

SUBCOMMITTEE MEETING NOTICE

**Committee on International Relations
U.S. House of Representatives
Washington, D.C. 20515**

Subcommittee on International Operations and Human Rights

CHRISTOPHER H. SMITH, NEW JERSEY, CHAIRMAN

**WILLIAM F. GOODLING, Pennsylvania
HENRY J. HYDE, Illinois
THOMAS G. TANCREDO, Colorado
DAN BURTON, Indiana
CASS BALLENGER, North Carolina
PETER T. KING, New York
MATT SALMON, Arizona**

**CYNTHIA A. MCKINNEY, Georgia
ENI F. H. FALEOMAVAEGA, American Samoa
EARL F. HILLIARD, Alabama
BRAD SHERMAN, California
WILLIAM D. DELAHUNT, Massachusetts
GREGORY W. MEEKS, New York**

July 28, 1999

MEETING NOTICE

TO: MEMBERS OF THE COMMITTEE ON INTERNATIONAL RELATIONS

You are respectfully requested to attend the following **OPEN** meeting of the Subcommittee on International Operations and Human Rights to be held in **Room 2200 Rayburn**:

DATE: Wednesday, August 4, 1999

TIME: 2:00 PM

MARKUP OF: H.R. 1356, To end international sexual trafficking, and for other purposes.

**Richard J. Garon
Chief of Staff**

The Committee on International Relations seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-3021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

I

106TH CONGRESS
1ST SESSION

H. R. 1356

To end international sexual trafficking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. SMITH of New Jersey (for himself and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To end international sexual trafficking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Freedom From Sexual Trafficking Act of 1999”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes and findings.

Sec. 3. Definitions.

Sec. 4. Minimum standards for the elimination of sexual trafficking.

- Sec. 5. Office for the Protection of Victims of Trafficking.
Sec. 6. Assistance for victim protection.
Sec. 7. Protection from removal for certain victims of sexual trafficking.
Sec. 8. Actions against governments failing to meet minimum standards.
Sec. 9. Trafficking of persons for commercial sexual purposes.

1 **SEC. 2. PURPOSES AND FINDINGS.**

2 (a) PURPOSES.—The purposes of this Act are to end
3 international sexual trafficking, in which women and chil-
4 dren are brought across international boundaries by
5 means of force or fraud for purposes of forced prostitu-
6 tion, sexual slavery, and similar practices; to provide just
7 punishment for the perpetrators of such practices; and to
8 protect their victims.

9 (b) FINDINGS.—The Congress makes the following
10 findings:

11 (1) Millions of persons every year, of whom the
12 overwhelming majority are women or children, are
13 trafficked into the international sex trade by means
14 of fraud, force, or coercion.

15 (2) International trafficking in persons is not
16 limited to sexual trafficking. It may also involve
17 forced labor and other violations of internationally
18 recognized human rights. Trafficking of persons in
19 all its forms is an evil that calls for concerted and
20 vigorous action by countries of origin, receiving
21 countries, and international organizations.

22 (3) Sexual trafficking is a particularly brutal
23 form of the international traffic in persons. Because

Expanded

1 it causes the involuntary participation of another
2 person in sex acts by means of fraud, force, or coer-
3 cion, sexual trafficking includes all the elements of
4 the crime of rape, which is defined by all legal sys-
5 tems as among the most serious of all crimes.

6 (4) International sexual trafficking also involves
7 frequent and serious violations of other laws, includ-
8 ing labor and immigration codes and laws against
9 kidnapping, slavery, false imprisonment, assault,
10 battery, pandering, fraud, and extortion.

11 (5) Existing legislation and law enforcement in
12 the United States and in other nations around the
13 world have proved inadequate to deter trafficking
14 and to bring traffickers to justice, principally be-
15 cause such legislation and enforcement do not reflect
16 the gravity of the offenses involved. Instead, even
17 the most brutal instances of sexual trafficking are
18 often punished under laws that also apply to far less
19 serious offenses such as consensual sexual activity
20 and illegal immigration, so that traffickers typically
21 escape severe punishment.

22 (6) In some countries, enforcement against
23 international sexual traffickers is also hindered by
24 official indifference, by corruption, and sometimes
25 even by active official participation in trafficking.

1 (7) Because existing laws and law enforcement
2 procedures often fail to make clear distinctions be-
3 tween victims of sexual trafficking and persons who
4 have wilfully violated laws such as those against
5 prostitution, and because victims often do not have
6 legal immigration status in the countries into which
7 they are trafficked, the victims are often punished
8 more harshly than the traffickers themselves.

9 (8) Because victims of international sexual traf-
10 ficking are frequently unfamiliar with the laws, cul-
11 tures, and languages of the countries into which
12 they have been trafficked, and because they are sub-
13 jected to coercion and intimidation including phys-
14 ical detention, debt bondage, fear of retribution, and
15 fear of forcible removal to countries in which they
16 will face retribution or other hardship, these victims
17 often find it difficult or impossible to report the
18 crimes committed against them or to assist in the
19 investigation and prosecution of such crimes.

20 (9) The Universal Declaration of Human
21 Rights recognizes the right to be free from slavery
22 and involuntary servitude, arbitrary detention, de-
23 grading or inhuman treatment, and arbitrary inter-
24 ference with privacy or the family, as well as the
25 right to protection by law against these abuses.

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

14 (11) The Final Report of the World Congress
15 against Sexual Exploitation of Children, held in
16 Stockholm, Sweden in August 1996, recognized that
17 international sexual trafficking is a principal cause
18 of increased exploitation and degradation of chil-
19 dren.

20 (12) In the 1991 Moscow Document of the Or-
21 ganization for Security and Co-operation in Europe,
22 participating states including the United States
23 agreed to "seek to eliminate all forms of violence
24 against women, and all forms of traffic in women
25 and exploitation of prostitution of women including

1 by ensuring adequate legal prohibitions against such
2 acts and other appropriate measures".

3 (13) In order to deter international sexual traf-
4 ficking and to bring its perpetrators to justice, na-
5 tions including the United States must recognize
6 that sexual trafficking is a grave offense, equivalent
7 for all moral and practical purposes to the crime of
8 rape, and must act on this recognition by pre-
9 scribing appropriate punishment for sexual traf-
10 ficking, by giving the highest priority to its inves-
11 tigation and prosecution, and by protecting rather
12 than punishing its victims.

13 **SEC. 3. DEFINITIONS.**

14 As used in this Act:

15 (1) **SEXUAL TRAFFICKING.**—The term "sexual
16 trafficking" means the taking of a person across an
17 international border for the purpose of a commercial
18 sexual act, if either such taking or such sexual act
19 is effected by fraud, force, or coercion, or if the per-
20 son has not attained the age of 18 years.

21 (2) **VICTIM OF SEXUAL TRAFFICKING.**—The
22 term "victim of sexual trafficking" means any per-
23 son who is taken across an international border for
24 the purpose of a commercial sexual act, if the par-
25 ticipation of such person in such taking or such act

1 is induced by fraud, force, or coercion, or if the per-
2 son has not attained the age of 18 years.

3 (3) ACT OF SEXUAL TRAFFICKING.—The term
4 “act of sexual trafficking” means any act at any
5 point in the process of sexual trafficking, including
6 any act of recruitment, harboring, transport, pur-
7 chase, or sale of a victim of sexual trafficking, or
8 any act of operation, management, or ownership of
9 an enterprise in which a victim of sexual trafficking
10 engages in a commercial sexual act or is induced or
11 expected to engage in such act, or sharing in the
12 profits of the process of sexual trafficking or any
13 part thereof.

14 (4) COMMERCIAL SEXUAL ACT.—The term
15 “commercial sexual act” means a sexual act on ac-
16 count of which anything of value is given to or re-
17 ceived by any person.

18 (5) MINIMUM STANDARDS FOR THE ELIMI-
19 NATION OF SEXUAL TRAFFICKING.—The term “min-
20 imum standards for the elimination of sexual traf-
21 ficking” means the standards set forth in section 4.

22 (6) NONHUMANITARIAN FOREIGN ASSIST-
23 ANCE.—The term “nonhumanitarian foreign assist-
24 ance” means—

1 (A) any assistance under the Foreign As-
2 sistance Act of 1961 (including programs under
3 title IV of chapter 2 of part I of that Act, relat-
4 ing to the Overseas Private Investment Cor-
5 poration), other than—

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

8 (ii) any other narcotics-related assist-
9 ance under part I of that Act or under
10 chapter 4 or 5 of part II of that Act, but
11 any such assistance provided under this
12 clause shall be subject to the prior notifica-
13 tion procedures applicable to
14 reprogrammings pursuant to section 634A
15 of that Act;

16 (iii) disaster relief assistance, includ-
17 ing any assistance under chapter 9 of part
18 I of that Act;

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

21 (v) assistance which involves the pro-
22 vision of food (including monetization of
23 food) or medicine;

24 (vi) assistance for refugees; and

1 (vii) humanitarian and other develop-
2 ment assistance in support of programs of
3 nongovernmental organizations under
4 chapters 1 and 10 of that Act;

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

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

14 **SEC. 4. MINIMUM STANDARDS FOR THE ELIMINATION OF**
15 **SEXUAL TRAFFICKING.**

16 (a) **MINIMUM STANDARDS.**—Minimum standards for
17 the elimination of sexual trafficking are as follows:

18 (1) The country should prohibit and punish sex-
19 ual trafficking.

20 (2) The country should prescribe punishment
21 commensurate with that for the most serious crimes,
22 such as forcible sexual assault, for a person who
23 knowingly commits an act of sexual trafficking in-
24 volving fraud, force, or coercion, or in which the vic-

1 tim of sexual trafficking has not attained the age of
2 14 years.

3 (3) The country should prescribe punishment
4 commensurate with that prescribed for other serious
5 crimes for a person who knowingly commits an act
6 of sexual trafficking in which there is no proof of
7 fraud, force, or coercion, and in which the victim of
8 sexual trafficking has attained the age of 14 years
9 but has not attained the age of 18 years.

10 (4) The country should make serious and sus-
11 tained efforts to eliminate sexual trafficking.

12 (b) CRITERIA.—In determinations under subsection
13 (a)(3) the following factors should be considered:

14 (1) Whether the country vigorously investigates
15 and prosecutes acts of trafficking that take place
16 wholly or partly within the territory of the country.

17 (2) Whether the country cooperates with other
18 countries in the investigation and prosecution of sex-
19 ual trafficking.

20 (3) Whether the country extradites persons
21 charged with acts of sexual trafficking on the same
22 terms and to the same extent as persons charged
23 with other serious crimes.

24 (4) Whether the country monitors immigration
25 and emigration patterns for evidence of sexual traf-

1 ficking and whether law enforcement agencies of the
2 country respond to any such evidence in a manner
3 which is consistent with the vigorous investigation
4 and prosecution of acts of sexual trafficking, as well
5 as with the protection of victims and the internation-
6 ally recognized human right to travel.

7 (5) Whether the country protects victims and
8 encourages their assistance in the investigation and
9 prosecution of sexual trafficking, including provision
10 for legal alternatives to their removal to countries in
11 which they would face retribution or other hardship.

12 (6) Whether the country vigorously investigates
13 and prosecutes public officials who participate in, fa-
14 cilitate, or condone sexual trafficking.

15 **SEC. 5. OFFICE FOR THE PROTECTION OF VICTIMS OF**
16 **TRAFFICKING.**

17 (a) **ESTABLISHMENT.**—There is established in the
18 Office of the Secretary of State an Office for the Protec-
19 tion of Victims of Trafficking. The office shall be adminis-
20 tered by a director. The director shall be appointed by the
21 President with the advice and consent of the Senate. The
22 director shall have primary responsibility for assisting the
23 Secretary of State in carrying out the purposes of this Act
24 and may have additional responsibilities as determined by
25 the Secretary.

1 (b) REPORTS TO CONGRESS.—

2 (1) ANNUAL REPORT.—Not later than April 30
3 of each year, the Secretary of State, with the assist-
4 ance of the director, shall submit to the Congress a
5 report with respect to the status of international
6 sexual trafficking, including a list of those countries,
7 if any, that do not meet the minimum standards for
8 the elimination of sexual trafficking under section 4.

9 (2) COUNTRY REPORTS ON HUMAN RIGHTS
10 PRACTICES.—Section 116(d) of the Foreign Assist-
11 ance Act of 1961 (22 U.S.C. 2151n) is amended—

12 (A) at the end of paragraph (6) by striking
13 “and”;

14 (B) at the end of paragraph (7) by striking
15 the period and inserting “; and”; and

16 (C) by adding after paragraph (7) the fol-
17 lowing new paragraph:

18 “(8) information on sexual trafficking and of
19 efforts being taken by the country to prevent such
20 trafficking.”.

21 (3) INTERIM REPORTS.—The Secretary of
22 State, with the assistance of the director, may sub-
23 mit to the Congress in addition to the annual report
24 under subsection (b) one or more interim reports
25 with respect to the status of international sexual

1 trafficking, including information about countries
2 whose governments have come into or out of compli-
3 ance with the minimum standards for the elimi-
4 nation of sexual trafficking since the transmission of
5 the last annual report.

6 (c) DUTIES AND AUTHORITIES OF THE DIRECTOR.—

7 Pursuant to the responsibilities set forth in subsections
8 (a) and (b), the director shall assist the Secretary in the
9 establishment and operation of facilities to receive and dis-
10 seminate information about international sexual traf-
11 ficking, including a site on the Internet. The director shall
12 have authority to consult with experts on international
13 sexual trafficking and with victims and other affected per-
14 sons and to take evidence in public hearings or by other
15 means.

16 (d) AUTHORIZATION.—There is authorized to be ap-
17 propriated to the Secretary of State \$2,000,000 for fiscal
18 year 2000 and \$2,000,000 for fiscal year 2001 for the
19 Office for the Protection of Victims of Trafficking.

20 (e) NOMINATION OF DIRECTOR.—The President shall
21 transmit to the Senate the nomination of the director not
22 later than 120 days after the effective date of this Act.

23 **SEC. 6. ASSISTANCE FOR VICTIM PROTECTION.**

24 (a) INTERNATIONAL VICTIM PROGRAMS.—There is
25 authorized to be appropriated to the Secretary of State

1 \$10,000,000 for fiscal year 2000 and \$10,000,000 for fis-
2 cal year 2001, for assistance to foreign countries in pro-
3 grams and activities designed to meet the minimum inter-
4 national standards for the elimination of sexual traf-
5 ficking, including drafting of legislation to prohibit and
6 punish acts of sexual trafficking, investigation and pros-
7 ecution of sexual trafficking, and facilities, programs, and
8 activities for the protection of victims.

9 (b) DOMESTIC VICTIM PROGRAMS.—There is appro-
10 priated to the Secretary of Health and Human Services,
11 \$10,000,000 for fiscal year 2000 and \$10,000,000 for fis-
12 cal year 2001, for programs and activities to assist victims
13 of sexual trafficking in the United States.

14 (c) ASSISTANCE THROUGH NGOS.—In carrying out
15 this section, assistance should be administered through
16 nongovernmental organizations (NGOs) whenever pos-
17 sible.

18 (d) ASSET FORFEITURE FUNDS.—Funds from asset
19 forfeiture under section 2241A of title 18, United States
20 Code, are authorized to be available in equal amounts for
21 the purposes of subsections (a) and (b) and shall remain
22 available for obligation until expended.

1 **SEC. 7. PROTECTION FROM REMOVAL FOR CERTAIN VIC-**
2 **TIMS OF SEXUAL TRAFFICKING.**

3 (a) NONIMMIGRANT CLASSIFICATION FOR CERTAIN
4 VICTIMS OF SEXUAL TRAFFICKING.—Section 101(a)(15)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(15)) is amended—

7 (1) by striking “or” at the end of subparagraph
8 (R);

9 (2) by striking the period at the end of sub-
10 paragraph (S) and inserting “; or”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(T) an alien who the Attorney General
14 determines—

15 “(i) is physically present in the
16 United States;

17 “(ii) is or has been a victim of sexual
18 trafficking as defined in section 3 of the
19 Freedom From Sexual Trafficking Act of
20 1999;

21 “(iii)(I) has not unreasonably refused
22 to assist in the investigation or prosecution
23 of acts of sexual trafficking; or

24 “(II) has not attained the age of 14
25 years; and

1 “(iv) would face a significant possi-
2 bility of retribution or other hardship if re-
3 moved from the United States,
4 and, if the Attorney General considers it to be
5 appropriate, the spouse, married and unmarried
6 sons and daughters, and parents of an alien de-
7 scribed in this subparagraph if accompanying,
8 or following to join, the alien, except that no
9 person shall be eligible for admission to the
10 United States under this subparagraph if there
11 is substantial reason to believe that the person
12 has committed an act of sexual trafficking as
13 defined in section 3 of the Freedom From Sex-
14 ual Trafficking Act of 1999.”.

15 (b) WAIVER OF GROUNDS FOR INELIGIBILITY FOR
16 ADMISSION.—Section 212(d) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1182(d)) is amended by adding
18 at the end the following new paragraph:

19 “(13) The Attorney General shall determine
20 whether a ground for inadmissibility exists with re-
21 spect to a nonimmigrant described in section
22 101(a)(15)(T). The Attorney General, in the Attor-
23 ney General’s discretion, may waive the application
24 of subsection (a) (other than paragraph (3)(E)) in
25 the case of a nonimmigrant described in section

1 101(a)(15)(T), if the Attorney General considers it
2 to be in the national interest to do so. Nothing in
3 this section shall be regarded as prohibiting the Im-
4 migration and Naturalization Service from insti-
5 tuting removal proceedings against an alien admit-
6 ted as a nonimmigrant under section 101(a)(15)(T)
7 for conduct committed after the alien's admission
8 into the United States, or for conduct or a condition
9 that was not disclosed to the Attorney General prior
10 to the alien's admission as a nonimmigrant under
11 section 101(a)(15)(T).".

12 (c) ADJUSTMENT TO PERMANENT RESIDENT STA-
13 TUS.—Section 245 of the Immigration and Nationality
14 Act (8 U.S.C. 1255) is amended by adding at the end the
15 following new subsection:

16 “(l)(1) If, in the opinion of the Attorney General, a
17 nonimmigrant admitted into the United States under sec-
18 tion 101(a)(15)(T)—

19 “(A) has been physically present in the United
20 States for a continuous period of at least 3 years
21 since the date of admission as a nonimmigrant
22 under section 101(a)(15)(T);

23 “(B) has, throughout such period, been a per-
24 son of good moral character;

1 “(C) has not, during such period, unreasonably
2 refused to provide assistance in the investigation or
3 prosecution of acts of sexual trafficking; and

4 “(D) would face a significant possibility of ret-
5 ribution or other hardship if removed from the
6 United States,

7 the Attorney General may adjust the status of the alien
8 (and the spouse, married and unmarried sons and daugh-
9 ters, and parents of the alien if admitted under that sec-
10 tion) to that of an alien lawfully admitted for permanent
11 residence if the alien is not described in section
12 212(a)(3)(E)

13 “(2) An alien shall be considered to have failed to
14 maintain continuous physical presence in the United
15 States under paragraph (1)(A) if the alien has departed
16 from the United States for any period in excess of 90 days
17 or for any periods in the aggregate exceeding 180 days.”.

18 **SEC. 8. ACTIONS AGAINST GOVERNMENTS FAILING TO**
19 **MEET MINIMUM STANDARDS.**

20 (a) **STATEMENT OF POLICY.**—It is the policy of the
21 United States not to provide nonhumanitarian foreign as-
22 sistance to countries which do not meet minimum stand-
23 ards for the elimination of sexual trafficking.

24 (b) **NOTIFICATION.**—For each fiscal year, for each
25 foreign country which does not meet minimum standards

1 for the elimination of sexual trafficking, as described in
2 an annual report with respect to the status of inter-
3 national sexual trafficking under section 5(b)(1) or an in-
4 terim report under section 5(b)(3), not less than 45 days
5 and not more than 90 days after the submission of such
6 a report, the President shall submit a notification to the
7 Congress of one of the determinations described in sub-
8 section (c).

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

11 (1) WITHHOLDING OF NONHUMANITARIAN AS-
12 SISTANCE.—The President has determined that—

13 (A)(i) the United States will not provide
14 nonhumanitarian foreign assistance to the gov-
15 ernment of the country for the subsequent fiscal
16 year until such government complies with the
17 minimum standards; or

18 (ii) in the case of a country whose govern-
19 ment received no nonhumanitarian foreign as-
20 sistance from the United States during the pre-
21 vious fiscal year, the United States will not pro-
22 vide funding for participation by officials or em-
23 ployees of such governments in educational and
24 cultural exchange programs for the subsequent

1 fiscal year until such government complies with
2 the minimum standards; and

3 (B) the President will instruct the United
4 States Executive Director of each multilateral
5 development bank and of the International
6 Monetary Fund to vote against, and to use his
7 or her best efforts to deny, any loan or other
8 utilization of the funds of his or her institution
9 to that country (other than for humanitarian
10 assistance, or for development assistance which
11 directly addresses basic human needs, is not ad-
12 ministered by the government of the sanctioned
13 country, and confers no benefit to that country)
14 for the subsequent fiscal year until such govern-
15 ment complies with the minimum standards.

16 (2) SUBSEQUENT COMPLIANCE.—The Secretary
17 of State, with the assistance of the director, has de-
18 termined that the country has come into compliance
19 with the minimum standards.

20 (3) CONTINUATION OF ASSISTANCE IN THE NA-
21 TIONAL INTEREST.—Notwithstanding the failure of
22 the country to comply with minimum standards for
23 the elimination of sexual trafficking, the President
24 has determined that the provision of nonhumani-

1 tarian foreign assistance to the country is in the na-
2 tional interest of the United States.

3 (d) CERTIFICATION.—Together with any notification
4 under subsection (b)(1)(i), the President shall provide a
5 certification by the Secretary of State that with respect
6 to assistance described in clause (i), (ii), or (iv) of section
7 3(6)(A) or in section 3(6)(B), no assistance is intended
8 to be received or used by any agency or official who has
9 participated in, facilitated, or condoned sexual trafficking.

10 **SEC. 9. TRAFFICKING OF PERSONS FOR COMMERCIAL SEX-**
11 **UAL PURPOSES.**

12 (a) IN GENERAL.—Chapter 109A of title 18, United
13 States Code, is amended by inserting after section 2241
14 the following:

15 **“§ 2241A. Trafficking of persons for commercial sex-**
16 **ual purposes**

17 “(a) IN GENERAL.—Whoever, whether inside or out-
18 side the United States, knowingly does or attempts or con-
19 spires to—

20 “(1) transport a person across an international
21 border;

22 “(2) recruit, entice, harbor, or engage in the
23 purchase or sale of a person when the person will be
24 or has been transported across an international bor-
25 der; or

1 “(3) own, manage, operate, or share in the pro-
2 ceeds of an enterprise in which a person has been
3 transported across an international border,
4 for the purpose of causing a person who has not attained
5 the age of 18 years to engage in a commercial sexual act
6 or for the purpose of causing a person to engage in a com-
7 mercial sexual act by fraud, force, or coercion, shall be
8 punished as provided in subsection (b).

9 “(b) PUNISHMENT.—The punishment for an offense
10 under subsection (a) is—

11 “(1) if the offense was effected by fraud, force,
12 or coercion, or if the person transported had not at-
13 tained the age of 14 years at the time of such of-
14 fense, by a fine under this title or imprisonment for
15 any term of years or for life, or both; or

16 “(2) if the offense was not effected by fraud,
17 force, or coercion, and the person transported had
18 attained the age of 14 years but had not attained
19 the age of 18 years at the time of such offense, by
20 a fine under this title or imprisonment for not more
21 than 15 years, or both.

22 “(c) DEFINITION OF COMMERCIAL SEXUAL ACT.—
23 In this section, the term ‘commercial sexual act’ means
24 any sexual act, on account of which anything of value is
25 given to or received by any person, and—

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

2 “(2) which affects United States foreign com-

3 merce; or

4 “(3) in which either the person transported or
5 the person committing the violation is a United
6 States citizen or an alien admitted for permanent
7 residence in the United States.

8 “(d) FORFEITURE.—

9 “(1) IN GENERAL.—Upon conviction for a vio-
10 lation of this section, the convicted person shall for-
11 feit to the United States such person’s interest in
12 any property, real or personal—

13 “(A) constituting or traceable to gross
14 profits or other proceeds obtained from such of-
15 fense; or

16 “(B) used or intended to be used to com-
17 mit or to promote the commission of such of-
18 fense.

19 “(2) PROCEDURE.—The procedures in section
20 1963 relating to forfeiture shall apply to forfeiture
21 of property under this section in the same manner
22 as those procedures apply with respect to property
23 forfeited under that section.

24 “(e) WITNESS PROTECTION.—Any violation of this
25 section shall be considered an organized criminal activity

24

1 or other serious offense for the purposes of application of
2 chapter 224 (relating to witness protection).”.

3 (b) RACKETEERING.—Section 1961(1) of title 18,
4 United States Code, is amended by inserting “section
5 2241A (relating to trafficking of persons for commercial
6 sexual purposes),” after “murder-for-hire),”.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 109A of title 18, United States
9 Code, is amended by inserting after the item relating to
10 section 2241 the following new item:

“2241A. Trafficking of persons for commercial sexual purposes.”.

○

...es, but she and Mr. Ng weren't officially married.)

Mr. Hien socialized with village elders. "I drank lots of tea," he says. Nights he slept on his sister's floor.

His sister's in-laws were suspicious, but as days passed, Mr. Hien's rapport-building plan took root. It was helped by the fact that many of the villagers were ethnic-Chinese Vietnamese who had fled Vietnam during a brief invasion by China in 1979. That border skirmish was just the latest in what many Vietnamese consider a centuries-long series of Chinese insults that have shaped Vietnam's self-image.

The Trung Sisters and Kieu

The bitter relations are woven into Vietnam's culture. Nearly every Vietnamese town has a street named for the Trung sisters, famous for briefly ousting some Chinese invaders 1,000 years ago. "The Tale of Kieu," a nation-defining epic poem, tells of a Vietnamese heroine who is sold to foreigners and raped, but who keeps fighting back—like the fiercely independent Vietnam. The 1979 incident continued the cycle. The Chinese invasion flattened the border town of Lang Son, and the crossing didn't reopen until the 1990s. Now it's home to a bustling trade in bikes, ceramics, shoes—and Vietnamese women.

At the tea plantation, Miss Hoan's in-laws were finally easing their vigilance. Mr. Hien decided it was time to make a run. On the appointed day, before dawn, he shook his sister awake. Despite the urgency, he recalls, "she fussed around packing things and getting dressed." Easing open the latch of the front door, they got about 100 yards down the road.

Suddenly, they were surrounded by villagers armed with farm tools. Mr. Hien says they threatened to kill him. After "many, many apologies" the stand-off ended, he says. But it was clear that he and his sister wouldn't be given another chance to leave. Mr. Hien decided to rethink his rescue plan.

A few days later, Miss Hoan's husband, on a break from the Christmas-tree factory, appeared, and Mr. Hien announced he was ready to go back to Vietnam—without his sister. It was wrenching news for Miss Hoan, but in fact, her brother was concealing his real plans from her. He was going to the Vietnamese consulate in Guangzhou to get some help. "She's too trusting to keep a secret," he says, smiling.

The Ngs Feel Cheated

At the risk of being promptly deported himself, since he was in the country illegally, Mr. Hien managed to persuade consulate officials to help him. With the aid of them and Chinese police, his sister was set free a week later. Brother and sister headed straight for Vietnam. They left behind them confusion and bitterness.



...the two women were "pub-

...sisters' parience for an auc-

...new. Old women and their sons

...to inspect the goods. While Miss Hoan

...can't understand the language, she knew

...what was up by the gestures being made

...around her. She and Miss Nham were sold

...for around \$150 apiece to a brother. "I knew

...because of the pornographic pictures on the

...walls," Miss Hoan says. Her friend re-

...mained there, but after a day, Miss Hoan

...was traded for the last time and put on a bus.

...A two-day ride on back roads to avoid detec-

...tion brought her to her final destination.

...Four months later, her family received

...the first letter from Miss Hoan, postmarked

...Sept. 7, 1997. "Parents, please forgive your

...naughty daughter who looked for a job with-

...out your permission," Miss Hoan wrote.

...Back in June, her brother had pedaled

...into Hanoi about three hours after his sis-

...ter. Mr. Hien went to the bus station, and

...when he failed to find her there, he feared

...the worst. Migrant workers at home had

...told him of young women who had disap-

...peared this way. As he scoured the city, the

...word on the street wasn't reassuring.

...Mr. Hien says he soon turned to plan-

...rescue. He knew the perils of China

...so he traveled through the south

...country to get to Hong Kong, where

...he found work. But he was captured

...as an illegal immigrant and

...years in a Hong Kong refugee

...camp.

...His letters continued to trickle

...in, but with less money and liberty Miss Hoan

...and her husband went toward these

...desperate messages, each more desper-

...ate than the last. The loneliness was un-

...bearable, she wrote in that first letter, ex-

...cept for the company of the many other

...Vietnamese brides.

...She learned that troublemakers were

...sold into more remote areas. Vietnamese

...kidnap victims have been found as far away

...as Tibet. So she abandoned thoughts of an-

...other escape attempt. "Hoan dares not

...flee," says a letter postmarked Nov. 16, 1998.

...Unable to read or speak Chinese, Miss

...Hoan wasn't sure where she was. But her

...letters offered clues. She was able to de-

...scribe her home as a tea plantation near

...the town of Ying De—which is four hours

...north of the Chinese city of Guangzhou—

...and she was able to draw a crude map with

...local landmarks.

Duke Energy, in Latin America Push, Is Buying Dominion Resources Assets

By PETER GUNDEL

Wall Street Journal
Duke Energy Corp., capping a \$1.21 billion acquisition spree in Latin America, agreed to acquire a portfolio of power-generation businesses in the region from Dominion Resources Inc. for \$405 million.

It is Duke's third deal in Latin America during the past week. The deals would more than double the size of the company's international generation assets. The purchases also will double the assets of the company's international unit to about \$2.1 billion and increase the unit's importance to Duke's overall business.

Dominion's portfolio includes a mixture of hydroelectric, diesel and natural-gas-generation businesses in Argentina, Belize, Bolivia and Peru with 1,200 megawatts of gross generation capacity. The portfolio includes a 98% interest in a 150-megawatt Cerros Colorados hydroelectric plant in Argentina, and 30% ownership of a predominantly hydroelectric business in northern Peru that will have 540 megawatts of capacity once an expansion program is finished later this year.

During the past week, Duke also bid \$400 million to win a major Brazilian hydroelectric-power company that was being privatized, CESP Parapanema, and also acquired a controlling stake in two thermal-electric companies in El Salvador for \$125 million.

"We're building up a center of critical mass in each of these countries," said

Bruce Williamson, president and chief executive of the Duke Energy International unit. As a result of the acquisitions, the unit will own about 6,700 megawatts of power generation around the world, of which about 5,900 megawatts will be in Latin America, Duke officials say.

Mr. Williamson said the acquisitions fit with the Charlotte, N.C., company's overall strategy to increase earnings about 8% to 10% a year. "Wall Street is expecting us to make these large investments overseas" to meet these growth targets, he said.

In New York Stock Exchange composite trading, Duke Energy edged up 6.25 cents to \$53; Dominion Resources rose 62.5 cents to \$44.6875.

Dominion Resources of Richmond, Va., said it is selling the Latin American assets to focus on its U.S. businesses. The company is in the process of completing its acquisition of Consolidated Natural Gas Co., which it agreed in May to buy for \$6.3 billion. Dominion said it expects to use proceeds from the sale of its Latin American portfolio to buy back its own stock.

Raymond C. Niles, an analyst at Schroder & Co., said Duke's purchase "looks like a good move. Latin America is opening up its wholesale energy market, and that's a business Duke is very good at." Despite the big investments of the past week, Mr. Niles said he isn't concerned about Duke being overly dependent on Latin America for its earnings.

Only Hilton HHonors® gives you both miles & points for the same

Redeem your rewards for a free vacation at Hiltons all over the world, including Hawaii.

It

Hiltons membership, earning and redemption of points are subject to HHonors Terms and Conditions. Normal rules for earning HHonors points apply. The Hilton name and logo are trademarks.

These Kidnap Victims From Vietnam Don't Say 'I Do'

Continued From First Page
women cross the border willingly on promises that they will be well cared for.

Their young victims may trust the bride-buyers all the more because the traffickers often are Vietnamese women themselves. Former brides or prostitutes in China, they have the advantage of being able to move between the two cultures, says Pham Kim Ngoc, a researcher at the Center for Gender, Family and Environment Development, a research institute in Hanoi.

It's a lucrative business, but obviously clandestine, making it hard to nail down all the details of how it works. At the border, where supplies are highest, a young woman is worth \$250 to \$800, with \$50 to \$100 of that, still a small fortune, going to the initial kidnappers, and the rest kept by brokers or traders who provide brides directly to buyers. The brides command a higher price in more remote regions, but the longer a trader holds on to a woman, the greater the chance of running into the authorities. So it isn't uncommon for a trader to make a quick deal near the border, then return to repurchase the bride for a richer transaction inland.

Into Rice Paddies

At the last where Miss Hoan was being held, half a dozen more women arrived. She befriended one of them, a 15-year-old named Tran Thi Nham. "She was scared, too," Miss Hoan says.

The next day, while their traffickers haggled over a sale, the two made a daring escape. They sprinted from the bus that was transporting them and into rice paddies. They waded for hours, slept in a crowd, and early the next morning hitchhiked to the border, arriving at dusk. There, the famished pair was befriended by a man offering them rice and fish.

Miss Hoan and Miss Nham sat down to eat—and were promptly kidnapped again. They had walked straight into the home of another trafficker.

Hours later, the two women were "publicized"—traffickers' parlance for an auction preview. Old women and their sons came to inspect the goods. While Miss Hoan didn't understand the language, she knew what was up by the gestures being made around her. She and Miss Nham were sold for around \$350 apiece to a brothel. "I knew because of the panoramic pictures on the walls," Miss Hoan says. Her friend remained there, but after a day, Miss Hoan was trucked for the last time and put on a bus. A two-day ride on back roads to avoid detection brought her to her final destination.

From months later, her family received the first letter from Miss Hoan, postmarked Sept. 7, 1997. "Parents, please forgive your naughty daughter who looked for a job with-

Finally, Mr. Hien felt he had enough information to travel on. He speaks a little Chinese, so he would pretend to be a local. But the risks were high. He was told that men who try this "never come back." His parents begged him not to go. While he was in Hong Kong, his mother thought he was dead. She wasn't prepared to lose him again. "She said she could live with losing a daughter, not a son," he recalls.

Across the Border

He left this past March, carrying the equivalent of \$100. He bribed his way across the border for \$3. Lacking the proper paperwork, he sweet-talked his way past a female bus conductor for the two-day trip to Guangzhou.

Three days later, he was standing at nightfall at the edge of the Han Kou Tea Plantation, Group No. 6, a row of 20 one-room houses at the end of a dirt path. The Group No. 6 village was nestled in a lush valley surrounded by jagged limestone outcrops—a landscape oddly reminiscent of northern Vietnam.

He hid in tea bushes until the first brazier fires were lit the next morning, and then strolled into the village to find his sister cooking rice for the family breakfast. He was shocked by the dark circles around her eyes, the gaunt features of a young woman who "used to be so plump and pretty," he recalls. Miss Hoan couldn't stop sobbing. But as happy as she was that her big brother had answered her pleas, she also feared for him.

His rescue strategy was simple but vague. He would befriend the villagers to lower their guard, and then watch for an opportunity to leave. He told the neighbors he merely wanted to visit his sister and her new husband, Ng Joy Yip, who was away at his job at a Christmas-tree factory. (Miss Hoan used terms like "husband" and "in-law" when describing her experiences, but she and Mr. Ng weren't officially married.)

Mr. Hien socialized with village elders. "I drank lots of tea," he says. Nights he slept on his sister's floor.

His sister's in-laws were suspicious, but as days passed, Mr. Hien's rapport-building plan took root. It was helped by the fact that many of the villagers were ethnic-Chinese Vietnamese who had fled Vietnam during a brief invasion by China in 1979. That border skirmish was just the latest in what many Vietnamese consider a centuries-long series of Chinese insults that have shaped Vietnam's self-image.

The Trung Sisters and Kieu

The bitter relations are woven into Vietnam's culture. Nearly every Vietnamese town has a street named for the Trung sisters, famous for briefly ousting some Chinese invaders 1,000 years ago. "The Tale of Kieu," a nation-defining epic poem, tells of a Vietnamese heroine who is sold to foreigners and raped, but who keeps fighting back—like the fiercely independent Vietnam. The 1979 incident continued the cycle. The Chinese invasion flattened the border town of Lang Son, and the crossing didn't reopen until the 1990s. Now it's home

"We were cheated," says Ng Zi Fung. Miss Hoan's mother-in-law, Miss Hoan didn't work very hard, she says, but she was a hefty investment. The family had to borrow from neighbors to buy her. She cost about \$700, not to mention the \$130 in fines they had to pay after her husband was arrested for breaking the law against bride-buying.

Yet they also say that they regarded Miss Hoan as more than mere property. They say they are hurt that she would want to go. She "left without saying good-bye," one family member says. "She was even wearing my earrings," Mrs. Ng gripes.

The family's ambivalence toward Miss Hoan—a combination of concern for her and resentment over an investment gone bad—comes out in conversation with Ng Gum Bo, an uncle of Ng Joy Yip and the bride-broker of the Han Kou Tea Plantation. He says that "it wasn't convenient" to let Miss Hoan go, adding, "what if something were to happen to her?"

During a recent interview with the family, chickens scratch around the doorway of Mrs. Ng's house. Poor families like the Ngs can't persuade local women to marry their sons, says Ms. Ding of the China Women's Federation. And when they buy women from even poorer villages, "they don't realize they are committing a crime." If anything, she says, "they think the people who take their wives away are the criminals."

The Ngs are a proud clan. They left

Vietnam as wartime refugees with almost no possessions. Today, thanks to paychecks sent home by Ng Joy Yip and to his uncle's profitable business, "we don't need to work the plantations anymore," Mrs. Ng says.

Nevertheless, their one-room home, with its black-and-white television set, attests to the family's meager buying power. And Chinese brides are more expensive than Vietnamese ones, costing from \$1,250 to \$2,500, says Ng Gum Bo, the bride-broker.

Asked if the family plans to buy another bride for Ng Joy Yip, his uncle says, "It's hard to say." Financially, he adds, "we're still recovering from the last one."

Ng Gum Bo says he has lost count of how many brides he has bought and sold, but a sense of the business can be gleaned from Mr. Hien's observations during the two weeks he stayed at the plantation. He recalls seeing groups of Vietnamese women arriving every night at the uncle's house to be auctioned off. "I saw them crying all day," Mr. Hien says.

Some begged him to take them back to Vietnam. He met a 50-year-old Vietnamese woman who came to the village looking for her daughter, but the younger woman had already been traded.

At a neighbor's house just a few doors down from where Miss Hoan used to live, a new Vietnamese bride has just arrived. Her name is Thiel, says an old woman



nearby, who is watching the newcomer closely while she sits on a doorstep, peeling cucumbers.

A Final Gantlet

For Miss Hoan and Mr. Hien, the border brought a final gantlet. As the two approached the crossing, five groups of men approached him by turns and offered to buy his sister. Once across, the two celebrated with a meal of pork, vegetables and rice—"the most delicious food I've ever eaten," Miss Hoan says.

By this past May, they were safely back in Hanoi. "You saved me," Miss Hoan says to her brother in their tiny apartment, where they described their odyssey in a se-

ries of lengthy interviews. She is reverential in his presence. Sitting with her hands folded, she glances to him for approval before speaking. She fiddles with an electric fan to make sure it is cooling him.

He gently ribs his sister, and takes great pride in having rescued her. "I had to do this before I could find a wife and make a nice family of my own," he says. However, he didn't reach her quite soon enough. At the time of this interview, Miss Hoan was eight months pregnant. The shame kept her from revealing with her parents, even though she had been back in her homeland for a month.

"We can't afford to keep this baby," her brother declares. Miss Hoan listens, staring quietly into the distance.

On June 28, Miss Hoan gave birth to a daughter at the Hanoi Gynecology Hospital. When she checked out, she reluctantly left her baby behind as an orphan. She and her brother have been evicted from their Hanoi apartment because the landlord feared the birth would bring misfortune to his home.

She still hasn't gone back to her village. That must wait until she "looks better," she says, to preserve her family's reputation in the eyes of their neighbors.

As for her future, Miss Hoan worries that she's damaged ponds and won't be able to marry. "No one will want to share my burden," she says.

Janann Lee Young in Hong Kong and Matt Purmy in Beijing contributed to this article.



Hilton

Call your professional travel agent or phone
1-800-HILTONS
www.hilton.com
Over 425 Hiltons worldwide

...ice with
...starting in
...from poor
...areas that had
...says Ding Lu of
...Federation, a Chi-
...organization. In
...factor contributed to the
...Chinese statistics often are
...Chinese demographers
...more women than men have
...Chinese villages for big-city
...leaving the countryside brimming
...bachelors.

The severe shortage of women "is
going to get very much worse," says
Edward Tu, a demographer at Hong Kong
University of Science and Technology. He
says that the one-child policy, dating back
to 1979, has amplified a traditional prefer-
ence for sons. In coming years, the dispar-
ity could produce a million excess bachel-
ors a year for four decades, he esti-
mates.

The disparity has already spawned
international kidnapping rings. "What's
new is cross-border traffic," Ms. Ding
says. The women come from Russia, North
Korea, Myanmar and Laos, human-rights
groups say. But most are Vietnamese,
according to the All-China Women's Federa-
tion, in a trend abetted by Vietnamese
poverty and a long, porous border. More
than 10,000 women from Vietnam are in
China illegally, according to rough esti-
mates by the International Organization
for Migration. Beijing and Hanoi recently
opened formal talks on the matter.

The pretty ones are sold as brides, says
Nguyen Thi Phuong Thi of the Vietnam
Women's Union, a Communist Party arm
that reports the problem. "The ugly ones
go to brothels."

Kindly Woman in Hanoi

It was June 1997, and in the commune
outh of Hanoi where Miss Hoan lived with
her parents and four siblings, the rice
harvest was poor. Hoping to boost the
family income, she and her eldest brother,
Nguyen Khac Hien, decided to look for
work in Hanoi. They didn't have enough
for two tickets, so Miss Hoan took
the hourlong bus trip; he rode his bicycle.
Stepping off the bus in the capital,
alone and wearing peasant's clothes, Miss
Hoan probably looked the very image of a
unlucky country girl. "A friendly woman
came up to me right in the street and
offered me a job," Miss Hoan says.

It sounded like a good deal — \$37 a
month in a country where the monthly
average is less than \$25. Miss Hoan
started at once, stacking bags of sugar
at a warehouse. The kindly woman
taught her work, and then asked Miss
Hoan to go for a drive to pick up supplies.
It all seemed so normal, Miss Hoan re-
laxes.

By late afternoon, the car turned onto a
dirt path and stopped. The woman led Miss
Hoan on a 20-minute walk to a mud-brick
house, as she waited and left. What Miss
Hoan didn't know was that she had just
crossed the Chinese border.

Night fell. Exhausted, she nodded off on
the dirt floor. Suddenly, she felt someone
kiss her and saw a fat Chinese woman
staring at her. "You're on Chinese soil now,"
the woman said. "You're going to be married."

Slaying Cows

Some details from Miss Hoan's tale are
familiar. But the family who even-
tually bought her acknowledges doing so.
Researchers and aid workers say the
experiences that Miss Hoan and her
brother described in hours of interviews
are typical.

Rising unemployment in Vietnam pro-
vides a prey for people trafficking in
Vietnamese women, who call their victims
"slaying cows." Dang Canh Khanh, an
associate professor at the Youth Research
Institute in Hanoi, a government think
tank, says the promise of a job is a common
bait. In fact, he and aid workers say some
Please Turn to Page A8, Column 1

Insider-trading charges were filed
against a 24-year-old former analyst at
Morgan Stanley and a friend by the
San Francisco U.S. attorney's office.
The analyst allegedly devised his
scheme before earning a paycheck.

(Article on Page C1)

California regulators are working
on a proposal that would reduce the
amount of sulfur in gasoline, a move
that would be a win for auto makers.

(Article on Page A6)

U.S. authorities opened a window
into the murky workings of the off-
shore-banking world with the help of a
former Cayman Islands bank owner.

(Article on Page A18)

Time Warner's president, Richard
Parsons, will oversee the company's
movie studio and music group. The
new duties are expected to enhance
his position as a possible successor to
Gerald Levin as chairman and CEO.

(Article on Page B1)

Chase hired Neal Garonzik, who
had headed Morgan Stanley's equity
division, in another signal of its ambi-
tions in the securities business.

(Article on Page B10)

Edison Schools plans a \$172.5 mil-
lion public stock offering, even though
the private operator of public schools
has a track record of unprofitability.

(Article on Page A4)

Mexico slapped preliminary tariffs
of up to 215% on U.S. beef imports, say-
ing U.S. meatpackers sell products in
Mexico at artificially low prices.

(Article on Page A19)

Young & Rubicam abandoned an
expected succession plan and chose
Thomas Bell to be CEO come Jan. 1.

(Article on Page B8)

HSBC Holdings posted a 10% rise in
pretax profit for the first half as bad-
loan provisions unexpectedly fell.

(Article on Page A19)

Markets—

Stocks: Volume 622,920,170 shares. Dow
Jones Industrials 10645.96, off 9.19; transpor-
tation 3370.27, up 37.03; utilities 315.68, up
1.02.

Bonds: Lehman Brothers Treasury Index
8055.04, off 15.14.

Commodities: Oil \$20.45 a barrel, off 8
cents. Dow Jones-AIG futures index 84.669,
up 0.941; DJ spot index 122.57, up 0.81.

Dollar: 114.37 yen, off 0.31; 0.9349 euro,
up 0.0012; 1.8286 marks, up 0.0024.

To The Hague a former Bosnian Serb pa-
ramilitary leader charged with living and
raping Muslim women in 1992-93. The cap-
ture of Radomir Kovac was carried out by
peacekeepers from France and Germany.

The Christian Coalition won a court
battle over government charges that it ille-
gally aided Republican candidates. A fed-
eral judge ruled its distribution of pro-GOP
voter guides didn't violate election laws. The
decision could expand special-interest
spending on politics. (Article on Page A24)

Heart gene-therapy research has found a
method of using inactive adenovirus to de-
liver a growth-factor gene appears safe.
The findings from a small Cornell study
advance a drive to develop a treatment that
would make the heart grow blood vessels
around blockages. (Article on Page B6)

Pesticides' effects on children are to be
examined by the EPA, which, as expected,
announced curbs on the use of two, azin-
phos-methyl and methyl parathion. There
are 39 in the organophosphates category,
widely used on fruit and vegetable farms.

A missile-defense weapon destroyed a
target over New Mexico, the second success-
ful test in a row after a string of failures for
Lockheed Martin's Thaad. A third success
could lead to reimbursement of penalties
against the firm. (Article on Page A4)

Drought aid was ordered by the Clinton
administration for farmers in Kentucky,
Maryland, Ohio, Pennsylvania, Virginia
and West Virginia. Hot, dry weather has
hurt many crops in the region and is forcing
farmers to sell cattle in a slumping market.

A Holocaust panel is recommending that
five big European insurers should pay vic-
tims of the Nazis or their families about 10
times the face value of policies from the era.
That would put a settlement in the multibil-
lion-dollar range. (Article on Page B10)

Separatist rebels in Namibia attacked
the northeastern town of Katima Mulilo,
killing 16 people and forcing Windhoek to
send in reinforcements. Rebels demand in-
dependence for the Caprivi border area.

Indonesia's president threatened to take
action against electoral authorities who
again postponed release of the final tally
from June 7 parliamentary elections. Small
parties reject the count, charging fraud.

Argentina's ruling Peronists declared
Buenos Aires Gov. Eduardo Duhalde the
party's candidate in the Oct. 24 presidential
vote. The move ends President Menem's
flirtation with the possibility of staying on.

Mir cosmonauts began installing a new
computer to run the station after the crew
leaves Aug. 28. Installation was speeded up
after the old computer broke down. Mir is
likely to plunge out of orbit next year.

old Mr. McGinty and his employer, Eller
Media, the company that leases most
of the billboards on the 48-mile strip
between San Francisco and San Jose.
Eller's revenue from high-tech companies
has doubled every year for the past three
years, to \$66 million. Mr. McGinty, while
not as rich as the tycoons he deals
with daily, at least is doing well enough
from his commissions to drive a new silver
BMW 323i.

Easily Ignored

The paradox of futuristic tech types
resorting to a form of advertising that is
old hat, low-tech, and hardly environmen-
tally correct, isn't lost on Mr. McGinty or
his colleagues in the ad world. So far, they
say, Web ads aren't working all that well.
Only about one of every 200 viewers of an
Internet ad actually clicks through to the
advertiser's Web site. "People kind of
ignore them," says Michael Feldman,
marketing manager at Fogdog, an online
sports store that is beefing up its offline
advertising.

Billboards, on the other hand, are
hard to disregard. "You can't turn them
off, or change the station, or link to
someplace else," Eller marketing man-
ager Julie Klm says of the outdoor ads.
They are "out there... in your face... all
the time."

That's especially true along Highway
101 where 200,000 drivers get stuck in
rush-hour traffic twice a day. It's a
captive audience of high-tech com-
muters—engineers and venture capitalists
among them—who spend hours battling
one another getting to their Silicon Valley
offices, only to battle one another through-
out the day. "You spend so much time in
your car, anything that can visually dis-
tract you becomes attractive," says Re-
becca Baer, who works for Tivo Inc., a
Sunnyvale, Calif., start-up.

As a result, companies pay as much
as \$3,000 a month to get their name out or
just to get under each other's skin, far
more than the typical \$25 per 1,000 "sight-
ings"—or the number of times an ad
flashes on an Internet site. A few years
ago, Informix Corp. put up a billboard near
rival Oracle Corp.'s headquarters, pictur-
ing a prehistoric beast and warning
drivers they were in a "Dinosaur Cross-
ing." Today, the Informix board features a
geeky-looking guy peering through Coke-
bottle glasses to tell passersby: "Dumb
data can blur your vision."

Luddite Logic

The billboard mania suggests Luddite
logic still lingers in the high-tech heart-
land. CA Technology Inc.'s start-up team
in Los Gatos, Calif., say futuristic fears
tether them to low-tech boards. "If you
have all your ads online and the Y2K
bugs wipe them out, you wouldn't have
anything left, would you?" says marketing
manager Dennis King, laughing.

And while the demand turns off envi-
ronmentalists decrying billboard blight,
Please Turn to Page A10, Column 4

over three
vote on the

DIVER
demand for
Jason
Kansas ge-
ness design-
ing and bi-
Consulting
Corp., Hou-
000 as a pi-
engineerin
chemicals
industry,"
his major f-

A busi-
cal engine-
engineers
keting jobs
grad Kerry
cal engine-
tent law o
chemical-ei
their field
American li

eng
from \$38.

HEALTH
allied health
pists, lab
janitors—h-
a report by
Francisco.
through the
own, the rep

LACKIN
cent of em-
received sp-
payers, acc
Express Inc
provider of e
Of 1,000 em-
would like 1
19% wanted 1

BRAND
experiencing
years, says
search firm
New York: "
stand what
brand—some

TECH FI
to switch jobs
in Silicon
finding that
within the co-
only from ou
Paul Maack.
vanced Mirc-
Calif., maker
more effici-
raters than t
hires. "We c
leveraging th-

Jim Amba
par at a
Netscape Cor-
America Onli
the place wh
looking aroun
be in," he sa
Netscape vice
says moving i
get someone
know the play-

"In mos
players two
the company
in the com-
co-founder o
maker of sta-

THE CHE
giving too muc
isms hinderin
executive cou-
ment Resource
More than h
ties ha-
ment-related i
ety for Human
White Plains, N

TODAY'S CONTENTS

THE INDEX TO BUSINESSES APPEARS ON PAGE B2

THREE SECTIONS		
Abstract of the Market	C4	Leisure & Arts
Amex Stocks	C16	Listed Options
Bond Data Bank	C17	Marketing & Media
CBOT Int. Options	C20	Money Rates
Commodities	C20-21	Mutual Funds
Corrections	A2	Nasdaq Bluffs & Lows
Credit Markets	C1-2	Nasdaq Stocks
Dividend News	C16	New Securities Issues
DJ Global Indexes	C18	NYSE/Amex Bonds
DJ US Industry Grps	C20	NYSE Bluffs & Lows
Earnings Direct	A14	NYSE Stocks
Economy	A2	Odd-Lot Trading
Editorials	A22-23	Politics & Policy
Enterprises	B2	Small Black Firms
Foreign Exchange	C17	Stock Data Bank
Heard on the Street	C4	Technology
Index Options	C20	Trans./Comm. Issues
International News	A18-19	What's News
Law	B10	World Markets
Directory of Services/Subscription Information B4		
Classified: Career Opportunities B11-16, The Merg B21		



SLIMMING DOWN:
Sports Authority
shifts its focus to
appeal to women and
children in the
sports-equipment
business. Page B4.

GETTING GOING: When—and when
not—to sell at a loss, C1.

FUND TRACK: Manager of battered
gold fund ponders the future, C27.

HEARD ON THE STREET: Earnings
reports get skimpy on details, C4.

YOUR CAREER MATTERS: GE readies
for life without 'Jack,' B1.

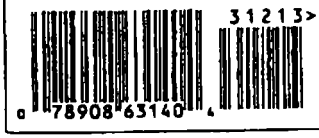
POLITICS & POLICY: Broadcast lobby
menaced by internal static, A24.

INTERNATIONAL: Toyota fears raids
by foreign firms on suppliers, A18.

REVIEW & OUTLOOK: GOP gains tax
momentum, A22.

OPINION: Burton Malkiel on the
dangers of day trading, A22.

LEISURE & ARTS: Eric Gibson hails
Morgan's drawings show, A20.



ie Crossing ey Don't Say 'I Do,' ese Kidnap Victims ken From Vietnam

e Woman's Ordeal Shows How Brokers in China Deal With Bride Shortage

e Ngs Have Mixed Feelings

By SAMANTHA MARSHALL
Reporter of THE WALL STREET JOURNAL
LANOI, Vietnam — Jobless and destitute, Nguyen Thi Hoan felt her luck was about to change. She had just arrived here sultry June morning two years ago, all at once a kindly woman offered her a job in a candy factory. It was a trap. Within hours, Miss Hoan spirited across the Vietnam-China border at Lang Son, 100 miles away, by one of the gangs that kidnap young women and sell them to be brides in China. For several days, the 22-year-old was kept and traded around southern



Nguyen Thi Hoan

ipped out, has seen a resurgence with the country's surging economy. Starting in 1990s, another factor contributed to the bride shortage. Chinese statistics often are unreliable, but Chinese demographers say that more women than men have been leaving the countryside brimming with bachelors. The severe shortage of women "is going to get very much worse," says David Tu, a demographer at Hong Kong University of Science and Technology. He says that the one-child policy, dating back 1979, has amplified a traditional preference for sons. In coming years, the disparity could produce a million excess bachelors a year for four decades, he estimates. The disparity has already spawned national kidnapping rings. "What's at stake is cross-border traffic," Ms. Ding says. The women come from Russia, North Korea, Myanmar and Laos, human-rights groups say. But most are Vietnamese, according to the All-China Women's Federation, in a trend abetted by Vietnamese poverty and a long, porous border. More than 10,000 women from Vietnam are in China illegally, according to rough estimates by the International Organization

What's News—

Business and Finance

MORTGAGE RATES moved above the key 8% level on the 30-year fixed rate for the first time in more than two years. The abrupt increase is sparking fears that an end to the housing boom may be in sight, potentially slowing the economy. Interest rates on other consumer credit, like auto loans and credit cards, are also edging up.

(Article on Page C1)

AutoNation posted strong quarterly profit and plans to buy back an additional \$500 million in stock. Its board voted to split the auto-retail division from its auto-retail division.

(Article on Page A3)

US Air's largest single investor, hedge-fund group Tiger Management, is exploring ways to enhance the airline's shareholder value, including a merger, sale or recapitalization.

(Article on Page A3)

Stocks rose initially on news of moderate industrial growth in July, but interest-rate worries took over to push them back down. The Dow Jones industrials fell 9.19 points to 10645.96.

(Articles on Pages A2 and C1)

A telecommunication-industry proposal to overhaul a complex system of telephone-service subsidies could simplify telephone bills and reduce long-distance rates, proponents say.

(Article on Page A2)

Insider-trading charges were filed against a 24-year-old former analyst at Morgan Stanley and a friend by the San Francisco U.S. attorney's office. The analyst allegedly devised his scheme before earning a paycheck.

(Article on Page C1)

California regulators are working on a proposal that would reduce the amount of sulfur in gasoline, a move that would be a win for auto makers.

(Article on Page A6)

U.S. authorities opened a window into the murky workings of the offshore-banking world with the help of a former Cayman Islands bank owner.

(Article on Page A16)

Time Warner's president, Richard Parsons, will oversee the company's movie studio and music group. The new duties are expected to enhance his position as a possible successor to Gerald Levin as chairman and CEO.

(Article on Page B1)

Chase hired Neal Garonzik, who had headed Morgan Stanley's equity division, in another signal of its ambitions in the securities business.

(Article on Page B10)

World-Wide

TWO TRAINS COLLIDED head-on in India, killing hundreds of passengers.

The Awadh-Assam Express ran into the New Delhi-bound Brahmaputra Mail near the station at Gaisal, about 315 miles north of Calcutta, at about 1:55 a.m. local time Monday. At least 220 people were killed, many of them soldiers, and 350 were injured. Authorities believe that they may find the bodies of many more among the wreckage. The government plans an investigation.

Accidents are frequent on India's huge rail network. The worst took place in 1981 when a cyclone blew a train into a river in the state of Bihar, killing 800.

China test-fired a long-range missile, rattling Taiwan and complicating an international campaign to keep North Korea from testing a similar potential weapon. China also lodged a protest over U.S. plans to sell military gear to Taiwan. Separately, a court in Beijing has sentenced two political-party organizers to prison. (Article on Page A19)

Republican leaders vowed to wrap up work on reconciling House and Senate tax-cut bills and hold final votes this week. Meanwhile, Congress is moving to add at least \$30 billion more in spending next year than caps would allow, and is designating more than \$11 billion as off-budget emergencies. (Articles on Pages A3 and A24)

Prominent Serbs drew up plans for a transitional government to succeed the Milosevic regime, while a crowd of 6,000 in Valjevo heard an Orthodox bishop call for the Serb strongman to be tried for war crimes. Meanwhile, Jane's said Russia sent arms to Serbia despite a NATO embargo.

NATO troops in Bosnia arrested and sent to The Hague a former Bosnian Serb paramilitary leader charged with enslaving and raping Muslim women in 1992-93. The capture of Radomir Kovac was carried out by peacekeepers from France and Germany.

The Christian Coalition won a court battle over government charges that it illegally aided Republican candidates. A federal judge ruled its distribution of pro-GOP voter guides didn't violate election laws. The decision could expand special-interest spending on politics. (Article on Page A24)

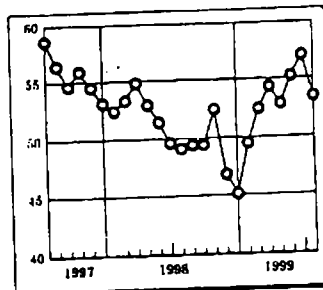
Heart gene-therapy research has found a method of using inactive adenovirus to deliver a growth-factor gene appears safe. The findings from a small Cornell study advance a drive to develop a treatment that would make the heart grow blood vessels around blockages. (Article on Page B6)

Pesticides' effects on children are to be examined by the EPA, which, as expected, announced curbs on the use of two, azinphos-methyl and methyl parathion. There are 39 in the organophosphates category, widely used on fruit and vegetable farms.

A missile-defense weapon destroyed a target over New Mexico, the second successful test in a row after a string of failures for Lockheed Martin's Thaad. A third success could lead to reimbursement of penalties against the firm. (Article on Page A4)

Democrat said was ordered by the Clinton

Purchasing Management Index



PURCHASING MANAGEMENT index, which monitors business activity within the manufacturing sector, fell to 53.4 in July from June's level of 57.0, the National Association of Purchasing Managers reports. (Article on page A2)

Internet Advertisers Become Just Another Roadside Attraction

Billboards Add New Dimension To World of Multimedia: 'In Your Face, All the Time'

By ANN GRIMER

Staff Reporter of THE WALL STREET JOURNAL
SAN FRANCISCO—Finally, someone is making real money off the Information Superhighway.

While Internet companies struggle to profit from selling ads on their Web sites, adman Adam McGinty is selling space on billboards along Highway 101, which cuts through Silicon Valley.

It has been a bonanza for the 25-year-old Mr. McGinty and his employer, Eller Media, the company that leases most of the billboards on the 48-mile strip between San Francisco and San Jose. Eller's revenue from high-tech companies has doubled every year for the past three years, to \$66 million. Mr. McGinty, while not as rich as the tycoons he deals with daily, at least is doing well enough from his commissions to drive a new silver BMW 323i.

Easily Ignored

The paradox of futuristic tech types resorting to a form of advertising that is old hat, low-tech, and hardly environmentally correct, isn't lost on Mr. McGinty or his colleagues in the ad world. So far, they say, Web ads aren't working all that well. Only about one of every 200 viewers of an Internet ad actually clicks through to the advertiser's Web site. "People kind of ignore them," says Michael Feldman, marketing manager at Fogdog, an online sports store that is beefing up its offline advertising.

Billboards, on the other hand, are hard to disregard. "You can't turn them off, or change the station, or link to someplace else," Eller marketing manager Julie Kim says of the outdoor ads. They are "out there... In your face... all the time."

That's especially true along Highway 101 where 200,000 drivers get stuck in rush-hour traffic twice a day. It's a captive audience of high-tech commuters—engineers and venture capitalists

A Special On the Tab

IN A PINNACLE care near More employment benefit: back regular care the service of their nanny Knowledge Angeles, one centers under

"A lot of backup program off work," president for Lynch. New have several backup care.

"I like bringing Merrill Lynch referring to h

Backup clients' only in other local business edge begin.

PORT PI

representative After we Maritime As

mittee of the Warehouse last month. I benefits for and improv

fits. Salary was," says which repres Oregon and

The new increasing insurance at over three y vote on the c

DIVERSI

demand for Jason C

Kansas grass design ing and bus Consulting Corp., Houst

000 as a pet engineering chemicals to industry," s his major fr

A business cal engineer engi s a keling jobs grad Kerry

cal engineer tent law or chemical-en their field b American In

Medi engineers from \$38.5

HEALTH

allied health pists, lab i janitors—h a report by Francisco, through the own, the re

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED
PROGRAMS APPROPRIATIONS ACT, 2000--CONTINUED (Senate - June 30,
1999)

AMENDMENT NO. 1123, AS MODIFIED

Mr. WELLSTONE. Mr. President, I will shortly send a modified amendment to the desk. In the time I have, let me speak on a topic I think is related to this bill.

Mr. LEAHY. Will the Senator from Minnesota yield? I have been advised by Senator McConnell's staff this has been cleared, the modification has been cleared. If the Senator from Minnesota wishes to send it to the desk we can have it accepted.

Mr. WELLSTONE. I send my modified amendment No. 1123 to the desk.

The PRESIDING OFFICER. The amendment is modified.

The amendment (No. 1123), as modified, is as follows:
On page 128, between lines 13 and 14, insert the following new title:

TITLE--INTERNATIONAL TRAFFICKING OF
WOMEN AND CHILDREN VICTIM PROTECTION

SEC. XX01. SHORT TITLE.

This title may be cited as the 'International Trafficking of Women and Children Victim Reporting Act of 1999'.

SEC. XX02. FINDINGS.

Congress makes the following findings:

- (1) The worldwide trafficking of persons has a disproportionate impact on women and girls and has been and continues to be condemned by the international community as a violation of fundamental human rights.
- (2) The fastest growing international trafficking business is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.
- (3) Trafficked women and children, girls and boys, are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will.
- (4) The President, the First Lady, the Secretary of State, the President's Interagency Council on Women, and the Agency for International Development have all identified trafficking in women as a significant problem.

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

(6) The United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1998 calling upon all governments to criminalize trafficking in women and girls in all its forms and to penalize all those offenders involved, while ensuring that the victims of these practices are not penalized.

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

SEC. XX03. PURPOSES.

The purposes of this title are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by authorizing an annual report of its findings to include the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators;

SEC. XX04. DEFINITIONS.

In this title:

(1) Trafficking : The term 'trafficking' means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(2) Victim of trafficking : The term 'victim of trafficking' means any person subjected to the treatment described in paragraph (2).

SEC. XX05. ANNUAL REPORT TO CONGRESS.

Not later than March 1, 2000, the Secretary of State shall submit a report to Congress describing the status of international trafficking , including--

(1) a list of foreign states where trafficking originates, passes through, or is a destination; and

(2) an assessment of the efforts by the governments described in paragraph (1) to combat

trafficking . Such an assessment shall address--

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

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking ;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking ;

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

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

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government--

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

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

(c) Reporting Standards and Investigations:

(1) Responsibility of the secretary of state: The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of trafficking .

(2) Contacts with nongovernmental organizations: In compiling data and assessing trafficking for the Human Rights Report and the Annual Report, United States mission personnel shall seek out and maintain contacts with human rights and other nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

SEC. XX06. PROTECTION OF TRAFFICKING VICTIMS.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1123), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

“SEC 4002. RESERVATION OF FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE

“With respect to each grant program enacted by this title that is administered by the Attorney General, and with respect to the program of Grants to Combat Violent Crimes Against Women on Campuses, enacted by section 1826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152), the Attorney General may reserve an amount not to exceed ten percent of funds appropriated in each fiscal year to provide training and technical assistance for the purposes of the grant program.”

SEC. 5007. PROTECTION FOR VICTIMS OF TRAFFICKING.

(a) WORKER EXPLOITATION. — (1) Chapter 77 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 1589. Worker Exploitation.

“(a) Whoever -

“(1) employs, recruits, harbors, provides, transports, or secures, by any means, any person, knowing or having reason to know that the person is or will be subjected to unlawfully exploitative labor conditions as defined in subsection (b) of this section; or

“(2) knowingly benefits from, or makes use of, the labor of a person held to a condition of involuntary servitude or peonage (as those terms are used in sections 1581 and 1584), shall be fined under this title or imprisoned not more than 10 years, or both.

“(b) As used in this section “unlawfully exploitative labor conditions” means that —

“(1) the labor of a person is obtained or maintained by means of any plan or pattern, including but not limited to false or fraudulent pretenses or misrepresentations, such that the person reasonably believes he has no viable alternative but to perform the labor; and

“(2) at least two acts have occurred within the five years preceding indictment relating to the employment of the person who is subjected to the conditions set forth in subsection (b)(1) of this section that would constitute violations of the following provisions: section 6 of the Fair Labor Standards Act of 1938, ch. 676, 52 stat. 1060 (1938) (29 U.S.C. 206) (except section 6(d) (29 U.S.C. 206(d)); section 7 of the Fair Labor Standards Act of 1938, ch. 676, 52 stat. 1060 (1938) (29 U.S.C. 207); section 11(d) of the Fair Labor Standards Act of 1938, ch. 676, 52 stat. 1060 (1938) (29 U.S.C. 211(d)); section 12(c) of the Fair Labor Standards Act of 1938, ch. 676, 52 stat. 1060 (1938) (29 U.S.C. 212(c)); section 5 of the Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, 84 Stat. 1590 (29 U.S.C. 654); section 101 of the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. No. 97-470, 96 Stat. 2583 (1983) (29 U.S.C. 1811); section 202 of the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. No. 97-470, 96 Stat. 2583 (1983) (29 U.S.C. 1822); section 203 of the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. No. 97-470, 96 Stat. 2583 (1983) (29 U.S.C. 1823); section 302 of the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. No. 97-470, 96 Stat. 2583 (1983) (29 U.S.C. 1832); section 401 of the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. No. 97-470, 96 Stat. 2583 (1983) (29 U.S.C. 1841); section 104 of Pub. L. No. 91-173, 83 Stat. 750 (1969), as amended by section 201 of Pub. L. No. 95-164, 91 Stat. 1300 (1977) (30 U.S.C. 814),

regardless of whether the employer would be a “covered” party were an action brought under these provisions. This section does not apply to labor performed where the employer is a municipal, local, state or federal government, and the relationship is penological rather than pecuniary.”.

(b) The table of sections for chapter 77 of title 18, United States Code, is amended by inserting at the end the following:

“§ 1589. Worker exploitation.”.

(c) AMENDMENT TO THE SENTENCING GUIDELINES.--

(1) **IN GENERAL.**--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 its policy statements applicable to persons convicted of offenses involving the trafficking of persons, including peonage, involuntary servitude, slave trade offenses, worker exploitation, and possession and trafficking of false immigration documents to further the exploitation of workers.

(2) **REQUIREMENTS.**-- In carrying out this subsection, the Sentencing Commission shall:

(A) ensure that the sentencing guidelines and policy statements applicable to the offenses described in subsection (c)(1) are sufficiently stringent to deter such offenses 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;

(C) consider providing sentencing enhancements for those convicted of the offenses described in subsection (c)(1) 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; and
- (iv) result in the death or bodily injury of any person.

(3) EMERGENCY AUTHORITY.--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.

(d) HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT VISA.

(1) PURPOSE.--Trafficking of humans, particularly women and children, is denounced by the international community as an egregious human rights violation perpetuated increasingly by organized and sophisticated criminal enterprises. The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking of aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. Trafficking to place persons in forced labor, servitude or in slavery-like conditions has been identified as a multinational crime problem of growing severity with increasing ties to international organized crime. Traffickers recruit and transport persons, especially women and children, to the United States in order to exploit them under horrific conditions through the use of force, violence, debt bondage,

or other coercive tactics. Creating a new nonimmigrant visa classification will facilitate the reporting of violations to law enforcement officials by exploited aliens who are not in a lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations, prosecutions, and civil law enforcement proceedings. By providing temporary legal status to aliens who have been severely victimized by trafficking or similar egregious offenses, it also reflects the humanitarian interests of the United States. Finally, the provision gives the Attorney General discretion to convert nonimmigrants under this section to permanent status when it is justified on humanitarian grounds or is otherwise in the national interest.

(2) 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 –

(A) by striking “or” at the end of subparagraph (R),

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

(C) by adding at the end the following new subparagraph:

“(T) subject to 214(m), an alien (and the 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 substantial physical or mental abuse as a result of the criminal or other unlawful activity.”.

(3) CONDITIONS FOR ADMISSION. --

(A) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC.--

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

“(m)(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 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 the 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 deportation or removal, any

action for deportation 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.”.

“(2) 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).”.

(4) ADJUSTMENT TO PERMANENT RESIDENT STATUS. –

(A) IN GENERAL. -- Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

“(1)(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 sections 212(a)(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), or (3)(E).

“(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.”

(5) 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 “section 101(a)(15)(S) or (T);”.

SEC. 5008. BATTERED IMMIGRANT WOMEN.

(a) FINDINGS. --- Congress finds that-

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994, which means that their abusers are virtually immune from prosecution because their victims can be deported and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.-The purposes of this section are-

(1) to promote criminal prosecutions of all persons who commit acts of battery or extreme cruelty against immigrant women and children;

capacity. This change is necessary to allow programs to serve both private and public colleges and universities. The original statutory language precluded their participation.

(a)(1)(D) This subparagraph provides full definitions for 'campus domestic violence,' 'campus stalking,' and 'campus sexual assault,' which were missing from the original statute.

(a)(2) This subparagraph expands the covered population to include faculty and other members of the campus community.

(b) This section reauthorizes the program through fiscal 2005.

SEC. 5006. TEN PERCENT SET-ASIDE OF VAWA GRANT FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.

This section allows the Attorney General to dedicate up to ten percent of the funding for VAWA grant programs to provide technical assistance and training to grant recipients.

SEC. 5007. PROTECTION FOR VICTIMS OF TRAFFICKING.

Subsection (a). Worker Exploitation.

I. What This Subsection Does.

Subsection (a) addresses the need to fill the gap between the inadequate labor statutes and the high evidentiary standard under the involuntary servitude and slavery provisions of Title 18, as described below. This subsection reaches those who maintain or transport persons into an exploitative labor relationship without using force or threat of force. It also provides for criminal prosecution of those who, knowing that persons were held in slavery (as already codified in Title 18), profit from their forced labor. This would enable the United States to prosecute those who hide behind labor contractors or other contracting relationships to avoid culpability for involuntary servitude, while still profiting from the fruits of these inhumane conditions. Like the involuntary servitude and slavery provisions in 18 U.S.C. § 1581, et. seq., this subsection provides for penalties of up to 10 years incarceration.

The definition of "unlawfully exploitative labor conditions" used in this subsection addresses the factual scenarios that federal prosecutors often see -- situations such as fraud, deceit and manipulation coupled with unfair labor practices -- but that are not covered by involuntary servitude case law under United States v. Kozminski, 487 U.S. 931 (1988) (as explained below). In addition, this definition requires that the exploitation is, indeed, a labor violation and requires at least two acts that would constitute labor law violations, regardless of whether the employer is a covered party under the labor provisions (as noted below, the labor laws include many exemptions to coverage that should not apply in the criminal code.) This approach, under which a series of violations of predicate offenses will result in a distinct criminal violation, is suggested by the

statutory scheme of 18 U.S.C. § 1961, the Racketeer Influenced and Corrupt Organizations (RICO) Act. Unlike RICO, however, the predicate offenses under this statute can either be civil or criminal violations, and this statute requires an additional showing of compelled service in (B)(1). The statute also links (B)(1) and (B)(2) temporally and in regard to a particular victim so that an employer is not criminally penalized for having violated wage and labor laws years earlier based on something he does to another employee much later.

This statute does not apply to labor performed where the employer is a municipal, local, state, or federal government, and the relationship is penological, rather than pecuniary. Because prisoners' labor is not categorically excluded from the minimum wage protection of the Fair Labor Standards Act, language that will have such an effect is included. This language reflects the test set forth in Hale v. Arizona, 993 F.2d 1387 (9th Cir.) (en banc), cert. denied, 510 U.S. 946, 114 S.Ct. 386 (1993).

II. Background.

In April 1998, the Attorney General announced the creation of an interagency Worker Exploitation Task Force (WETF). The mission of the Task Force is to encourage and coordinate the investigation and prosecution of worker exploitation cases throughout the United States. The ultimate objective is to prevent these cases from arising. These cases, which often involve the recruitment and smuggling of foreign nationals into the United States, forced labor under abominable conditions, and the exploitation of migrant farm workers, sweatshop laborers and others, amount to modern-day slavery. The Task Force is chaired by the Acting Assistant Attorney General for Civil Rights, Bill Lann Lee, and the Solicitor of Labor, Henry Solano. The Department of Justice participants in this national effort include the Civil Rights Division, the Federal Bureau of Investigation, the Immigration and Naturalization Service, the United States Attorneys, the Criminal Division, the Office for Victims of Crime, and the Violence Against Women Office. In addition, regional worker exploitation task forces are being established -- linking a number of states and U.S. Attorneys' offices -- in order to address most effectively the often transient nature of the victims and the activities of employers who often cross district lines in pursuit of their criminal activities.

As the Department addresses the problem of worker exploitation, the limitations of current law are becoming apparent:

- Existing federal criminal law is limited primarily to the slavery statute which requires a showing that the defendant used force, threat of force or threat of legal coercion to enslave the victim(s). Existing federal law does not address the situation where a person is subject to other forms of purposeful coercion — economic, fear because of immigration status, power differentials between the employer and employee — that keep the victim from leaving his or her employment. The criminal provisions of the Fair Labor Standards Act and other labor statutes, which are currently the most likely alternatives to slavery

prosecutions, are weak criminal tools, carrying only a six-month or one-year maximum sentence. Mere enforcement of the civil wage and hour laws similarly provides an inadequate deterrent;

- The high standard of proof in involuntary servitude prosecutions also curtails our efforts to prosecute traffickers (those who transport people for the purpose of worker exploitation). In most instances, the trafficker does not use force or threat of force; thus, traffickers rarely are charged as co-conspirators in a slavery case. Current law does not punish trafficking unless the victim is an illegal alien or is being trafficked for the purposes of the sex trade. Illegal alien transportation is an inapposite fit for these situations because the alien smuggling statute contemplates the workers as “contraband” rather than as “victims” of these heinous crimes;
- Present criminal law does not cover the use of farm labor contractors and other types of employment relationships which are designed to provide a liability shield between the direct oppressor and the economic beneficiary of the slave labor. In order to combat worker exploitation, it is necessary to punish those who knowingly benefit or profit from slavery or use contractors and others so that they can turn a blind eye to horrible conditions. Without such a statutory tool, these defendants will simply be able to hire another labor provider to replace those who are apprehended and prosecuted, and the cycle of worker exploitation will continue.

Unless we address these gaps in the law, our enforcement efforts will be severely curtailed. Abusive employers will escape prosecution because their activities, though they may shock the conscience, do not rise to the high levels required by the current criminal statutes as interpreted by the Supreme Court.

III. Present Statutory Scheme.

A. Involuntary Servitude and Slavery.

Title 18 U.S.C. §§ 1581 *et seq.* set out a variety of substantive crimes covering involuntary servitude, peonage, and the slave trade. The most commonly used statutes in this series are involuntary servitude (§ 1584) and peonage (§ 1581). An additional provision, section 1583, penalizes those who kidnap someone for slavery or entice someone to travel for the purpose of enslavement. Additionally, Title 18 U.S.C. § 241 provides for a sentence of up to ten (10) years for those who conspire to violate a person’s Thirteenth Amendment right to be free from involuntary servitude.

1. Statutory Language.

- Title 18, section 1584 of the United States Code (involuntary servitude) provides:

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 10 years, or both.

- Title 18, section 1581 of the United States Code (peonage⁶) provides:

(a) Whoever holds or returns any person to a condition of peonage shall be fined under this title or imprisoned not more than 10 years, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be liable for the penalties imposed in subsection (a).

- Title 18, section 1583 of the United States Code (enticement into slavery) provides:

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

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

Shall be fined under this title or imprisoned not more than 10 years or both.

- Title 18, section 241 of the United States Code (conspiracy against rights) provides in pertinent part:

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States ... They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated

⁶ “Peonage” is defined by case law as involuntary servitude for the purpose of repayment of a debt.

sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

2. Legal Analysis.

"Involuntary servitude," which is the rough legal equivalent of "slavery," is a condition of compulsory service or labor performed by one person, against his or her will, for another person. In United States v. Kozminski, 487 U.S. 931 (1988), the Supreme Court set forth the most definitive statement of what conduct could be criminally prosecuted as involuntary servitude or slavery. Kozminski requires the government to prove not only that the victim was held against his or her will, but holds that either force, threats of force, or threats of legal coercion are "necessary incident[s] of a condition of involuntary servitude." 487 U.S. at 952. This holding was based on an examination of the understanding of the terms "involuntary servitude" and "slavery" at the time of the passage of the Thirteenth Amendment. Thus, as a matter of law, some physical or legal coercion must exist to permit charging involuntary servitude, peonage, or conspiracy to violate those laws or rights.

The Kozminski Court severely curtailed the previously understood scope of the involuntary servitude statutes. Before Kozminski, circuit courts would apply a totality of the circumstances test to determine whether the employer intended to, and did, coerce the victim into service by subjugating his or her will. Early attempts to define the term were distilled by lower courts into a generally accepted and workable definition: a holding to involuntary servitude occurs when the victim is coerced into laboring for another because the victim feels he or she has no viable alternative but to work, or no way to avoid continued service or confinement.

The Kozminski Court recognized, however, that not all persons are of like courage and firmness, stating that "the vulnerabilities of the victim are relevant in determining whether the physical or legal coercion or threats thereof could plausibly have compelled the victim to serve." Kozminski, 487 U.S. at 952. The background, education, and station in life of the victim and defendant, the relative inferiority or inequality between the person who performs the service and the persons exercising the force to compel its performance are material in this determination, but are not substitutes for the use or threats of force. Id. Thus, the Kozminski court overturned the conviction of a farmer who had held and exploited a mentally retarded man through psychological coercion that took advantage of his disability, because there was no evidence that the defendant had used force or threats of force or legal coercion to hold the victim.

B. Labor Statutes

The Fair Labor Standards Act (FLSA) and Migrant and Seasonal Agricultural Worker Protection Act (MSPA), 29 U.S.C. § 1801, et seq., carry criminal penalties for willful violations of their protections. These criminal penalties are not severe — six months maximum imprisonment for a FLSA violation (and only on the second offense) and one year maximum imprisonment for a MSPA violation. Unlike most Title 18 offenses, MSPA and FLSA only apply

to certain covered persons. Because they are primarily civil regulatory statutes, MSPA and FLSA are somewhat convoluted and are accompanied by numerous regulations. Most violations of these statutes are addressed through the assessment of civil monetary penalties by the Wage and Hour Division of the Department of Labor, which are then litigated through an administrative law system. Because of their relative complexity and light sentences, these statutes have generally not been used by federal prosecutors.

The MSPA is currently the only tool available with which to combat abusive working and living conditions in agricultural settings. The MSPA requires agricultural employers, agricultural associations, and farm labor contractors to observe certain labor standards when employing migrant and seasonal agricultural workers, unless exemptions apply. Regulations in support of the MSPA are set forth at 29 C.F.R. Part 500. The MSPA establishes, among other things, specific requirements with respect to record keeping, wage payment, disclosure, housing, and transportation, and requires that farm labor contractors register with the Department of Labor. In the most egregious cases, farm workers live in substandard housing as virtual slaves, completely dependent on the employer or crew leader for their basic needs. A by-product of the general regulatory nature of the MSPA are the number and type of exempt employers. Because a criminal violation of MSPA is simply a MSPA violation done wilfully, these exemptions could act as an absolute defense to a criminal prosecution if the defendant falls under one of the exempt categories.

The FLSA establishes minimum wage, child labor, overtime pay, equal pay, and record-keeping standards for employees covered by the FLSA. Covered employers must pay employees a minimum wage and an overtime premium. As with the MSPA, a violation of FLSA can be charged as a criminal offense if it is done wilfully. The criminal provision of the FLSA only allows for a misdemeanor charge, and incarceration is only available on a second offense, with a statutory maximum punishment of six months incarceration. FLSA also contains exceptions to coverage, including those for businesses under \$500,000 gross a year.

IV. Limitations of Present Law and Need for New Legislation

The present statutory tools available to prosecutors have several limitations that will be cured by the addition of the statute in subsection (a).

First, as described above, prosecutors must prove “force or threat of force or legal coercion” in order to establish a violation of the slavery statutes or a conspiracy to violate the Thirteenth Amendment. This requirement stems from the Supreme Court’s ruling in Kozminski, which was based on the Court’s interpretation of the understanding of the terms “slavery” or “involuntary servitude” at the time of adoption of the Thirteenth Amendment and passage of the peonage laws in the 1870s. Congress has never sought to expand the definition of “slavery” or “involuntary servitude” in the wake of the Kozminski opinion. As a result, since 1988, we have been unable to bring cases that are facially egregious but that do not satisfy the Kozminski standard. Kozminski sets the standard so narrowly that cases which certainly satisfy common

understanding of “slavery” cannot be prosecuted as such.

Second, the narrow criminal standard also curtails efforts to prosecute traffickers (those who transport people for the purpose of worker exploitation). In most instances, the trafficker does not use force or threat of force; thus, traffickers rarely are charged as co-conspirators in a slavery case. Current law does not punish trafficking unless the victim is an illegal alien or is being trafficked for the purposes of the sex trade. Illegal alien transportation is an inapposite fit for these situations; the statute contemplates the workers as “contraband” rather than as “victims” of these heinous crimes.

Third, the use of farm labor contractors and other types of employment relationships which are designed to provide a shield between the oppressor and the beneficiary of slave labor has severely curtailed enforcement efforts. In both the immigration and labor contexts, Congress and the Administration have recognized that systemic change can only come from holding the beneficiary of the labor responsible. Therefore, to combat worker exploitation, it is necessary to punish those who benefit or profit from slavery. Without such a statutory tool, the beneficiaries will be able to simply hire another abusive labor provider to replace those who are apprehended and prosecuted.

Finally, criminal prosecutions under the Fair Labor Standards Act and other labor Statutes, which are currently the fallback to slavery prosecutions, are weak tools, because they carry only a six-month or one-year maximum sentence. Such short sentences provide little incentive for the United States Attorneys’ Offices, the Civil Rights Division or the Criminal Division to invest the resources necessary to bring such cases; nor do they provide a sufficient disincentive to stop engaging in such activities.

Subsection (b). Adds the worker exploitation statute created by subsection (a) to the table of sections for chapter 77 of title 18, United States Code.

Subsection (c). Directs the United States Sentencing Commission to review its sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons and to ensure that they are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses. It also directs the Sentencing Commission to consider conforming the sentencing guidelines applicable to worker exploitation offenses to those applicable to peonage, involuntary servitude, and slave trade offenses and to consider providing enhancements for trafficking offenses involving a large number of victims, a pattern of continued and flagrant violations, the use or threatened use of a dangerous weapon, or the death or bodily injury of a person or persons.

Subsection (d). Creates a new nonimmigrant classification at section 101(a)(15)(T) of the Immigration and Nationality Act to benefit aliens who assist with certain criminal and civil law enforcement investigations and prosecutions.

Subparagraph (1) describes the purpose of this subsection.

Subparagraph (2) establishes the new nonimmigrant visa classification and sets forth the eligibility requirements. The classification is available to an alien who the Attorney General determines: (1) possesses material information concerning criminal or other unlawful activity; (2) is willing to supply or has supplied such information to Federal or State law enforcement officials; (3) whose presence in the United States would be helpful to a properly authorized Federal or State investigation or prosecution of the criminal or other unlawful activity; and (4) has suffered substantial physical or mental abuse as a result of the criminal or other unlawful activity. In addition, the Attorney General may grant nonimmigrant T visas to the spouse, children, and parents of such an alien, if accompanying or following to join the alien.

Subparagraph (3) describes the conditions for admission under the nonimmigrant T classification. It sets an annual numerical limit of 1,000 T visas; limits the program to 5 years; and provides that the period of admission under the classification may not exceed 3 years. In order to qualify and maintain lawful status, the nonimmigrant may not be convicted of a crime punishable by a term of imprisonment of 1 year or more after the date of admission; must execute a waiver of the right to contest deportation; and abide by any other conditions set by the Attorney General. Finally, subparagraph (3) provides that nonimmigrants under the T classification may not change to any other nonimmigrant status.

Subparagraph (4) describes the terms under which a T nonimmigrant may adjust to lawful permanent resident status. Such a nonimmigrant is eligible for adjustment if the Attorney General determines that: (1) the alien's continued presence in the United States is justified on humanitarian grounds or is otherwise in the national interest; and (2) the alien is not inadmissible under 212 (a)(3)(A)(i)(I) (entry sought to engage in espionage or sabotage), (3)(A)(ii) (entry sought to engage in unlawful activity), (3)(A)(iii) (entry sought to oppose, control, or overthrow the United States Government by force, violence, or other unlawful means), (3)(C) (entry would have potentially serious adverse foreign policy consequences), or (3)(E) (alien participated in Nazi persecutions or genocide). Subparagraph (4) also provides that the Attorney General shall record the alien's permanent resident status and that the Secretary of State shall reduce the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the corresponding fiscal year.

Subparagraph (5) provides that this provision is the exclusive means of adjustment of status for T nonimmigrants.

SEC. 5008. BATTERED IMMIGRANT WOMEN

Subsections (a) and (b). Subsection (a) sets out several Congressional findings regarding battered immigrant women and their access to the protections of the Violence Against Women Act. Subsection (b) describes the purposes of section 5008.