating and leading Administration policy on the issue, both domestically and internationally.

Please R.S.V.P. to Suad Khabeer at (202) 647-5442, fax (202) 647-5337. If you are not a State Department employee, please provide your social security number and date of birth for pre-clearance into the building.

Attached please find a provisional agenda.



The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

Secretary of State Madeleine K. Albright
Chair

Secretary of Health and Human Services
Donna Shalala, Immediate Past Chair

DATE: 4 May

TO: Irene Bueno

ORGANIZATION: WH/DPC

PHONE: _____ FAX: 456-5581

FROM: _____

PHONE: (202) 647 - FAX: (202) 647 - 5337

MESSAGE:

NUMBER OF PAGES (INCLUDING COVER SHEET): (4)

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(b)(7)c, (b)(6)

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President's Interagency
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The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

• Secretary of State Madeleine K. Albright
Chair

• Secretary of Health and Human Services
Donna Shalala, Immediate Past Chair

US INITIATIVES TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN

The United States views trafficking in women and children as a matter of grave international and domestic concern because, at its core, trafficking of women and children is about slavery or slavery-like treatment of the most reprehensible kind.

What is Trafficking?

The United States considers trafficking in women and children to include:

- All acts involved in the recruitment, transport, harboring, transfer, sale or receipt of persons
- Within national or across international borders
- Through deception or fraud, coercion or force, or abduction
- For the purposes of placing persons in situations of forced labor or services—such as forced prostitution or sexual services, domestic servitude, or debt bondage—or other forms of slavery-like practices.

This definition guides the development of domestic and international policy and programs undertaken and supported by the US Government.

Trafficking in children occurs in cases of sexual exploitation and child labor in the absence of force.

US Government Commitment to Increased Efforts

President Clinton, in his March 11, 1998, Executive Memorandum on *Steps to Combat Violence Against Women and Trafficking in Women and Girls*, directed the USG to increase its efforts – within the United States and in partnership with other countries – to combat the increased

sophistication and scope of worldwide trafficking as a criminal and human rights violation and to improve protections for its victims. To combat trafficking, the United States has developed a comprehensive and integrated policy framework, based on the 1998 directive, focusing on

- Prevention
- Protection and assistance for victims
- Prosecution and enforcement against traffickers.

Policies are implemented which recognize that the three elements are interconnected. An example of how these elements are interwoven is the insurmountable difficulty of prosecution of the perpetrators if the trafficked women do not receive protection and support so that they can overcome their legitimate fears and come forward as witnesses.

The President's Interagency Council on Women

Chaired by the Secretary of State, the Council leads the development and coordination of the USG's domestic and international policy on this issue.

The Council chairs an interagency working group that includes the Departments of Justice, State, Labor, Health and Human Services, as well as the US Agency for International Development. The Attorney General has created a Department of Justice Task Force to address this issue and, with the Department of Labor, created a joint Working Group on Worker Exploitation. The President's Interagency Council is working closely with the Department of Justice to develop new training on trafficking for investigators and prosecutors across the country, and to institutionalize enforcement efforts against trafficking.

Data/Intelligence Collection and Sharing

The US Government is seeking to develop mechanisms to collect and to analyze data specifically targeted to trafficking of women and children and to facilitate sharing of that information among agencies and internationally as appropriate.

The Subgroup on Alien Smuggling and Trafficking of Women and Children has begun work under the auspices of the National Security Council and as part of the President's International Crime control Strategy Initiative.

International Cooperation

The Administration is currently working with the European Union, the Organization for Security and Cooperation in Europe, the Group of Eight, the United Nations, ASEAN, the Nordic Council, and the Governments of Israel, Italy, Ukraine, Norway and Finland. The USG is pursuing international expansion of cooperative working arrangements to combat trafficking.

The USG is sponsoring a protocol to be associated with the Transnational Crime Convention that requires countries to enact laws to combat trafficking in human beings and protect victims.

Legislative Initiatives

--Legislation to combat trafficking has been proposed in Congress. The Administration is working with Congress to craft a law consistent with the three-part policy framework of prevention, protection and assistance for victims, and prosecution and enforcement against traffickers.

--The President's Interagency Council is working to gain ratification of the Convention on the Elimination of Discrimination Against Women, the most comprehensive and detailed international treaty to date that addresses the rights of women. The Senate has not yet ratified the Treaty.

Other Department of State Activities

--Embassies around the world are now tasked with including coverage of trafficking in women and children, as well as other human rights issues affecting women and girls, in the annually produced Country Reports on Human Rights Practices.

--The United States and the Philippines will co-host a regional East Asian meeting in Manila in the Spring of 2000 called the Asian Regional Initiative to Combat the Trafficking of Women and Children (ARIAT). The meeting will include practical workshops on Prevention, Protection and Prosecution with the goal of developing a comprehensive long-term regional action plan to combat trafficking.

--Co-sponsoring public awareness campaigns in Ukraine, Poland, Bulgaria, Hungary, Nigeria and other countries to

warn potential victims of traffickers' recruiting methods and dangers of the industry.

--Developed "Be Smart, Be Safe" Brochure to alert women to the dangers of trafficking and where to get help in the U.S. Brochures have been printed in English, Russian, Ukrainian and Polish.

--Co-sponsoring social and economic development programs for women to provide economic alternatives to the lure of economic opportunities offered by traffickers.

--In FY99, all US/NIS projects working in the area of Business Skills Development included gender in their work plans, contributing to increased focus on women-owned or women-directed enterprises. The Business Development Division funds microcredit loans.

--Provided grants for NGOs and institutions to carry out activities to combat trafficking.

Examples:

- Democracy Commission small grant to support the production of the first episode of a docu-drama that depicts the story of a trafficked victim called "Zhverta" or "Victim." The remainder of the series will be funded by USAID.
- Grant to Winrock International's Trafficking Prevention Program implemented by the NIS-US Women's Consortium to provide training and to promote women's economic alternatives.
- Grant to La Strada for seminars for law enforcement officials and students.
- Citizen Exchanges grant to the Center for the Study of Transnational Crime and Corruption (TRACC) at American University to conduct an integrated program (prevention, protection, prosecution) on law enforcement and legal issues of trafficking, including informational and outreach programs, victim assistance and enhancement of law enforcement capacity. Program components to be housed in AU's United Research Centers on Organized Crime in Siberia and the Russian Far East to reach law enforcement personnel, the Ural Region with NGOs and the media, and to enhance educational outreach for law schools, police and legal personnel, and UKRAINE on border control issues and educational outreach.

- MiraMed, funded by INL through USIA (now merged with State Dept.) organized a survey/report on "Sexual Trafficking in the CIS". Over 3000 participants gather at Soros Internet Centers across Russia, the NIS and Mongolia to learn more about combating violence and sexual trafficking and to join in a region-wide effort to address the problems.
- International Visitor/Freedom Support Grant Program on "Combating Exploitation and Trafficking in Women" brought a group of 11 Russian NGO activists, journalists and law enforcement professionals to the U.S. to view our efforts in combating trafficking.
- The Foundation for Independent Radio Broadcasting (FIRB) to produce a story line for the radio soap opera "House 7, Dom 4." During the course of the program, listeners will learn about the nature of trafficking, methods used by traffickers, and how women can protect themselves from being trafficked, or seek help if they do fall victim to traffickers.
- International Visitors from Kenya, India, Pakistan, Uganda, Nigeria and other countries have interacted with U.S. counterparts on the problems.
- Speakers from Global Survival Network traveled to Albania to participate in a USIS sponsored conference on Trafficking in Albanian Women and Children: Human Dimension and Legal Responses. They depicted the slave-like conditions trafficked women are subjected to upon arrival in the destination country.

The Clintons Shrug at Sex Trafficking

By WILLIAM J. BENNETT
And CHARLES W. COLSON

Over the past few months the Clinton administration has lobbied for the United Nations to adopt a protocol that would lend legitimacy to prostitution and hardcore pornography. This effort has been spearheaded by the President's Interagency Council on Women, a group whose honorary chairman is none other than Hillary Rodham Clinton. Although the proposal has drawn opposition from across the political spectrum, the administration is forging ahead with its plans. Whether it succeeds in these morally indefensible ambitions will depend on a crucial U.N. vote scheduled for later this month.

First some background. It's been estimated that each year some two million women and children world-wide are sent into lives of sexual bondage, usually as prostitutes. "Over the last 10 years, the numbers of women and children that have been trafficked have multiplied so that they are now on par with estimates of the numbers of Africans who were enslaved in the 16th and 17th centuries," according to Laura J. Lederer of Harvard's John F. Kennedy School of Government. What we are dealing with, then, is a huge number of human-rights violations.

Yet in Vienna a week from today—when the U.N. Convention on Transnational Organized Crime votes on its protocol to combat international trafficking in women and children—White House representatives will take the first step toward legitimizing the sexual-trafficking business. Negotiations on this Vienna Protocol have been going on for the past year and a half. Since December, however, the White House delegation has worked to narrow the definition of *sexual trafficking*, in a way that would allow certain prostitution rings to flourish. It has done so despite the objections of a majority of the G-77 countries and other developing nations, whose women are the principal victims of sex trafficking.

Existing U.N. Convention

To secure its goal, the Clinton administration must effectively repeal an existing U.N. convention that strictly forbids prostitution and requires punishment of any person who "procures, entices or leads away, for the purposes of prostitution . . . even with the consent of that person." The Clinton group also believes that international actions against pornography rings should be restricted to pornographers who work without the "consent" of the women they use, thereby granting the international pornography "industry" the sort of legitimacy and legal status it has long sought.

Hillary Clinton has been quite active as the honorary chairman of the President's Interagency Council on Women, speaking out about the evils of sexual trafficking. In Reykjavik, Iceland, in October, she said: "No government and no citizen should rest until we stop this modern form of slavery, protect its victims and prosecute those who

The Clinton administration claims to champion women's rights. So why is it trying to weaken international restrictions on prostitution and pornography?

are responsible." But as is so often the case with the Clintons, what they do is at odds with what they say.

The White House position, should it prevail, would effectively ensure that prostitution and pornography would be treated as legitimate career options for women, as long as women "consent" to it and no force is involved. In defining the term *sexual exploitation*, the administration has supported using the phrase *forced prostitution* rather than simply *prostitution*. In this instance the adjective *forced* makes all the difference. If the administration's position is accepted, the focus of attention would shift from the profiteers who traffic in women to the supposed state of mind of the victimized women. It would create loopholes long sought by perpetrators, insulating them from criminal prosecution. "Practically speaking, this [new definition] is a virtual bar to prosecution," says J. Robert Flores, a former prosecutor with both the New York District Attorney and the U.S. Department of Justice.

Even if it were practical to distinguish between consent and force in such cases, the administration's position would still contradict common sense and decency. Prostitution and pornography inevitably exploit women, whether they consent to it or not. And it is not only conservatives who are opposed to the administration's policies in this matter.

In a stinging letter sent last week to Mr. Clinton, Gloria Steinem, Patricia Ireland, Eleanor Smeal and other feminist leaders wrote that "the definition of trafficking advocated by the administration would not cover some of the most common methods of sex trafficking which prey on and profit from the economic desperation of women, girls, and their families by securing their 'consent' to sale in prostitution." The letter goes on to explain why narrowing the defi-

nition of sexual trafficking will hurt, not help, potential victims.

These objections have been echoed by women's groups from Bangladesh to Ukraine, and by the European Women's Lobby, a human-rights coalition of more than 2,800 dues-paying member organizations. They recognize what the Clinton administration does not: There can be no meaningful "consent" to one's own sexual exploitation—particularly when one lives in poverty and desperate circumstances.

The Clinton administration purports to be pro-woman. Nevertheless, in addition to its effort to weaken the Vienna Protocol, the administration has steadfastly opposed the Trafficking Victims Protection Act. This bipartisan legislation was passed unanimously by the House International Relations Committee, with the support of a broad coalition of religious, human-rights and women's groups. The legislation's definition of *sex trafficking* would include any "purchase, sale, recruitment, harboring, transportation, transfer or receipt of a person for the purpose of a commercial sex act."

End to U.S. Subsidies

Mrs. Clinton's Council on Women has opposed the bill because it allegedly imposes "mandatory sanctions" on countries that do not prosecute the most severe forms of trafficking. This is a double standard; the administration supports sanctions against countries that do not adhere to other, far less important standards of commercial conduct. And it is dishonest. The bill requires that the president either end nonhumanitarian foreign aid to offending countries or provide such assistance pursuant to a waiver. The only "sanction" is an end to U.S. subsidies, and even this sanction is not mandatory.

What, then, needs to be done? First, the Clinton administration should see to it that the Vienna delegation's position is reversed forthwith, well before the final Jan. 17 vote. Second, Congress should uncover the reasons why the administration has taken the current position. Third, the administration should cease its opposition to the Trafficking Victims Protection Act.

The reasons for the Clinton administration's course of action are hard to fathom. What is certain is that if it does not reverse its course, its actions in Vienna will be counted as yet one more shameful act committed by this deeply corrupt administration.

Mr. Bennett is co-director of Empower America. Mr. Colson is chairman of Prison Fellowship.

Letters to the Editor

Fighting the Modern 'Slave' Traders

In their Jan. 10 editorial-page commentary "The Clintons Shrug at Sex Trafficking," William Bennett and Charles Colson rely upon misstatements of fact to challenge the U.S. role in the negotiations of a new international protocol on trafficking in humans at the U.N. Crime Commission in Vienna. The attempt by Messrs. Bennett and Colson to interject a debate on prostitution into the negotiations over the protocol could sound the protocol's death knell and block this unique opportunity to provide improved human-rights protections for trafficked people.

The purpose of the draft protocol is to provide an international mechanism for state cooperation in investigating and prosecuting internationally organized traffickers and in protecting the rights of trafficked persons who are deceived, coerced or forced into migrating for work only to find themselves held in conditions of slavery, forced labor or servitude in agriculture, factories, brothels and private homes. The question of whether or not to criminalize or decriminalize prostitution is not on the agenda. In fact, people who voluntarily migrate to work in any industry, including prostitution, are covered by the draft protocol on smuggling of migrants, which is also being negotiated in Vienna.

The definition of trafficking currently being debated contains the elements of "the threat or use of abduction, force, fraud, deception or coercion, or by giving or receiving of unlawful payments or benefits to achieve the consent of a person having control over another." The International Human Rights Law Group and its partner organization, which work on trafficking on a daily basis, support inclusion of these elements. The definition rightly focuses on the character of the crime committed, rather than on the purpose for which a person may be trafficked. People who face conditions of forced labor, servitude or slavery for any reason, including in prostitution, are fully protected under the draft protocol definition.

Traffickers will not go free, as the authors allege. If a trafficked person initially consents to work in prostitution (or in agriculture, or a factory, or a home). Those familiar with the crime of trafficking, including the Law Group's partners in countries as diverse as Thailand, Ukraine, Colombia

and the U.S., know that a large majority of trafficked persons are initially deceived into consenting to migrate to work only to find themselves forced to work against their will in slavery, forced labor or servitude. Despite their initial consent, they have been trafficked. Consent is similarly irrelevant in the draft protocol because no one can consent to the use of force or deceit, slavery, servitude or forced labor. Consent is not a defense in the U.S. either. The Department of Justice regularly prosecutes traffickers even though the victims initially agree to travel and work (without documentation) in the sex industry, agriculture and factories. This explains why there is, in reality, no outcry from developing or other nations over the proposed definition.

Instead, what we have seen is a groundswell of support for this international effort to combat trafficking and protect trafficked persons. Yet, the effort is endangered by those, including Messrs. Bennett and Colson, who would use this protocol to support their position on the unrelated issue of the criminalization of prostitution. Their attempts raise the real possibility that the protocol process may be derailed, as it would be exceptionally difficult to reach an international consensus on the legality of prostitution in this forum. If the negotiations are derailed, the victims would be those very people whom Messrs. Bennett and Colson ostensibly seek to protect: the men, women and children who have been forced or deceived into migrating to work and live in life-threatening conditions, not only in the sex industry, but also in factories, farms, restaurants and other industries throughout the world.

GAY J. McDOUGALL
Executive Director
International Human Rights Law Group
Washington

Offline and Running

Michael Wolf writes: "As broadband technology becomes more pervasive, no one will ever truly be offline" ("The Triumph of Broadband," editorial page, Jan. 11): Oh yeah?

When I go for a walk in the field or ride a bike or a horse, I'm offline.

When I play with the kids (at home, where there is no TV, no computer), I'm offline.

When I go for a canoe ride or when I'm in the garden, I'm offline.

When I go fishing (okay, okay, I'm online, but not in the Wolf sense).

When I'm reading the Wall Street Journal, I'm offline.

When I'm having dinner, or talking with friends around the fire pit, I'm offline.

The pervasiveness of broadband won't change this fundamental reality: life is better offline. Try it, you'll like it.

RUSSELL MOKHIBER
Washington

THE WHITE HOUSE

Office of the Press Secretary
(Seattle, Washington)

For Immediate Release

December 2, 1999

REMARKS BY THE PRESIDENT
AT SIGNING OF ILO CONVENTION #182,
THE CONVENTION CONCERNING THE PROHIBITION
AND IMMEDIATE ACTION FOR ELIMINATION OF THE
WORST FORMS OF CHILD LABOR

Bell Harbor International Conference Center
Seattle, Washington

9:10 A.M. PST

THE PRESIDENT: Thank you, Secretary Herman; Mr. Samovia, thank you for your leadership; John Sweeney, Ambassador Tom Niles; all the members of Congress here; Governor Locke, I would like to begin -- I have to make a brief statement about Ireland, but before I do, just to illustrate the depth of support here, I'd like to ask all the members of Congress who are here to stand and be recognized, and thank them for their help. (Applause.) Thank you.

Before I make my statement about this important convention, I'd like to say a few words about the truly remarkable and historic events taking place today in Northern Ireland. Eighteen months ago today, the Good Friday Agreement was signed with the promise of a future of peace and hope. Today the promise is being realized. The people of Northern Ireland now have the power to shape their own destiny and choose their own future. Democratic government by and for all the people of Northern Ireland is now replacing suspicion, fear and violence. It is now possible to believe that the day of the gun and the bomb are, in fact, over.

There are many leaders who deserve special tribute for their contributions, but I would like to mention especially David Trimble and John Taylor, John Hume and Seamus Mallon, Gerry Adams and Martin McGuinness, John Alderdice, Monica McWilliams, David Irvine and Gary McMichael and so many others.

I would also like to thank Prime Minister Blair, Prime Minister Ahern, their predecessors, John Major, John Bruton, Albert Reynolds. I thank Sir John De Chastelain for his work. I thank the special envoys to Northern Ireland, Ms. Mowlan and Mr. Mandelson, for the work they have done. And especially I thank our great American leader there, George Mitchell, whose patience, commitment and conviction were essential to making this day happen.

The Good Friday Agreement must continue to be implemented in full in word and in spirit. The United States must continue, and will continue, to stand with all those who are unequivocally committed to the pursuit of peace and justice and democracy in Northern Ireland. This is our common responsibility to the children there, whose future is the best reason for all that has been done.

Let me say that the United States is the home of the largest Irish diaspora in the world. Many of us claim Irish heritage. For all the years and all the bloodshed, to have the promise of being over today, this is an especially meaningful day for Irish Americans and I thank you

very much. (Applause.)

I would like to begin this day by thanking all the members of the Senate. Thank you, Senator Murray, for being here. And I want to thank the Republicans, as well as the Democrats, who voted on this together. But I would be remiss if I did not say that the first person who ever discussed this issue with me in 1992 when we were both running for the office I am privileged to hold was Senator Tom Harkin of Iowa. And for more than seven years now, at every occasion, he has talked to me about this issue. It has been truly one of the driving passions of his life and without him, we would not be here doing this today. And I would like to ask him to stand.

Thank you, Senator Harkin. Thank you. (Applause.)

I also want to thank Secretary Herman and Gene Sperling and Karen Tramontano for what they did in our administration to spearhead the effort. Perhaps there is no better way to conclude my visit here, because what we celebrate this morning symbolizes in many ways what we're seeking in the launch of a new round of trade talks: not just to lower barriers, but to raise living standards, to help ensure that people everywhere feel they have a positive stake in global trade that gives them and their children a chance for a better life.

We are here in Seattle to continue our efforts to help establish a new consensus on international trade -- that leads to jobs that are secure, development that is sustainable, prosperity that is broadly shared. We seek to widen the circle of opportunity, deepen our commitments to human rights and human freedom, and put a human face on the global economy.

Some say that it is not possible, that the interests of nations, businesses and labor within and across national borders, are too divergent. This Child Labor Convention proves that, at least on this profoundly important issue, it is possible. It is a living example of how we can together come to level up global standards, and lift up core labor values.

The step we take today affirms fundamental human rights. Ultimately, that's what core labor standards are all about -- not an instrument of protectionism, or a vehicle to impose one nation's values on another, but about our shared values: about the dignity of work, the decency of life, the fragility and importance of childhood.

In my State of the Union address almost two years ago, I asked Congress to help make the United States a world leader in this cause, and to start by working to end abusive child labor. We are making good on that effort. Together -- again, across party lines -- we secured the largest investment in American history to end abusive child labor around the globe.

We're establishing the first-ever United States government purchasing ban on goods made by forced or indentured child labor. And we've beefed up enforcement to stop the importation of goods made by such labor. Just last week, the Customs Service banned the importation of certain hand-rolled cigarettes, known as bidis, because of evidence that one firm was making them with bonded child labor.

Today, we build on our achievements and our common commitment. This convention is truly a victory for labor, for business and for government -- for all those who worked long and hard for two years to reach a consensus; a victory for the nations of the world who joined together in the ILO this summer to adopt this convention on a unanimous vote. Today we say with one clear voice: abusive child labor is wrong and must end.

Above all, of course, this is a victory for the children of the world, and especially for the tens of millions of them who are still forced to work in conditions that shock the conscience and haunt the soul; children brutalized by the nightmare of prostitution; children indentured to manufacturers working against debt for wages so low they will never be repaid; children who must handle dangerous chemicals or who are forced to sell illegal drugs; children who crawl deep into unsafe mines; children who are forcibly recruited into armed conflicts and then spend the rest of their entire lives bearing the scars of committing murder when they were eight or nine or 10 years old.

For the first time, this convention calls on the international community to take immediate and effective steps to stop the worst forms of child labor. This convention enables the world to say, no more. We recognize, of course, that no treaty or convention is enough and that to end abusive child labor once and for all we must untangle the pathology of grinding poverty and hopelessness that lies at its root. If we want to slam the door shut on abusive child labor, we must open the door wide to education and opportunity. After all, nations can only reach their potential when their children can fulfill theirs.

John Sweeney put it best when he said economic development is based in education, and school is the best place for children. That's why this convention places a priority on basic education, and we are trying to honor that priority.

Around the world, we are investing in creative solutions to get children out of abusive workrooms and into classrooms. We are giving them a way out of the soccer ball industry in Pakistan, the shoe industry in Brazil, the fireworks industry in Guatemala. We are giving them back the most precious gift of all, their childhood.

And as we work to provide both boys and girls access to schools, we are also working to provide their parents with viable economic alternatives and access to jobs. In Pakistan, for example, when 7,000 children moved out of the soccer ball manufacturing plant into the schools, 7,000 parents moved into jobs they didn't have before, at better incomes.

Micro-credit loans help people in developing countries, and women in particular, to start businesses, raise their standard of living, build a better life for their children. I am proud that through the Agency for International Development, the United States financed 2 million such loans last year. So we have here not only the Secretary of Labor, but the Secretary of Commerce. We see this not only as a labor issue, but a business and an economic issue. We believe that everyone will be better off when children are given back their childhoods.

We are working to integrate the agenda, also, as all of you know, of the World Trade Organization, the IMF and the World Bank with the agenda of the ILO. That is key to making sure that the issues of child labor -- and core labor standards more generally -- are on the international economic agenda and they don't become either/or conflicts. That's why ensuring the rights, the basic rights of labor, is central to our mission here in Seattle.

This is a good day for the children of the world, but we can make tomorrow even a better day. We can do it by seeing that other nations also ratify this treaty and join in our cause, and we can do it by building on the solid foundation of this convention, and the common ground forged by leaders here, in the work of the WTO, the IMF, the World Bank and other international institutions. We have to harness the spirit of progress and the sense of possibility that this noble document embodies. We can light the way out of the darkness of abusive child

labor into the dawn of a new century of promise for all the children of the world.

Thank you very much. (Applause.)

Let me just say this. I would like to ask Mr. Sweeney and Ambassador Niles and all of the members of the Congress, the Governor and Secretary Daley, Secretary Slater, to come up and join us as we do this signing, please.

END 9:25 A.M. PST

To: Steve Wainwright
FR: Gene Spurling

THE WHITE HOUSE

Office of the Press Secretary
(Seattle, Washington)

For Immediate Release

December 2, 1999

PRESS BRIEFING
BY
SECRETARY OF LABOR ALEXIS HERMAN
AND
NATIONAL ECONOMIC ADVISOR GENE SPURLING
ON SIGNING OF ILO CONVENTION

The "W" Hotel
Seattle, Washington

10:00 A.M. PST

SECRETARY HERMAN: Thank you very much. Let me just say, this was a very important day for the United States and, indeed, for the world community in signing the convention that the President did to ban the most abusive forms of child labor around the globe.

This was a treaty that has been two years in the making. This was a discussion that began in Geneva at the ILO over two years ago. And the fact of the matter is, there were few who actually believed that we would arrive at the point that we have arrived at today, that includes not only the record submission of the treaty to the United States Senate by the administration but, in fact, the Senate, itself, ratified this treaty in historic time, in less than three months. This was due to the cooperation that we received from not only Senator Helms, but actually Senator Biden and Senator Harkin, as well, working very closely together to ensure ratification.

This treaty is important not only for the substance of what it achieves, but also for the symbolism and the context of being here, at the WTO in Seattle. Substantively, we recognize that there are more than 250 children around the world today that the ILO estimates exist today working in conditions of abusive child labor, from child pornography to child prostitution to forced labor.

And, in addition to recognizing that, this convention will actually set up standards by which the entire global community has agreed to conduct itself, with special provisions for education and for training, recognizing that nations today cannot rise on the backs of their children. I think it is also important symbolically that we have signed it here in Seattle, because few believed that we could actually achieve any success with any kind of core labor standard. Many said that, even though most of us should believe that the eradication of the most abusive forms of child labor is something that should be achievable by the world community.

The debate between developed countries and developing nations was still a very serious debate as to whether or not this provision would actually undermine the economies in developing countries. It was greatly debated for two years, and I think the fact that we were able to achieve a unanimity on the part of the world community suggests that through this standard that we should be able to look at other core labor standards in a similar fashion.

I believe very strongly that, by passing this child labor standard, that it in fact lays the foundation for us to begin to do the work for other core labor standards that we need to have around the globe today. And the fact that we were able to successfully pass this child labor standard unanimously at the ILO I think points the way for greater debate, for a more inclusive debate, on what we can do more broadly to level up and not level down global standards today and to help ensure that this will be a race to the top and not a race to the bottom; but more importantly when we talk about putting people at the center of the global economic agenda today, we have taken the first step, in my view, with the signing of this historic convention.

MR. SPERLING: It is worth noting that child labor has been an issue that this President has addressed in two consecutive States of the Union. It is likely that no president has ever made this a focus, not only once but twice, in his State of the Unions. In January of '98, the President called for a dramatic, ten-fold increase in our contribution to the ILO arm that deals with child labor -- that's IPEC, the International Program for the Elimination of Child Labor. That increase, from \$3 million to \$30 million doubled -- it doubled -- the entire ILO effort that deals with addressing child labor. So that effort, which was funded at \$30 million and then again at \$30 million, is the most dramatic funding increase for the ILO efforts to fight child labor.

After the President addressed that in the State of the Union in 1998, he then addressed it in 1999, that we would seek to make an all-out effort to have this convention passed in Geneva and then ratified this year. And so again, it addresses another success -- child labor agenda that the President has put out in his States of the Union. In addition to the IPEC initiative, the \$30 million for the International Program for the Elimination of Child Labor, we have also increased funding for the customs enforcement at the Treasury Department, who, as the President mentioned, have taken action against importation of bidis, cigarettes made in India with child and forced labor.

There also has been increase in Alexis Herman's domestic enforcement budget, from \$9 million to \$13 million, so that we are also addressing child labor at home. And we have also sought initiatives to focus on education through the AID, through the State Department. So this continues to be a comprehensive effort that the President has been leading, now, in addressing child labor. And Secretary Herman and I are at this moment working on additional steps that could be part of the President's next budget, as well.

Q Madam Secretary, you stressed the symbolic nature of the document. But I guess I'm wondering, on the question of what teeth actually exist, if none of the countries where these child labor problems exist has ratified this, what sort of enforced mechanism is there? What will the United States or other countries do to countries that don't comply with these standards?

SECRETARY HERMAN: I used the term "symbolism" on purpose because, as pleased as we are with the outcome of the actual document, which will have a report in terms of member countries to actually report on what is going on in terms of child labor within their specific countries -- which has not been possible before through the ILO -- I think that that document, in and of itself, will be a very powerful document that we will be able to hold up, both in terms of moral and political persuasion, quite frankly, as the global community itself is becoming more and more aware of products that are being made by children in child labor conditions.

, I think the consumer movement of the world today certainly will be

a powerful force in paying closer attention to those countries. And I believe that all of this combined together will help to serve as a deterrent for child labor conditions that do exist in countries around the globe today.

But the symbolism that I spoke to as well was also on the process; because the fact of the matter is we could not advance a debate in the ILO on this standard, quite frankly, or any other standard, for fear that it would lead to other issues regarding obviously what would the enforcement mechanism be, what would the sanctions be, what would the penalties be. And so the process of simply getting this debate on the table was an enormous challenge for the global community.

Once doing that, we then could not reach any kind of consensus on how we would begin to fashion a standard, what would the accountability mechanism be and how would we be able to work together, developed and developing nations. The work that went into achieving the outcome was just as important process-wise, to show that there are ways that we can talk about basic labor standards -- in this regard, child labor -- achieve unanimity and agree on a process of accountability.

So for me, that was just as important as the outcome, because I think it really does lay the foundation to be able to talk about other basic labor standards around the world today. This will be an annual report that will come forward from the ILO itself, yes.

Q The President said in his interview with the Seattle Post-Intelligencer that he supported ultimately imposing sanctions against countries that violate the core international labor standards. Is that his view and is that the first time he has said that?

MR. SPERLING: The President's focus, as all of our focus is, in launching this new round, is on having a working group on trade and labor that would provide a forum to analyze and ultimately make recommendations to future trade ministerial meetings on how the issues of core labor standards should be dealt with, what the impacts of labor -- of opening markets has on core labor standards. That is our focus now.

What the President was simply saying is that he believes that as the multilateral process seeks to deal with the appropriate standards and analysis on core labor standards, that ultimately the multilateral process will also have to deal with accountability and enforcement. And I think that that's a fairly basic notion that this should be a rule-based global trade system in which everybody plays by the rules, in which there is accountability through multilateral processes for multilateral agreements.

Q Have officials from other countries raised questions or objections to the President's views on this?

MR. SPERLING: I think that -- I think that there has been, as I have read, really, in some of your articles, I think there may have perhaps been some misunderstandings. But I think that as people understand that what our focus is now is on a working group on trade and labor that would deal with how core labor standards should be reviewed and analyzed, and how recommendations could be made to the next trade ministerial. I think that people are understanding that the President is simply talking about the notion that through the multilateral processes in the future, one would need to also think about how there would be accountability and enforcement for all things agreed on through multilateral trade agreements.

Q Is that the first time the President has said that?

MR. SPERLING: Again, I think that -- you know, if you look at our GSP initiatives, obviously the GSP law allows for retraction of GSP preferential benefits when core labor standards are not met. On NAFTA, there are side agreements with civil monetary penalties. So the notion that in areas related to trade there can be some sense of accountability is nothing new or exceptional.

Q That was my question -- so there's not any conflict, are you telling me? That you've cleared up any conflicts between, say, lesser-developed nations and European nations on this labor issue?

MR. SPERLING: Well, there's no question that the United States has been at the cutting edge of pushing for a working group on trade and labor. And there's no secret that among some developing countries there has been concern that such a working group could somehow be used to fashion standards that might be to the disadvantage of groups that are at an earlier stage of economic development.

And so there's no question that our effort to have a working group on trade and labor is a tough fight, and one that has required us to do significant amounts of outreach to try to explain what the intent and purpose of this is and that by no means would we ever want something dealing with core labor standards to ever be used as a facade or guise to do anything that would be protectionist or harmful to developing countries.

There is no question that there are significant misunderstandings about the intent of a working group on trade and labor, and the United States certainly faces a tough fight in trying to increase understanding of what the goals and intentions of a trade and labor working group are. But it is an effort that we are vigorously making and it is an effort which we hope to be successful at.

What we are trying to do is do significant outreach. We are trying to focus less on labels and more on what is the function of what such an effort would do and, in that way, try to focus the discussion on functionally what would such a working group do and what would it not do. And we are hoping over the next 24 hours to make progress.

Q What is the connection between this and the WTO? Is it just to raise this issue at this time?

MR. SPERLING: I think that the President, for over two years, has stressed the need to find a new consensus on open markets through opening the WTO and opening the issues being considered to have a more human face on the global economy. And signing this convention here expresses a deeply felt worldwide understanding that the commerce and international commerce and open markets that we all seek should be one that is based on certain fundamental values that do not accept having products made at cheaper cost or cheaper prices by the exploitation of children through abusive and forced child labor.

SECRETARY HERMAN: I just wanted to add to that by saying that, you know, there is an acknowledged difference when it comes to the developed countries and the developing countries on the whole issue of the place, really, of core labor standards. Oftentimes, there is an agreement on the principle. But what is at stake here is how we get there, in terms of a process, and the rules that we will employ. Because the fact of the matter is, there is real concern in developing countries that they will not be disadvantaged in the trade process.

And how we achieve, now, a new consensus, a new paradigm, that says that trade in and of itself is not a goal, but that when we can take into account the worker dimension, that these really should be mutually reinforcing goals, where developing countries will not be disadvantaged,

it is a new way of thinking. And that is why, quite frankly, the challenge that we're up against in terms of the United States leadership position in this regard is formidable.

But in the same way that we were able to make headway with the Child Labor Convention, quite frankly, I think that, as I said earlier, it lays a foundation for this new consensus, for this new dialogue, to say that there is a way to begin to bridge real differences in this regard.

Q Gene, organized labor in the United States is demanding that any -- whatever forum or working group is set up would consider and study enforceable trade sanctions or protections. Yet the developing world, as you know better than I, is saying that it doesn't want whatever working group or forum is set up to even consider the idea of enforceable trade sanctions or protections.

Might the administration agree to setting up a forum or working group that would agree not to consider enforceable trade rights or sanctions -- enforceable labor rights, excuse me.

MR. SPERLING: I understand your question. Again, our focus is to create a forum -- not a negotiating -- excuse me, not a forum. Our goal is to create a working group that would be a context for analysis of core labor standards and the impact of open trade in various contexts on core labor standards, and a context to provide recommendations to future ministerials on the issues of trade and core labor standards. It is not -- so that is the stage at which this is at. I think that what I think labor organizations have made clear to us is that they would prefer not to see issues taken off the table, that there not be things that took away or limited what that discussion would be. And I think that we agree, clearly, with that sentiment.

On the -- but let me make, I guess, a broader point. What's been very interesting and what has often been under-noticed during this week is that when one looks at the complexity and the variety of the protests that have been expressed, it's hard not to notice that at oftentimes there is more disagreement among the protesters than there often is between the protesters and the WTO or between the protesters and the U.S. government position.

For example, the United States is seeking to take special efforts to both have more inclusion of labor and environmental standards and interest within the WTO. The United States is also seeking to take special efforts to make less developed countries, the poorest countries, more full partners in the benefits of the WTO and of the exporting opportunities of future rounds.

Many of the protesters have expressed similar sentiments, that they want stronger consideration of labor and environment and of how developing countries can get the special assistance that they need to be full partners in the WTO. Yet, some of the greatest tensions come between those who are advocating the interests of the least developed countries and those advocating consideration and inclusion of labor and environmental issues.

And so I think it is striking and important to recognize that these tensions among the protesters themselves almost cry out for the need of a strong WTO, for the need of a strong, rule-based WTO, so that one has a context, a forum in which to decide what is a legitimate consideration of labor and environment and which are simply pretexts for discriminatory protectionism. And so I think that there are some profound tensions and I think one of the real challenges for the United States is that we, as much as any country, are seeking to have this new inclusion of considerations of these developing countries and labor and

environment. And part of the challenge is that some of the greatest tensions come between advocates for those causes.

And what I think Alexis is saying is part of our challenge has got to be to create the understanding relationship, so that people understand that when we are talking about considerations of core labor standards, we are talking about interests that we want to be seen as beneficial to workers and working families who have work place issues, social safety net issues in the least developed countries, and not simply the standards of the industrialized countries imposed in a protectionist or discriminatory way on the developing world. And that is one of the real challenges that we're trying to meet here and that is one of the real challenges we are specifically going to have to try to address over the next 24 hours to achieve our goal of having a meaningful working group on labor.

Q If it is a working group, Gene, would you be willing to accept that premise, that we can -- we will rule out any sort of sanctions? This group will not be a sanction group, it will not be recommending sanctions.

MR. SPERLING: I think that when one looks at the stage of what a working group on labor would deal with now, I think that it would be focusing more on the interrelations of core labor standards with new issues of exporting and open markets. So I think that would be the subject matter.

But the United States position would be that there is no reason to rule out or limit what such an advisory group or working group would be able to recommend or discuss.

END 10:25 A.M. PST



The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

Secretary of State Madeleine K. Albright
Chair

Secretary of Health and Human Services
Donna Shalala, Immediate Past Chair

DATE: 12/13/99

TO: Irene Bueno

ORGANIZATION: WH

PHONE: _____ FAX: 456-5881

FROM: Steve Warnath

PHONE: (202) 647 - FAX: (202) 647 - 5337

MESSAGE:

NUMBER OF PAGES (INCLUDING COVER SHEET): (4)



The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

• Secretary of State Madeleine K. Albright
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Donna Shalala, Immediate Past Chair

You are invited to attend a meeting Friday, December 17th of the Interagency Trafficking Working Group. The meeting will be from 1:30-3:30 in Room 6909 of the Department of State. The meeting will be chaired by Theresa Loar, Director of the President's Interagency Council on Women.

Attached is a copy of the preliminary agenda. The purpose of the meeting will be to take stock of where we are with an end-of-year review of activities. Please note that a senior or policy-level representative from each office or Bureau will be requested to make a short presentation (3 minutes or less) updating the office or Bureau's recent or ongoing anti-trafficking activities.

Because space is limited and the Working Group consists of a large number of representatives from across the Administration, attendance is limited to invitation only. Recommendation for the inclusion of other Departments or offices involved in anti-trafficking projects not currently represented on the Working Group should be forwarded to the Council.

CLEARANCE INSTRUCTIONS: For those requiring clearance into the State Department, we must receive your confirmation of attendance and personal information by December 15. Please provide this information to Kristin Soroka at 647-7921.

ENTRANCE INSTRUCTIONS: Please enter at the C street entrance between 21st and 23rd streets. Because new State Department security measures require visitors to be escorted, you will need to notify the Council if you will not be present at the beginning of the meeting so that we can arrange someone to meet you.

DRAFT (12/2/99)
INTERAGENCY TRAFFICKING WORKING GROUP
DECEMBER 17, 1999

I. LEGISLATION

II. DEPARTMENT REPORTS

A. STATE DEPARTMENT

➤ **REGIONAL BUREAU UPDATES** - text mty - Africa, Middle East, Latin Am, NLS

- ❑ EAST ASIA PACIFIC (Mary Johnson) - host w/ Phil. in Manila
 - ❑ ARIAT Regional Working Session 3/29-3/31 - + other countries.
 - ❑ NIS - postponed
 - ❑ Ukraine progress - confer in April
 - ❑ Gore-Kuchma
- ❑ SOUTH ASIA (Jim)
 - ❑ Strategic Plan - collective approach \$1.5m for prevention
 - ❑ EUR (Jim)
 - ❑ OSCE Action Plan - Florus participated in Istanbul. His plan is \$300k + other stuff
 - ❑ Italy - cable
 - ❑ Finland - some conv. needs to drive them to be victimized. Cable mty Phil
 - ❑ Southeast European Cooperative Initiative (SECI)
 - ❑ Other Regional Bureau Activities

- INL (Jim) - Sen. Port. Protocol - mty went well. Restructured Protocol. Timeline - finish by Oct.
- PRM (Nan)

Hungary, Bulgaria Public Awareness Projects

- DRL (Liam) - Due 2/26/00
- Expansion of Human Rights Report - new requirements Approp.
- DIPLOMATIC SECURITY - gathering info for post & security posts

- PUBLIC DIPLOMACY (Francis) - Public Affairs - NPK. Deadline
- AID (Francis) - Explain + advocate US policy + mod public perception. Public Awareness - outreach strategy for trans. control

Website

B. DEPARTMENT OF JUSTICE - John Mott - Bill Lee + Henry Solano

➤ **WORKER EXPLOITATION TASK FORCE (DOJ-DOL) WETF**

- ❑ Current cases and victim/witness protection
- ❑ Hotline - Multi-lingual + Referrals - need to get the word out, with s. to post WETF
- ❑ Regional Task Forces - Canadian
- ❑ Regional Training - workshop mty w/ COP (Czech + Polish)

2nd day transg - in Colombia.
 Scipar + Guen - Lou DeBora

Have Debasia - Manual on Pro security Trafficking Cases - caption it w/ slavery & smuggling cases

All get on developing ~~sub~~ curriculum for prosecutors

- CIVIL RIGHTS DIVISION (DML) *Asian groups - on sex*
 - OFFICE OF VICTIMS OF CRIME *Little Tokyo Com. Center spent w/ty w/ Laurence*
 - IMMIGRATION AND NATURALIZATION SERVICE *IAI on trafficking cases + develop services for victims*
 - CHILD EXPLOITATION AND OBSCENITY SECTION (TOM) *part of Shantel*
 - VIOLENCE AGAINST WOMEN OFFICE *trafficking*
 - FEDERAL BUREAU OF INVESTIGATION *have trafficked report; is urgent to ports district*
 - ORGANIZED CRIME DIVISION *have cases have quadrupled - Strike Force Atlanta, Chicago. Many victims were deported. End office has a victims action coordinator.*
- C. DEPARTMENT OF LABOR (Steve Mandel) - *children labor*
- D. HEALTH AND HUMAN SERVICES

III. DATA/RESEARCH

- TRAFFICKING CABLES (CIA) *Kathleen* - *alot of reporting - hard to distinguish*
- INS BORDERLINE *lots of organized crime links - Russians in Brazil, Paraguay; Eastern Europe trafficking of babies*
- INTERAGENCY PROGRESS *open source data - email*
- INL-SPONSORED RESEARCH *Burmen women - Thailand, Korea - workers etc*

Harvard - Harvard Protection Project - Database - Dec 2000 - completed by Sept
Model legislation (Commercial sexual exploit).
summary share
law enforcement

IV. CONFERENCES/PRESS INQUIRIES ETC.

Hi Irene, —
as far as I could tell,
the only action was
referral to foreign
relations comte (see attached)
I checked CR thru
page 13715, & there
were no other floor
stmts. let me know if
you hear anything else

& W look up. —

Thanked

Genie

S 1842 IS

106th CONGRESS

1st Session

S. 1842

To combat trafficking of persons in the United States and countries around the world through prevention, prosecution and enforcement against traffickers, and protection and assistance to victims of trafficking.

IN THE SENATE OF THE UNITED STATES

November 2, 1999

Mr. WELLSTONE introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To combat trafficking of persons in the United States and countries around the world through prevention, prosecution and enforcement against traffickers, and protection and assistance to victims of trafficking.

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 'Comprehensive Antitrafficking in Persons Act of 1999'.

(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. Interagency task force to monitor and combat trafficking.

Sec. 5. Prevention of trafficking.

Sec. 6. Protection and assistance for victims of trafficking.

Sec. 7. Humanitarian/material witness nonimmigrant visa.

Sec. 8. Sanctions against countries involved in trafficking.

Sec. 9. Strengthening prosecution and punishment of traffickers.

Sec. 10. Annual Country Reports on Human Rights Practices.

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Congressional Record article 48 of 50 *Full Display* - 1,967 bytes.[\[Help\]](#)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS (Senate - November 02, 1999)

[Page: S13679] *GPO's PDF*

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 1840. A bill to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Indian Affairs.

By Mr. COCHRAN:

S. 1841. A bill to provide private chapter 7 panel trustees and chapter 13 standing trustees with remedies for resolving disputes with the United States Trustee Program; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 1842. A bill to combat trafficking of **persons** in the United States and countries around the world through prevention, prosecution and enforcement against traffickers; and protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

By Mr. SESSIONS:

S. 1843. A bill to designate certain Federal land in the Talladega National Forest, Alabama, as the 'Dugger Mountain Wilderness'; considered and passed.

By Mr. ROTH (for himself, Mr. **Moynihan**, Mr. **Voinovich**, Mrs. **Feinstein**, Mr. **Roberts**, Mrs. **Boxer**, Mr. **Enzi**, Mr. **Thomas**, Mr. **Gramm**, Mr. **Kerrey**, Mrs. **Hutchison**, and Mr. **Bayh**):

S. 1844. A bill to amend part D of title IV of the Social Security Act to provide for an alternative penalty procedure with respect to compliance with requirements for a State disbursement unit; considered and passed.

By Mrs. BOXER (for herself and Mr. **Lautenberg**):

S. 1845. A bill to amend title 18, United States Code, to prohibit the sale or transfer of a firearm or ammunition to an intoxicated person; to the Committee on the Judiciary.

By Mr. HATCH, Committee on the Judiciary:

Q. Todd Dickinson, of Pennsylvania, to be Commissioner of Patents and Trademarks.

Anne H. Chasser, of Ohio, to be an Assistant Commissioner of Patents and Trademarks.

Kathryn M. Turman, of Virginia, to be Director of the Office for Victims of Crime.

Melvin W. Kahle, of West Virginia, to be United States Attorney for the Northern District of West Virginia for a term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 1840. A bill to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Indian Affairs.

By Mr. COCHRAN:

S. 1841. A bill to provide private chapter 7 panel trustees and chapter 13 standing trustees with remedies for resolving disputes with the United States Trustee Program; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 1842. A bill to combat trafficking of persons in the United States and countries around the world through prevention, prosecution and enforcement against traffickers, and protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

By Mr. SESSIONS:

S. 1843. A bill to designate certain Federal land in the Talladega National Forest, Alabama, as the "Dugger Mountain Wilderness"; considered and passed.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. VOINOVICH, Mrs. FEINSTEIN, Mr. ROBERTS, Mrs. BOXER, Mr. ENZI, Mr. THOMAS, Mr. GRAMM, Mr. KERREY, Mrs. HUTCHISON, and Mr. BAYH):

S. 1844. A bill to amend part D of title IV of the Social Security Act to provide for an alternative penalty procedure with respect to compliance with requirements for a State disbursement unit; considered and passed.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 1845. A bill to amend title 18, United States Code, to prohibit the sale or transfer of a firearm or ammunition to an intoxicated person; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 214. A resolution authorizing the taking of photographs in the Chamber of the United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 215. A resolution making changes to Senate committees for the 106th Congress; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. INOUE, Mr. COCHRAN, Mr. GRASSLEY, Mrs. MURRAY, Mr. BINGAMAN, Mr. DOMENICI, Mr. SMITH of Oregon, Mr.

AKAKA, Mr. CONRAD, Mrs. BOXER, Mr. HATCH, Mr. JOHNSON, Mr. KOHL, Mr. INHOFE, Mr. REID, Mr. ENZI, Mr. MCCAIN, Mr. MURKOWSKI, Mr. THOMAS, Mr. BURNS, Mr. GRAMS, Mr. DASCHLE, Mr. BENNETT, Mr. ALLARD, Mr. STEVENS, Mr. CRAPO, Mr. WYDEN, Mr. FRIST, Mr. JEFFORDS, and Mr. KENNEDY):

S. Res. 216. A resolution designating the Month of November 1999 as "National American Indian Heritage Month"; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

S. Res. 217. A resolution relating to the freedom of belief, expression, and association in the People's Republic of China; to the Committee on Foreign Relations.

By Mr. TORRICELLI:

S. Con. Res. 65. A concurrent resolution expressing the sense of Congress regarding the preservation of full and open competition for contracts for the transportation of United States military cargo between the United States and the Republic of Iceland; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 66. A concurrent resolution to authorize the printing of "Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853-1861"; considered and agreed to.

S. Con. Res. 67. A concurrent resolution to authorize the printing of "The United States Capitol: A Chronicle, Design, and Politics"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 1840. A bill to provide for the transfer of public lands to certain California Indian tribes; to the Committee on Indian Affairs.

CALIFORNIA INDIAN LAND TRANSFER ACT

Mrs. BOXER. Mr. President, today I am introducing the California Indian Land Transfer Act, which would transfer to eight California tribes approximately 3,500 acres of Bureau of Land Management (BLM) land to be used for housing construction, grazing, resource protection, and non-gaming economic development.

The eight tribes are the Pit River Tribe (Modoc County), the Fort Bidwell Indian Community (Modoc County), the Pala Band of Mission Indians (San Diego County), the Cuyapaipe Band of Mission Indians (San Diego County), the Manzanita Band of Mission Indians (San Diego County), the Barona Band of Mission Indians (San Diego County), and the Morongo Band of Mission Indians (Riverside County).

All of the parcels of BLM land are contiguous to existing reservation trust lands and have been formally classified as suitable for disposal through the BLM land use planning process.

Many California Indian tribes now lack reservations of sufficient size to provide housing or an economic base adequate to meet the needs of their members and their families. Other California Indian reservations have such poor quality lands that the tribal options for economic development are

extremely limited. This situation derives from the complex history of federal-tribal relations in California. Instead of the approximately 8.5 million acres of land promised in the treaties, the California tribes now reside on a little more than 400,000 acres. Approximately one-third of California's 107 federally recognized tribes have a land base of less than 50 acres; approximately two-thirds have a land base of less than 500 acres, leaving little opportunity for these tribes to develop viable communities and economies where their members can live and work.

The counties in which these lands are located support the tribes' efforts to acquire these lands and have participated in the federal land planning process through which these parcels were identified and made available for transfer to the tribes. This legislation also has the support of the Administration. A similar bill, H.R. 2742, passed the House of Representatives last Congress and was placed on the Senate's consent calendar but was never brought to a vote before adjournment. An earlier version of the bill suffered the same fate in the 104th Congress and I am informed that the negotiations between the Department of the Interior and the Tribes for transfer of these lands date back to 1994.

This legislation is the result of a multiyear cooperative effort by the tribes, the Secretary, the BLM and the Bureau of Indian Affairs, in consultation with local country governments. This effort allows me to present a model legislative blueprint for inter-agency transfer of federal lands as a means of enhancing the extremely limited land and resources base of California's small tribes. The bill also stands as an excellent example of federal, tribal, and local governmental consultation and collaboration within the planning process for disposition of federal lands that have been formally classified as suitable for disposal. It is time for Congress to do its part and conclude this successful intergovernmental collaboration.

I ask unanimous consent that the text of the bill and letters of support from the eight tribes and four counties affected by this legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1840

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 "California Indian Land Transfer Act".

SEC. 2. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF CALIFORNIA INDIANS.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in a paragraph of subsection (b) in connection with the respective tribe, band, or group of Indians named in such paragraph are hereby declared to be held in trust by the United

Sec. 11. Authorization of appropriations.

SEC. 2. PURPOSES AND FINDINGS.

(a) **PURPOSES-** The purposes of this Act are to combat both domestically and internationally the transnational offense of trafficking in persons, a contemporary manifestation of slavery in which women and children are predominant victims, through prevention, prosecution and enforcement against traffickers, and protection and assistance to victims of this egregious violation of human rights.

(b) **FINDINGS-** Congress finds that:

(1) 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.

(2) It is estimated that more than 1,000,000 individuals, primarily women and children, are trafficked within or across borders annually. Approximately 50,000 women and children are trafficked into the United States each year.

(3) 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 many types of bonded labor.

(4) 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.

(5) Traffickers force victims to perform labor or services such as prostitution and sexual servitude, domestic servitude, bonded sweatshop labor, or other work or services. Victims are forced to perform labor or services through physical violence, including rape and other forms of sexual abuse, torture, starvation, and imprisonment, and threats of violence and other forms of psychological abuse and coercion.

(6) 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.

(7) Trafficking is perpetrated increasingly by organized and sophisticated criminal enterprises. Worldwide, the industry is the fastest growing and third largest source of profits for organized criminal enterprises, behind only drugs and firearms. 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) The United States and the international community are in agreement that trafficking of persons is a grave violation of human rights and 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 and discrimination against women,

and components of the trafficking scheme.

(9) No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Existing United States laws and infrastructure are not sufficient to deter trafficking to and from the United States and protect domestic trafficking victims. At present, traffickers are prosecuted in the United States for violating laws related to components of the trafficking scheme, such as involuntary servitude, slave trade offenses, peonage, transportation for coerced or illegal sexual activities, and immigration laws.

(10) 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 healthcare, housing, education, and legal assistance needs for the safe reintegration of domestic trafficking victims.

(11) Trafficking in persons substantially affects interstate and foreign commerce and has an impact on the nationwide employment network and labor market. Trafficking victims may be subjected to

dangerous work and living environments, isolation and restriction of movement, and denial of pay. 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 an immoral and injurious purpose.

(12) Traffickers may make representations to a victim that physical harm may occur to them or to others should the victim escape or attempt to escape. These representations may have an equally coercive effect on the victim as specific threats of harm. It is therefore the intent of Congress that proof of involuntary servitude or peonage, as it is used in prosecutions under sections 241, 1581, 1583, 1584, and 1589 of title 18, United States Code, not be limited to labor or services compelled by the use, or threatened use, of force or legal coercion. Rather, violations of these sections may also be established by proof that the labor or service of a person was obtained or maintained through representations of harm to the victim or to others. Violations under these sections may also be created by the use of fraud, deceit, or misrepresentation toward any person in an effort to wrongfully obtain or maintain the labor or services of that person, where the person is a minor, an immigrant, one who is mentally disabled, or one who is otherwise particularly susceptible to coercion.

(13) Trafficking in persons is a transnational crime with national implications. In order to end this egregious violation of human rights, the United States must take measures to strengthen the local and regional capacity of countries of origin, transit and destination to prevent trafficking, enforce antitrafficking laws, prosecute traffickers, and protect trafficking victims. 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 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 (other than section 8):

(1) The term 'trafficking' means recruiting or abducting, facilitating, transferring, harboring or transporting a person, by the threat or use of force, coercion, fraud or deception, or by the purchase, sale, trade, transfer or receipt of a person, for the purpose of subjecting that person to involuntary servitude, peonage, slavery, slavery-like practices, or forced or bonded labor or services.

(2) The term 'victim of trafficking' generally means any person subjected to the actions set forth in paragraph (1).

SEC. 4. 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 intergovernmental 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 in persons. 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.

SEC. 5. 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 decisionmaking;
- (3) programs to keep children, especially girls, in elementary and secondary schools;
- (4) development of educational curricula regarding the dangers of trafficking; and
- (5) grants to nongovernmental organizations to accelerate the empowerment of women in local and regional, political, economic, social, and educational roles 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. 6. 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 reintegration 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 4.

(2) **ADDITIONAL REQUIREMENT-** 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, and to assist in the appropriate reintegration of stateless victims of trafficking with respect to the establishment and conduct of programs and initiatives described in paragraph (1).

(b) VICTIMS IN THE UNITED STATES-

(1) **ASSISTANCE-** Subject to the availability of appropriations and notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, and the Board of Directors of the Legal Services Corporation shall expand existing services to provide assistance to victims of trafficking within the United States, without regard to the immigration status of such victims.

(2) **BENEFITS-** Subject to the availability of appropriations and notwithstanding any other provision of law, victims of trafficking 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 trafficking on account of the nature of their employment or services 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 of title 18, United States Code, regarding trafficking and criminal exploitation of workers 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 the 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) Trafficking victims, while in the custody or control 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) Federal law enforcement officials should act, to ensure an alien individual's continued presence in the United States, if after an assessment, it

is determined that such individual is a victim of trafficking or a material witness, in order to effectuate prosecution of those responsible and to further the humanitarian interests of the United States.

(3) Appropriate personnel of the Department of State and the Department of Justice are trained in identifying victims 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 1592 of title 18, United States Code, are authorized to be available in equal amounts for the purposes of subsections (a) and (b) and shall remain available for obligation until expended.

SEC. 7. HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT VISA.

(a) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION- Section 101(a)(15)

of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended--

- (1) in subparagraph (R), by striking `or' at the end;
- (2) in subparagraph (S), by striking the comma at the end and inserting `; or'; and
- (3) by inserting after subparagraph (S) the following:

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

- `(i) possesses material information concerning criminal or other unlawful activity;
- `(ii) is willing to supply or has supplied such information to Federal or State law enforcement officials;
- `(iii) would be helpful, were the alien to remain in the United States, to a properly authorized Federal or State investigation or prosecution of the criminal or other unlawful activity; and
- `(iv) has suffered significant physical or mental abuse as a result of the criminal or other unlawful activity.'

(b) NUMERICAL LIMITATIONS; PERIOD OF ADMISSIONS- Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended--

(1) by redesignating the subsection (l) 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) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(T) in any fiscal year may not exceed 1,000.

`(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

`(3) The period of authorized admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

`(4) As a condition for admission, and continued stay in lawful status of such a nonimmigrant, the nonimmigrant--

`(A) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission;

`(B) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of removal, any action for removal of the alien instituted before the alien obtains lawful permanent resident status; and

`(C) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.'

(c) PROHIBITION OF CHANGE OF STATUS- Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking `or (S)' and inserting `(S), or (T)'.

(d) 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:

`(l)(1) The Attorney General may adjust the status of an alien admitted into the United States under section 101(a)(15)(T) (and the spouse, children, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if--

`(A) in the opinion of the Attorney General, the alien's continued presence in the United States is justified on humanitarian grounds or is otherwise in the national interest; and

`(B) the alien is not described in subparagraph (A)(i)(I), (A)(ii), (A)(iii), (C), or (E) of section 212(a)(3).

`(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.'.

(e) EXCLUSIVE MEANS OF ADJUSTMENT- Section 245(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255(c)(5)) is amended by striking `section 101(a)(15)(S),' and inserting `subparagraph (S) or (T) of section 105(a)(15);'.

SEC. 8. SANCTIONS AGAINST COUNTRIES INVOLVED IN TRAFFICKING.

(a) AUTHORITY TO IMPOSE SANCTIONS- The President may impose any of the measures described in subsection (b) against any foreign country that has made little or no progress on reducing trafficking, implementing any necessary antitrafficking laws, enforcing

antitrafficking laws (including the prosecution of traffickers), or protecting and assisting victims of trafficking.

(b) SANCTIONS THAT MAY BE IMPOSED- The measures described in this subsection are the following:

(1) FOREIGN ASSISTANCE-

(A) IN GENERAL- Subject to subparagraph (B), the President may deny to the country assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government.

(B) EXCEPTION- Subparagraph (A) shall not apply to assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any successor provision of law, or the Arms Export Control Act (22 U.S.C. 2751 et seq.) that is intended to benefit the people of that country directly and that is not channeled through governmental agencies or entities of that country.

(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE-

(A) IN GENERAL- The President may instruct the United States Executive Director to each international financial institution described in subparagraph (B) to use the voice and vote of the United States to oppose any loan or financial or technical assistance to the country by such international financial institution.

(B) INTERNATIONAL FINANCIAL INSTITUTIONS DESCRIBED- The international financial institutions described in this subparagraph are the International Bank for Reconstruction and Development, the International Development

Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund.

(3) PROHIBITION OF ARMS SALES- The President may prohibit the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778), to the country or any national of the country.

(4) EXPORT RESTRICTIONS- The President may prohibit or otherwise substantially restrict exports to the country of goods, technology, and services (excluding agricultural commodities and products otherwise subject to control) and may suspend existing licenses for the transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations.

(5) ADDITIONAL MEASURES UNDER IEEPA-

(A) AUTHORITY-

(i) IN GENERAL- The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) in the case of any foreign country that has made little or no progress on reducing trafficking, implementing any necessary antitrafficking laws (including the prosecution of traffickers), or in the case of a person that is on the list published under subparagraph (B).

(ii) 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 clause (i).

(iii) 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) SANCTIONS AGAINST PERSONS-

(i) INITIAL DETERMINATION AND PUBLICATION- The Secretary of State may make a determination of those persons who are trafficking directly or indirectly in the United States or any of its territories and possessions and shall, if such a determination is made, publish the list of such persons in the Federal Register.

(ii) REVISIONS TO LIST- The Secretary of State shall make additions or deletions to any list published under clause (i) on an ongoing basis based on the latest information available.

(iii) CONSULTATION- The Secretary of State shall consult with the following officers in carrying out clauses (i) and (ii):

(I) The Attorney General.

(II) The Director of Central Intelligence.

(III) The Director of the Federal Bureau of Investigation.

(IV) The Secretary of Labor.

(V) The Secretary of Health and Human Services.

(c) REPORT TO CONGRESS- Upon exercising the authority of subsection (a), the President shall report to Congress on the measures applied and the reasons for the application of the measures.

SEC. 9. 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'

(B) by adding at the end the following: 'If, in addition to the foregoing elements, death

results from a violation of this section, or if such violation includes kidnaping 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.';

(3) by inserting at the end the following:

`Sec. 1589. Trafficking and criminal exploitation of workers

`(a) Whoever--

`(1) recruits, harbors, provides, transports, employs, purchases, sells, or secures, by any means, any person, knowing or having reason to know that person is or will be subjected to involuntary servitude or peonage or to unlawfully exploitative labor conditions as described in subsection (b) of this section, shall be fined under this title or imprisoned not more than 20 years, or both; and if, in addition to the foregoing elements, death results from an act committed in violation of this section, or if such act includes kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years or life, or both; or

`(2) in any way, financially or otherwise, knowingly benefits from, or makes use of, the labor or services of a person held to a condition of involuntary servitude or peonage, shall be fined under this title or imprisoned not more than 10 years, or both.

`(b) As used in this section, the term 'unlawfully exploitative labor conditions' means that the labor or services of a person are obtained or maintained through any scheme or artifice to defraud, or by means of any plan or pattern, including but not limited to false and fraudulent pretenses and misrepresentations, such that the person reasonably believes that he has no viable alternative but to perform the labor or services.

`(c) This section does not apply to labor performed as a punishment for a crime whereof the party shall have been duly convicted.

`Sec. 1590. Unlawful possession of documents in furtherance of trafficking, criminal worker exploitation, involuntary servitude, or peonage

`(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, or under circumstances which facilitate--

`(A) a violation of section 1581, 1583, 1584, or 1589 or a conspiracy or attempt to commit such a violation;

`(B) the unlawful entry or attempted unlawful entry of the person into the United States;

`(2) to prevent or restrict, without lawful authority, the person's liberty to move or travel in interstate or foreign commerce; or

`(3) to conceal or impair the investigation or prosecution of a violation of Federal criminal law, shall be fined under this title or imprisoned for not more than 5 years, or both.

`Sec. 1591. 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.

`Sec. 1592. General provisions

`(a) In a prosecution under sections 1581, 1583, 1584, or 1589, a condition of involuntary servitude or peonage may be established by proof that the defendant obtained or maintained the labor or service of any person--

`(1) by the use, or threatened use, of force, violence, physical restraint, or physical injury, or by the use or threatened use of coercion through law or the legal process;

`(2) through representations made to any person that physical harm may occur to that person, or to another, in an effort to wrongfully obtain or maintain the labor or services of that person; or

`(3) by the use of fraud, deceit, or misrepresentation toward any person in an effort to wrongfully obtain or maintain the labor or services of that person, where the person is a minor, an immigrant, one who is mentally disabled, or one who is otherwise particularly susceptible to coercion.

`(b) An attempt to violate sections 1581, 1583, 1584, or 1589 shall be punishable in the same manner as a completed violation of each of these sections, respectively.

`(c)(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 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 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

`(d)(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; and

`(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.'; and

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

`1589. Trafficking and criminal exploitation of workers.

`1590. Unlawful possession of documents in furtherance of trafficking, criminal worker exploitation, involuntary servitude, or peonage.

`1591. Mandatory restitution.

`1592. 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, coercive worker exploitation, and possession, transfer or sale of false immigration documents to further exploitation of workers, 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) 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 worker exploitation 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. 10. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

(a) IN GENERAL- The Secretary of State, acting through 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 international trafficking in persons, including--

- (1) a description of the nature and extent of trafficking in persons in each country;
- (2) a description and assessment of the efforts of countries to combat trafficking through prevention, prosecution, and enforcement against traffickers, and to protect and assist trafficking victims; and
- (3) the role of official corruption in facilitating trafficking of persons in each country.

(b) ADDITIONAL REQUIREMENT- Information described in subsection (a) shall be included in the annual Country Reports on Human Rights Practices separately on a country-by-country basis.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE INTERAGENCY TASK FORCE- To carry out the purposes of section 4, there are authorized to be appropriated to the Secretary of State \$3,000,000 for fiscal year 2001 and \$3,000,000 for fiscal year 2002.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES- To carry out the purposes of section 6(b) there are authorized to be appropriated to the Secretary of Health and Human Services \$10,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE- To carry out the purposes of section 6(a) there are authorized to be appropriated to the Secretary of State \$10,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL- To carry out the purposes of section 6(b) there are authorized to be appropriated to the Attorney General \$10,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT- To carry out the purposes of Section 5 there are authorized to be appropriated to the President \$10,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR- To carry out the purposes of section 6(b) there are authorized to be appropriated to the Secretary of Labor \$10,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

END

sies in Africa.

In her last job, as Assistant Secretary for Intelligence and Research, which she leaves Thursday, Mrs. Oakley said she felt the impact of the slim financial resources most keenly. In the last five years, the intelligence and research bureau, which compiles intelligence for the Secretary of State but which is also supervised by the Director of Intelligence, has been a special target for cuts.

Mrs. Oakley passed the foreign service exam at age 21, joined the State Department at 22 and a year later married Mr. Oakley. He was assigned on his first overseas post — newly independent Sudan — as third officer, and according to the regulations of the time, Mrs. Oakley had to

stan. Mrs. guests and Mr. her so. He chose her as deputy spokesman Bernard Kalb and the Charles Redmond.

Because Mr. Redmond was a more retiring personality and traveled frequently with Mr. Shultz, Mrs. Oakley took over the State Department podium, fielding questions as serious as Iran-contra and as frivolous as on what part of Mr. Shultz's anatomy his tattoo was placed. ("I'm not in a position to comment," Mrs. Oakley demurred.)

Walking the fine line of policy at the end of the Reagan Administra-

Albright Gathers Top Women To Address Women's Issues

By BARBARA CROSSETTE

It was a dinner for 10 Foreign Ministers, held without fanfare on Thursday evening in a quiet, still unopened sculpture gallery at the Museum of Modern Art.

While a chamber ensemble played classical music, the Ministers worked their way slowly through a dinner of poached quail eggs with artichoke and caviar, mahi-mahi in tarragon butter and a cake of chocolate soufflé with sorbet and ice cream on spun sugar.

After three hours, they emerged with hugs and kisses and a letter to Secretary General Kofi Annan asking him to put on the agenda of the United Nations General Assembly their concern about "the repulsive trafficking in human beings, predominantly women and children."

The Foreign Ministers — all women — and their host, Secretary of State Madeleine K. Albright — had taken one more step toward creating a lobby for moving women's issues closer to the center of foreign affairs.

"We spent three-quarters of the dinner basically talking about the trafficking-in-women letter that we signed," the Secretary of State said as her car sped back to the Waldorf Astoria to the wail of police sirens.

The letter was blunt: "On the edge of the 21st century," it said, "it is unacceptable that human beings around the world are sold into situations such as sexual exploitation, domestic servitude and debt bondage that are little different from slavery." The Ministers asked that governments start taking seriously the negotiations now in progress on adding a prohibition on human trafficking to a

convention on international organized crime.

"We all had the feeling that while it was very important to press women's issues, unless you make them central to your foreign policy, then they get kind of shunted aside," Ms. Albright said. These issues had to be put on the agendas of ambassadors and foreign policy officials, she said.

Secretary of State Albright has been working to build strong relations among women in foreign affairs since her days as chief representative at the United Nations during the first Clinton Administration.

Now, with 14 women worldwide holding the portfolio of foreign minister, she has continued the tradition at a higher level. One of her guests at the dinner on Thursday evening has been with her from the beginning. Foreign Minister Rosario Green of Mexico was an Assistant Secretary General in the United Nations political department when she met Ms. Albright. The others at the dinner were Maria Eugenia Brizuela de Avila of El Salvador, Tarja Halonen of Finland, Andrea Willi of Luxembourg, Lydie Polfer of Liechtenstein, Lila Ratsifandrihamana of Madagascar, Aichatou Mindaoudou of Niger, Nkosazana Zuma of South Africa and Anna Lindh of Sweden.

After Ms. Albright's dinner, Ms. Halonen, the Finnish Foreign Minister said in an interview that there were "unexpectedly strong emotions in that gallery at dinner." She said that women are always "very brave" initially, saying that they have no special gender problems — until they get to talking with each other and share some unhappy stories.

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**Clinton Presidential Records
Domestic Policy Council**



The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

Secretary of State Madeleine K. Albright
Chair

Secretary of Health and Human Services
Donna Shalala, Immediate Past Chair

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TO: Irene Bueno

ORGANIZATION: _____

PHONE: _____

FAX: _____

FROM: Stephen Warrath

PHONE: (202) 647 - _____

FAX: (202) 647 - 5337

MESSAGE:

Irene -

Attached are the Smith bill talking
points that ~~were~~ will ~~clearance~~ went through
OAS clearance. Thanks for your help

Steve

NUMBER OF PAGES (INCLUDING COVER SHEET): ()

003

H.R. 1356
"Freedom From Sexual Trafficking Act of 1999"

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

Department Position - The Department seeks anti-trafficking legislation, but opposes H.R. 1356 as currently drafted. We seek significant changes.

Talking Points:

☐ The Administration is reviewing all legislative proposals now

These views reflect initial positions of the Department of State. More detailed views will be forthcoming as the legislative process proceeds.

☐ The Administration supports efforts to fight against sexual trafficking

The Secretary has established fighting trafficking of persons, particularly women and children, as a Department priority.

☐ However, we seek legislation that addresses forms of trafficking broader than sexual trafficking

The State Department opposes limiting the scope of legislation to sexual trafficking. We seek a broader definition of trafficking of persons that includes trafficking for other purposes (e.g. trafficking to place persons in slavery-like conditions, forced labor or services such as domestic servitude, bonded sweatshop and other bonded labor or services).

☐ The Department opposes economic sanctions to fight trafficking

Sanctions would limit our flexibility at a time when most countries are just beginning to address trafficking issues. Economic sanctions are counter-productive to the economic development key to trafficking prevention and may have an adverse effect on trafficking victims. Sanctions also may complicate our efforts to encourage states to sign a U.S.-initiated U.N. protocol to combat trafficking in persons.

☐ The Department opposes a mandated new office

The State Department opposes the mandate for a new trafficking office within the Office of the Secretary of State headed by a Presidential Appointment. We should not add another layer of bureaucracy by forming a new office. It is not cost-effective and current Executive Branch interagency structures are working. Nor should Congress impose an organizational structure to combat trafficking on the President or the Secretary of State.

PICW 002

□ The existing Human Rights Report Is Appropriate Vehicle for Reporting on Trafficking

The State Department opposes a free-standing, unfunded report on trafficking, which would be costly and burdensome to produce. Even though our reporting resources are stretched thin, we are already trying to fully integrate comprehensive coverage of all forms of trafficking into the annual Country Reports on Human Rights Practices.

□ The Department Looks Forward to Working with Congress to Craft Legislation that Advances the United States Policy Framework.

Legislation should advance the President and the Secretary's "3P's" strategic and policy framework of: 1) prevention; 2) protection and assistance for victims; and 3) prosecution and enforcement against traffickers. H.R. 1356 has some good elements, but does not adequately address all three elements. Prevention, for example, needs to include measures to help women have economic alternatives to the lure presented by traffickers of jobs in other countries. Protection should address any obstacles that trafficking victims may face in receiving needed services. Prosecution and enforcement requires additional funding for the Departments of Justice and Labor to advance their anti-trafficking programs.

Draft: SWarnath S/PICW 8/2/99 x7-6347
I: docs/general/alethea/trafficking/HR1356

Clear: DRL:SFinerty ok
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INTERNATIONAL AFFAIRS:
SEXUAL TRAFFICKING
MEASURE APPROVED BY
HOUSE PANEL

By Walt Barron, CQ Staff Writer

Aug. 04, 1999 - A bill intended to combat sexual trafficking won easy approval Wednesday from the House International Relations Subcommittee on International Operations and Human Rights.

According to bill sponsor Christopher H. Smith, R-N.J., at least 1 million women and children each year are taken across international borders by force or fraud for prostitution or sexual slavery. A State Department report states that there are about 100,000 incidents annually in Russia alone.

The measure (HR1356) specifically would set up a new State Department office to monitor the problem and offer counseling and treatment for victims. The bill would authorize \$2 million per year over two years to operate the new Office for the Protection of Victims and Trafficking.

The measure also would authorize \$20 million per year in fiscal 2000 and 2001, split between programs administered by the new office to aid sexual trafficking victims in the United States and programs in other countries.

At the request of ranking Democrat Cynthia A. McKinney, Ga., the panel gave voice vote approval to a Smith amendment that places the office under the jurisdiction of State's Department of Human Rights and Labor.

While supporting the measure, McKinney raised several concerns during the markup. The intentions of the bill are good, she said, but it continues a trend of creating many subgroups within the State Department to monitor human rights violations overseas. The 105th Congress passed legislation (PL 105-292) to create a separate bureau for religious freedom, for example.

"We ought to look for more creative ways to increase our emphasis on issues without increasing bureaucracy," McKinney said.

McKinney also said she would work to combine Smith's proposals with a bill (HR1238) by Louise M. Slaughter, D-N.Y., that seeks to combat the sale of women and children into domestic servitude and sweatshop labor. "We ought to look for a way to deal with all of these conditions at once," she said.

Smith did not oppose the idea of a more comprehensive measure. "We're always looking for areas where we can merge," he said. "We don't want to weaken anything that's in this bill. The bottom line is, we've got to go after these traffickers."

MAJOR SANCTIONS: The measure also would impose stronger penalties on any sex traffickers -- inside or outside the United States -- found guilty of kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud and extortion. Under the bill, anyone who cooperates with defrauding or forcing someone into sexual slavery could face life imprisonment, the maximum penalty for committing rape in the United States.

The bill would withhold non-humanitarian assistance to countries that do not meet minimal standards for combating sexual trafficking.

Referring to reports of sexual trafficking in Russia, Rep. Matt Salmon, R-Ariz., said, "I think it's time we put some stipulations on the money we're sending over there."

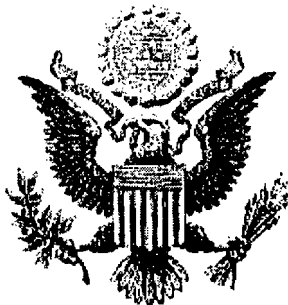
However, the bill would let the president waive such sanctions for "national interest" reasons, even if the sanction doesn't threaten U.S. national security. McKinney said imposing sanctions could hinder diplomacy and discourage other countries from altering their practices.

The measure would provide funds to train investigators in foreign law enforcement agencies, and to help other governments draft and implement anti-trafficking legislation. It also would grant asylum to some victims who immigrate to the United States if they would face retribution or other hardship if deported.

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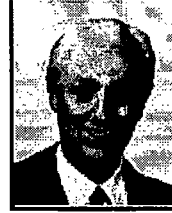
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SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

CHRISTOPHER H. SMITH, CHAIRMAN

B358 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

The Subcommittee's Jurisdiction

To deal with Department of State, United States Information Agency, and related agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; programs, activities and the operating budget of the Arms Control and Disarmament Agency; oversight of and legislation pertaining to the United Nations, its affiliated agencies, and other international organizations, including assessed and voluntary contributions to such agencies and organizations, including parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; international communication and information policy; the American Red Cross; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights generally; and oversight of international population planning and child survival activities.

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Douglas C. Anderson, *Counsel*

George W. Colvin, *Democratic Pearson Fellow*

Catherine DuBois, *Staff Associate*

Selected Materials of Current Interest

H.R. 1356, Freedom From Sexual Trafficking Act of 1999

H.R. 1211, Foreign Relations Authorization Act for FYs 2000 and 2001

H.R. 1063, The International Military Training Transparency and Accountability Act

State Department Country Reports on Human Rights Practices for 1998

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