

IMPLEMENTATION OF THE TRAFFICKING VICTIMS PROTECTION ACT

HEARING BEFORE THE COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTH CONGRESS

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THURSDAY, NOVEMBER 29, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 11:05 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

Just over a year ago, Congress enacted landmark human rights legislation whose objective was to put an end to modern-day slavery. The Smith-Gejdenson Trafficking Victims Protection Act provided a comprehensive plan of attack on the most egregious forms of trafficking in human beings: the buying and selling of woman, and children into the international sex industry, and the trafficking of men, women, and children alike into slavery and involuntarily servitude.

The purpose of today's hearing is to assess the state of the war against human trafficking 1 year after the passage of the Smith-Gejdenson Act.

In particular, we have asked our witnesses to discuss the extent to which various agencies of the United States Government have discharged the responsibilities imposed upon them by the act, and whether they have effectively wielded the tools provided by the act to punish and prevent these atrocious crimes and to protect their victims.

A law without vigorous and effective implementation is worse than no law at all, because it lulls us into the false sense that we have done something to solve the problem. So it is vitally important not only that the Trafficking Victims Protection Act be implemented, but also that its implementation be guided by the fundamental policy choices that Congress made in enacting it.

In considering legislative proposals that eventually became the Trafficking Victims Protection Act, Congress made some important decisions. In particular, we had to choose between two dramatically different views of the commercial sex trade and its contribution to the problem of human trafficking.

One view was that prostitution should be regarded not as an evil in itself, but as just another form of labor or service. In this view recruiting women into the sex trade should not be regarded as exploitation unless it is accompanied by other forms of abuse—such as long hours and low wages—and the best way to deal with the

brutality and extreme degradation that so often accompany commercial sex would be to legalize and regulate it.

The opposing view, shared by a broad coalition of religious leaders, women's organizations, and human rights advocates is that prostitution is inherently a form of degradation—and that enticement into prostitution is invariably characterized by force, fraud, or extreme desperation.

This was the view ultimately taken by Congress in enacting the Smith-Gejdenson Act. The act defines “sex trafficking” to include buying and selling human beings for the purpose of commercial sex acts, regardless of the circumstances. While the act recognizes that the most severe forms of sex trafficking are those effected by force or fraud, or in which the victims are children, it squarely rejects any effort to legitimize prostitution by treating it as just another kind of work.

The act also resists efforts to define “trafficking” so broadly that it would dilute and diminish the effort to attack the core problem. We know there are a wide range of related offenses such as immigrant smuggling and unfair labor practices which require just and effective remedies. But these remedies are better provided in the context of labor law or immigration law than in an antislavery bill. At the same time, the Trafficking Victims Protection Act recognizes that a few particular brutal forms of worker exploitation, such as the use of physical force or threats of serious injury, transcend ordinary concerns about wages and working conditions. These abuses must be recognized as the moral and practical equivalent of human slavery, and the Trafficking Victims Protection Act reflects this recognition finally.

Congress had to decide what to do about foreign governments that continue to be a part of the problem rather than a part of the solution to worldwide human trafficking. Some argued we should immediately impose economic sanctions on governments that are complicit in the human slave trade. Others argued anything more than gentle persuasion would be counterproductive.

The Smith-Gejdenson bill adopted a carefully crafted compromise on this issue. It authorizes technical assistance to foreign governments that are sincerely attempting to shut down human trafficking and to protect the victims, but it also contemplates the withdrawal of most forms of nonhumanitarian foreign assistance from governments that consistently refuse to make such efforts.

I hope our witnesses today will discuss whether the Trafficking Victims Protection Act is being implemented in a way that keeps faith with these important principles. I also ask our witness to give their assessment of the impact the act and its implementation have had thus far, including any concern you may have.

I am confident there is still broad bipartisan support in Congress for whatever is necessary—more resources, further legislation, whatever it takes—to win the worldwide battle against trafficking of human beings into the commercial sex trade and other forms of slavery.

[The prepared statement of Mr. Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTER-
NATIONAL RELATIONS

Just over a year ago, Congress enacted landmark human rights legislation whose objective was to put an end to modern-day slavery. The Smith-Gejdenson Trafficking Victims Protection Act provided a comprehensive plan of attack on the most egregious forms of trafficking in human beings: the buying and selling of women and children into the international sex industry, and the trafficking of men, women, and children alike into slavery and involuntary servitude.

Today's hearing is to assess the state of the war against human trafficking one year after the passage of the Smith-Gejdenson Act. In particular, we have asked our witnesses to discuss the extent to which various agencies of the United States Government have discharged the responsibilities imposed on them by the Act, and whether they have effectively wielded the tools provided by the Act to punish and prevent these atrocious crimes and to protect their victims. A law without vigorous and effective implementation is worse than no law at all, because it lulls us into the false sense that we have done something to solve the problem.

So it is vitally important not only that the Trafficking Victims Protection Act be implemented, but also that its implementation be guided by the fundamental policy choices that Congress made in enacting it. In considering the legislative proposals that eventually became the Trafficking Victims Protection Act, Congress made some important decisions. In particular, we had to choose between two dramatically different views of the commercial sex trade and its contribution to the problem of human trafficking.

One view was that prostitution should be regarded not as an evil in itself, but as just another form of labor or services. In this view, recruiting women into the sex trade should not be regarded as exploitation unless it is accompanied by other forms of abuse—such as long hours or low wages—and the best way to deal with the brutality and extreme degradation that so often accompany commercial sex would be to legalize and regulate it.

The opposing view, shared by a broad coalition of religious leaders, women's organizations, and human rights advocates, is that prostitution is inherently a form of degradation—and that enticement into prostitution is invariably characterized by force, fraud, or extreme desperation. This was the view ultimately taken by Congress in enacting the Smith-Gejdenson Act. The Act defines "sex trafficking" to include buying and selling human beings for the purpose of commercial sex acts, regardless of the circumstances. While the Act recognizes that the most severe forms of sex trafficking are those effected by force or fraud, or in which the victims are children, it squarely rejects any effort to legitimize prostitution by treating it as just another kind of work.

The Act also resisted efforts to define "trafficking" so broadly that it would dilute and diminish the effort to attack the core problem. We know that there are a wide range of related offenses, such as immigrant smuggling and unfair labor practices, which require just and effective remedies. But these remedies are better provided in the context of labor law or immigration law than in an antislavery bill. At the same time, the Trafficking Victims Protection Act recognizes that a few particularly brutal forms of worker exploitation—such as the use of physical force or threats of serious injury—transcend ordinary concerns about wages and working conditions. These abuses must be recognized as the moral and practical equivalent of human slavery, and the Trafficking Victims Protection Act reflects this recognition.

Finally, Congress had to decide what to do about foreign governments that continue to be part of the problem rather than part of the solution to worldwide human trafficking. Some argued that we should immediately impose economic sanctions on governments that are complicit in the human slave trade. Others argued that anything more than gentle persuasion would be counterproductive. The Smith-Gejdenson bill adopted a carefully crafted compromise on this issue.

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I hope our witnesses today will discuss whether the Trafficking Victims Protection Act is being implemented in a way that keeps faith with these important principles. I also ask our witnesses to give us their assessment of the impact the Act and its implementation have had thus far, including any concerns you may have. I am confident there is still broad bipartisan support in Congress for whatever is necessary—more resources, further legislation, whatever it takes—to win the worldwide battle

against trafficking of human beings into the commercial sex trade and other forms of slavery.

Chairman HYDE. And now I am privileged to recognize the Ranking Democrat on the International Relations Committee, the gentleman from California, Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. I want to congratulate you and commend you and thank you for holding this very important hearing.

I probably learned more about this issue from my younger daughter than from anybody else, who served in Copenhagen, Denmark, as the wife of our Ambassador the last 3 years and devoted countless hours, hundreds or thousands of hours, to the issue of fighting trafficking in Denmark.

And on numerous trips to that country I have come to realize that obviously the problem we are dealing with is clearly global in all of its ramifications. It is a problem we face, the people of Denmark and the people of scores of other countries face.

When American schoolchildren are taught about slavery they learn about it in history class. Until recently most Americans assumed that slavery and the slave trade ended centuries ago. Now we know, in large part due to the distinguished Vice Chair of our Committee, my good friend Chris Smith of New Jersey, and our esteemed former colleague Sam Gejdenson of Connecticut, that slavery is not ancient history, but it is a very current event.

This legislation, the Smith-Gejdenson bill also had the enormously significant professional input of the chief counsel on the Democratic side, my friend David Abramowitz, and I want to recognize his contributions.

Among the 50,000 individuals, mostly women and children, who have been trafficked into the United State in recent years, here are but a few of the terrible but typical cases. In Florida traffickers used alcohol and drugs to lure foreign field workers to isolated locations and hold them under cruel conditions of debt bondage with their passports confiscated.

In New Jersey a Bangladeshi woman was forced to work 18 or 20 hours a day 7 days a week, and when she asked her masters to give her back pay of \$370, she was refused, forced to shovel snow in the sandals in which she arrived. When she got sick, they refused to take her to the doctor.

In California a boy from Thailand who had contracted AIDS through his prostitute mother was used as a decoy to try to traffic a woman into the United States.

Right here in Washington, DC, Mr. Chairman, a woman from Latin America was paid virtually nothing, sexually abused and refused medical treatment. The examples are countless and unlimited.

All of us here must continue to strive to do all we can to end the modern-day slavery that devastates women, children, and men in this country and across the globe. We in Congress have the responsibility of fully funding, reauthorizing the Trafficking Victims Protection Act as soon as possible. We are already on our way by increasing funding of the Department of State authorization bill and the Commerce-Justice-State appropriations bill, which has just

been signed by the President, and which fully funds victims assistance efforts.

The State Department needs to raise this issue actively at the highest levels, particularly with governments that are not making significant efforts to end this terrible practice, and I know that Secretary Dobriansky is fully aware of this responsibility and is pursuing it diligently. It must also take active steps, along with AID, to coordinate our Government's efforts to ensure that funds are being appropriately used to combat these abuses.

I hope that the new office established by Colin Powell has its own funds to develop anti-trafficking programs as a way to enhance its effectiveness. The Justice Department needs to use the money provided by us to actively prosecute cases, but it also needs to issue final regulations under new trafficking victims' visas. Let me be clear about this issue. As the statute provides, this visa should be in the first instance a humanitarian visa, not one used only as a club to obtain the law enforcement cooperation from frightened and abused victims who often are not only traumatized but suspicious of all government authorities.

And HHS must work with the Justice Department to create a seamless system for helping victims in the United States. In particular, I believe more grants must be provided to NGOs around the country that are actually providing victim services such as the Coalition Against Slave Trafficking in California. We must remember that it is not only radical ideologues such as the Taliban who have oppressed women, but also criminal syndicates motivated by base greed.

Our efforts to assist trafficking victims not only provides new hope and opportunity to the vulnerable, but also a powerful demonstration of the best of American values in action.

I look forward to the testimony, Mr. Chairman. I am anxious to hear what steps the Administration is taking to implement the law that we passed last year and what our friends in the NGO community believe has been done to ensure that we stamp out this hideous and despicable practice.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Lantos.

The gentleman from New York Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I wanted to commend Chairman Hyde for holding this important hearing, and commend our Vice Chairman, the distinguished gentleman from New Jersey, Mr. Smith for his having introduced and adopted the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386, which was a great pioneering step of what should have been done a long time ago.

The abominable trafficking of humans for forced labor and slavery-like practices and commercial sex trade has risen regrettably dramatically in the last few years. Women and young children from all corners of the globe are being sold, kidnapped, tricked, or out of sheer desperation voluntarily sell themselves into the horrors of prostitution. It is estimated that up to 2 million people are victims each year and that 50,000 are being brought into the United States for these purposes.

Congress enacted the Trafficking Victims Protection Act of 2000 to tackle this problem, and today we look forward to hearing from the Administration, from some of the nongovernmental organizations, and some of the victims themselves about the successes and failures to end this great human tragedy.

We look forward to hearing from our expert witnesses, and I thank you, again, Mr. Chairman, for conducting this timely hearing.

Chairman HYDE. Thank you.

The distinguished gentleman from American Samoa, Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I do also want to commend you for your leadership and also calling this hearing. I think it is most appropriate that we address this very important issue.

At the outset I would like to offer my personal commendations to our former Chairman of the Subcommittee on International Operations and Human Rights. I have had the privilege for the past several years of working with him, my good friend, the gentleman from New Jersey, not only as the cosponsor, as the author and sponsor of the original legislation that we are now going to be reviewing. Hopefully that it has become an effective tool to combat this horror, and certainly as an original cosponsor of this legislation, it has now become law.

Again, I believe that it is long overdue that we need to address this very serious problem. I just wish that maybe other countries of the world would also address the issue because it is a fact that we are attacking the issue domestically and seeing that in our own shores that this kind of practice does not happen. But it is very unfortunate, it is very difficult for us to reach out in other countries and the leadership in other countries having the same commitment to see that we wipe out this kind of human trafficking.

With that, Mr. Chairman, again I thank Chris and also our former Staff Director—our former Chief Justice, by the way—Judge Rees. I always call him Judge Rees for his important contribution to this legislation that I have worked with him on over the years.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you.

The gentleman from New Jersey, who is the father of this act and who has been a driving force for decency in opposition to the heinous practice of human trafficking, Chris Smith of New Jersey.

Mr. SMITH OF NEW JERSEY. Chairman Hyde, thank you very much for those kind remarks, and to all of our colleagues for their very strong comments about this legislation—the importance of effective and faithful implementation of it. And you know, we succeeded on getting this enacted into law not only because this legislation is pro-women, pro-child, pro-human rights, pro-family-values, and anti-crime, but also because it addresses a horrendous problem that cries out for a comprehensive solution.

And Members will remember, the road to ultimate passage was indeed a very difficult one strewn with all kinds of obstacles, both on substance as well as procedure. But I would be remiss if I didn't note at the outset that at the very beginning the Majority Leader

of the House, Dick Arney, made a commitment that this legislation would get through the House of Representatives.

When it was referred to four Committees and approximately a dozen Subcommittees, often the death knell for legislation—however good, however unwittingly—is often the death knell. And Chairman Hyde played a crucial role, because a significant portion of this was referred to his Committee, and he, through deadlines and through negotiations, working with the Charles Kennedy and Lamar Smith on the T-visa and other aspects that we have heard as well as the criminal sanctions, worked miracles over on that Committee.

The Chairman of our Full Committee made sure that we had a prompt markup in this Committee. That is Ben Gilman. That pushed the legislation through. And Dick Arney was, like I said, committed to bringing this to fruition through a timetable on the Floor. And then, of course, it went over to the Senate side and there Sam Brownback and Senator Wellstone worked hard there. The conference looked like it was going to be mired in endless debate and the bill would not get out before the close of this session. And thankfully, all of those obstacles were overcome.

As some of my colleagues pointed out, Joseph Rees, who did yeoman's work on this bill, and David Abramowitz, it was one of those great collaborations of both sides of the aisle to assure that the legislation was indeed enacted. Then we had the myriad of stakeholders on the right and left and everyone in between who really made a difference in seeing that this legislation was enacted.

Each year, as you know, Mr. Chairman, as many as 2 million innocent victims, of whom the overwhelming majority are women and children, are brought by force, coercion or fraud into the international commercial sex industry and other forms of modern-day slavery.

Our legislation was necessary because previous efforts by the U.S. Government, international organizations and others to stop this brutal practice had proved unsuccessful. And indeed all of the evidence suggested that the most severe forms of trafficking in persons are far more widespread than they were just a couple of years ago.

The essential principle behind the Trafficking Victims Protection Act is that criminals who knowingly operate enterprises that profit from sex acts involving persons who have been brought across international boundaries for such purposes by force, fraud or coercion, or who force human beings into slavery should receive punishment commensurate with the penalties for kidnapping and forcible rape. This would not only be a just punishment, but also, we believe and posited, a powerful deterrent.

The logical corollary to this principle is that we need to treat victims of these terrible crimes as victims who desperately need our help and our protection. Like all laws, however, this law, as Chairman Hyde pointed out so well, is only as good as its implementation, and, frankly, I have been concerned about the slow pace of the implementation of this legislation.

A year after enactment of this legislation, the State Department office, which is designed to serve as the nerve center of our diplomatic efforts to engage foreign governments in the war against

trafficking, has only recently begun to get up and running. No regulations have been issued which would allow victims to apply for visas provided by the act, and many other important tasks remain to be done.

I say this not as a complaint or to criticize. I know that many things move slowly, particularly in the first year of an Administration, and that since September 11th our attention and resources have been diverted elsewhere. But I say to this emphasize that from now on we do not have a single moment to spare.

I would also like to say that I am profoundly encouraged by the fact that the Administration has been able to recruit Dr. Laura Lederer to bring her expertise and commitment to the State Department's anti-trafficking effort. Dr. Lederer is generally regarded as the world's leading expert on the pathology of human trafficking, and the Protection Project, which she headed, has provided the factual analytical basis for most of the work that has been done so far to combat human trafficking. Throughout the long process of consideration and enactment of this bill, Laura was our mentor and a comrade in arms.

Under Secretary Dobriansky, I commend you for this important choice and for the important work that you are doing as well. I also know that Ambassador Raphel will rely heavily on Dr. Lederer and the resources of our Committee as well to bring the true faith of the bill, the spirit and the letter, to pass so that we can have aggressive implementation.

I just wanted to make a very brief point about this. The principles behind the Trafficking Victim Protection Act were many. We want to combat slavery. We want a comprehensive effort to do so, especially sexual slavery. Emphatically the legislation rejects the principle that commercial sex should be regarded as a legitimate form of work. And that was no small issue last year, as Members will recall. And I remember when Equality Now did a very strong statement to the previous Administration taking them to task as a U.N. Protocol was being debated that we not allow, however unwittingly, this type of sexual exploitation to go on and somehow to be shunted aside as we go after the more extreme forms of exploitation. I am hoping that the Administration will speak to that issue in terms of clarifying their position as we move on into this hearing.

I would ask finally that we need to make this law work. We need true believers, people with an indomitable will and heart who will spare no effort to mobilize the resources and the prestige of the United States Government to implement this important act. This is historic. We have an opportunity to shut down what William Wilberforce fought so hard to shut down in Great Britain when he fought against the slave trade. Modern slavery is here. It needs to be stopped. We have the tools. Let's get about doing it.

I yield back. Thank you, Mr. Chairman.

Chairman HYDE. Thank you.

I am going to gently request that further statements be a little briefer than they have been. I mean no criticism, because Mr. Smith is entitled to talk all week on this subject. This is his consuming interest, and he has done such magnificent work. But we do have a panel of witnesses. So if you will be mindful of that.

Ms. Watson, the gentlelady from California.

Ms. WATSON. I will pass.

Chairman HYDE. God love you, Ms. Watson.

Mr. Tancredo, the gentleman from Colorado.

Mr. TANCREDO. No.

Chairman HYDE. Another superstar.

Mr. Nick Smith of Michigan.

Mr. SMITH OF MICHIGAN. No statement.

Chairman HYDE. You see how powerful the power of persuasion is.

Mr. Pitts, the gentleman from Pennsylvania.

Mr. PITTS. Thank you, Mr. Chairman. I will be very brief and submit my entire statement for the record.

First of all, thank you for convening this very important hearing on the implementation of the Trafficking Victims Protection Act, and I want to especially thank my colleague Mr. Smith for his tireless and persistent work on behalf of the victims of sex trading, modern-day slavery.

Sexual trafficking is a huge problem worldwide, including the United States, that urgently needs to be addressed. And I heard an example that I just want to briefly mention to conceptualize how immense the problem is.

Imagine a city the size of Minneapolis or St. Louis made up of entirely of women and children. Imagine that those women and children are kidnapped, raped, and forced into prostitution, and then imagine it happening every year. Then stop imagining because that is what is happening now and in those numbers.

Mr. Chairman, thank you for your leadership on the issue. I look forward to hearing these distinguished witnesses today, and to hear about the progress that has been made in the implementation of this important act. I yield back.

Chairman HYDE. Thank you.

[The prepared statement of Mr. Pitts follows:]

PREPARED STATEMENT OF THE HONORABLE JOSEPH R. PITTS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF PENNSYLVANIA

I thank the Chairman for convening this important hearing this morning on the Implementation of the Trafficking Victims Protection Act. I also want to thank my colleague Mr. Smith, the original sponsor of this legislation in the 106th Congress, on his tireless work on behalf of victims of trafficking.

Human trafficking is a serious problem worldwide including the United States. As we have already heard, a vast majority of these victims are women and children who are trafficked into the commercial sex trade.

The scenario looks something like this: In Japan, at least six times a year, Hiro Watanabe drives to the Narita airport. There, in the international arrivals hall, he meets three or four women. Women who are young and pretty and have come to Japan to take word-of-mouth job offers from factories, restaurants, or bars.

However, these jobs do not exist. Instead, Watanabe takes them to a small apartment to convince them that they really should be working for him for free as prostitutes.

His way of convincing these women is not uncommon and includes verbal threats, beatings, and rape. These young women then join the tens of thousands of women and children are illegally brought to Japan and forced to work as prostitutes.

Sex trafficking is also happening in the European Union. This year, as in years past, at least 300,000 women will be smuggled into the European Union—many of whom will be forced to work in the sex trade.

In destitute places such as Ukraine, Russia, Belarus, and Albania, these women are lured by the promise of well-paying jobs waitresses, nurses, or chambermaids. Some of them are kidnapped. While in transit, their smugglers usually take their

passports and belongings, drug and rape them. This inhuman treatment breaks them to the point of submission to a life of sexual bondage.

Sex trafficking is not the rest of the world's problem. It has also reached our shores.

Women like 'Inez' who was tricked into forced prostitution after agreeing to leave her country for a good job in a restaurant. This promised job never materialized. Instead, she was forced to participate in a sex tour of trailer parks.

'Inez' has since been freed and says, "I could not believe this was happening to me, but even worse, some of the girls were as young as 14 years old."

Girls like Rosa. Rosa testifies, "Because I was a virgin, the men decided to initiate me by raping me again and again, to teach me . . . Over the next three months, I was taken to a different trailer every 15 days. Every night I had to sleep in the same bed in which I had been forced to service customers all day." Inez and Rosa were trafficked to Florida, U.S.A.

As Americans, we have always worked for justice and freedom, in our borders and worldwide. That is why it is important that Congress oversee diligently the implementation of Trafficking Victims Protection Act. Through this Act we seek justice through criminal penalties for and victim restitution from those who would traffick these women and children, and freedom for the victims as the United States takes the lead in fighting to end this criminal business around the world.

Sexual trafficking is a huge problem that urgently needs to be addressed. To conceptualize how immense the problem is, imagine a city the size of Minneapolis or St. Louis, made up entirely of women and children.

Imagine that those women and children are kidnapped, raped, and forced into prostitution. Imagine it happening every year. Then stop imagining because it is happening now and in those numbers.

Mr. Chairman, again, I thank you for your leadership on this issue, and I look forward to hearing from our witnesses today about the progress that has been made in the implementation of this important Act.

Chairman HYDE. The gentleman from Arizona, Mr. Flake.

Mr. FLAKE. No.

Chairman HYDE. The gentleman from Indiana, Mr. Kerns.

Mr. KERNS. Mr. Chairman, in the interest of time, I would not make an opening statement.

Chairman HYDE. I certainly am gratified.

The gentlelady from Virginia.

Mrs. JO ANN DAVIS OF VIRGINIA. No.

Chairman HYDE. Very well.

I would like to welcome Dr. Paula Dobriensky. Prior to her appointment as Under Secretary of State for Global Affairs, Dr. Dobriensky served as Senior Vice President and Director of the Washington office of the Council on Foreign Relations. Previously she served as Senior International Affairs and Trade Advisor at the law firm of Hunton & Williams, and as cochair of the International TV Council at the Corporation for Public Broadcasting.

Ralph F. Boyd is the Assistant Attorney General for Civil Rights at the U.S. Department of Justice. Prior to his appointment, Assistant Attorney General Boyd was a partner in the Boston in the law firm of Goodwin Procter LLP and has also served as Assistant United States Attorney in the Major Crimes Unit of the U.S. Attorney's Office in Boston. We welcome Assistant Attorney General Boyd to the Committee and welcome his statement.

Dr. Wade Horn is the Assistant Secretary for Children and Families at the U.S. Department of Health and Human Services. Prior to his appointment Dr. Horn was President of the National Fatherhood Initiative, whose mission is to improve the well-being of children. From 1989 to 1993, Dr. Horn was the Commissioner for Children, Youth and Families and Chief of the Children's Bureau in the Administration on Children, Youth and Families. He also served as

a Presidential appointee to the National Commission on Children from 1990 to 1993, was a member of the National Commission on Childhood Disability from 1994 and 1995, and the U.S. Advisory Board on Welfare Indicators from 1996 to 1997.

Our fourth Administration witness is Janet Ballantyne, the Acting Deputy Administrator for the U.S. Agency for International Development. She has been a professor of strategic studies at the National War College and served as the USAID Mission Director in Russia and Nicaragua. Dr. Ballantyne has held senior policy positions including Senior Deputy Assistant Administrator, Bureau for Policy, Planning, Coordination, and has served in Peru, Nepal and Morocco.

We welcome our very distinguished witnesses. I ask that you try to summarize your statements within 5 minutes, give or take. We will be flexible, but around 5 minutes. And your full statement will be placed in the hearing record. But that will give the Members an opportunity to question you. And we appreciate that.

And so let's start with Under Secretary Dobriansky.

**STATEMENT OF THE HONORABLE PAULA J. DOBRIANSKY,
UNDER SECRETARY, OFFICE OF THE UNDER SECRETARY
FOR GLOBAL AFFAIRS, U.S. DEPARTMENT OF STATE**

Ms. DOBRIANSKY. Mr. Chairman, thank you. I am very pleased to be here this morning. I will submit my full text for the record and make a very brief statement.

It certainly is a pleasure to be here today to review the progress that we have made on monitoring and combatting trafficking in persons since the passage of the anti-trafficking law, the Victims of Trafficking and Violence Protection Act of 2000.

Trafficking in persons is a modern-day form of slavery. Both its magnitude and the inhumane conditions in which individuals find themselves are deeply troubling. Let me dive right in and indicate since the law's passage that we are pleased to report that we have covered a lot of ground, we believe, from the establishment of the new trafficking office to releasing the first trafficking in persons report, to getting some 85 countries to sign the new U.N. Protocol on trafficking.

Let me mention the office first. The Office to Monitor and Combat Trafficking was established on October 15. The office is an independent office which reports directly to me. It coordinates policy and programmatic responsibilities with respect to trafficking in persons. These responsibilities are predicated on human rights and law enforcement.

The office focuses on three fundamental areas: the compilation and release of the Trafficking in Persons Report; an assessment and implementation of programs; and an outreach to partner agencies, Congress and the nongovernmental community.

I would like to take a moment, because most of them are here today, just to introduce our team. We have Ambassador Nancy Ely-Raphel, who is the new senior advisor to the Secretary on Trafficking; Dr. Laura Lederer, who many of you know is the Deputy Senior Advisor to the Secretary on Trafficking. Sharon Payt, who is seated up on the dais, will be our senior coordinator for public outreach and diplomacy. She comes from Senator Brownback's of-

fice. We have Amy O'Neill Richard who is the new senior coordinator for reports. Carla Menares-Bury, who comes from the Bureau of International Narcotics and Law Enforcement, and who will be overseeing our programmatic shop, and then we have two others, Sally Neumann, who will be working as well in the programmatic division, and Chanel Turner, who is involved with management.

Let me say a word about the report. Last July the Secretary of State, the leadership of the Bureau of Democracy, Human Rights and Labor, as well as the Bureau of International Narcotics and Law Enforcement and myself, rolled out the first annual Trafficking in Persons Report. The report presented information gathered from 186 embassies and consulates as well as NGO and press reports. It then assessed the efforts of those countries, 82 last year for which it was determined that there was a significant number of victims of severe forms of trafficking, to determine whether such countries meet the minimum standards specified in the law.

The report has become and is an invaluable tool in our bilateral dialogues on trafficking. It has prompted a number of countries at senior levels to engage the U.S. Government on this issue. In other words, they have come back to discuss the terms set forth and the specific conditions with us. We want to continue this. We want to ensure that we hear the feedback and reaction of our partners, both in and out of Government, who have been working on this issue.

To build on this momentum, I think quite importantly, Ambassador Raphel and Dr. Lederer met recently with a group of NGOs. I did myself when the report came out. That kind of feedback will only strengthen our hand as we go forward with the issuance and the putting together of the new report.

A word on the Interagency Task Force. The act calls for the holding of an interagency Cabinet-level task force on trafficking. We are planning this meeting. A memorandum has been submitted to the Secretary of State. We are hoping to hold this interagency Cabinet-level task force meeting very soon.

We will also, in conjunction with that, set up an interagency working group at a lower level, which would be ongoing, to specifically review programs and ensure that all the agencies are well coordinated and ultimately report back to the task force on the nature of its work. In fact, in preparation for this, Ambassador Raphel and Dr. Lederer both met with a number of agencies already to lay the foundation for these efforts.

A few other words, then I will close. A brief word on other initiatives. Intelligence. Ambassador Raphel and Dr. Lederer also met recently with representatives from the Central Intelligence Agency, the National Security Agency, as well as the Bureau of Intelligence and Research to discuss the importance of enhancing intelligence collection on trafficking.

Programs. We also have funded and implemented some 90 global anti-trafficking programs, projects, initiatives in well over 30 countries. We have actually a fact sheet here for your information and for those in the room on the kinds of programs that have been funded thus far. The focus has been on the three Ps: protection, prosecution, prevention.

While the act and our report and other efforts have significantly raised awareness of the issue, we are committed to reaching out to the public. So public outreach is the third component. All of our members of the office have been engaged in this before and now as the office has been set up.

In closing I think we have been very busy, but there remains a lot to be done. We look very much forward to our continued partnership on this issue and thank you.

Chairman HYDE. Thank you, Madam Secretary.

[The prepared statement of Ms. Dobriansky follows:]

PREPARED STATEMENT OF THE HONORABLE PAULA J. DOBRIANSKY, UNDER SECRETARY, OFFICE OF THE UNDER SECRETARY FOR GLOBAL AFFAIRS, U.S. DEPARTMENT OF STATE

It is a pleasure to be here today to review the progress we've made on monitoring and combating trafficking in persons, since the passage of the anti-trafficking law, the Victims of Trafficking and Violence Protection Act of 2000.

Trafficking in persons is a modern day form of slavery. Both its magnitude and the inhumane conditions in which individuals find themselves are deeply troubling. The egregious nature of this crime, however, has clearly been the driving force for many of you and for those of us sitting here who work on this issue.

The impact that this law has had on the United States Government's efforts to fight trafficking and protect trafficking victims is enormous. Let me thank you for the foresight in the creation of this law and for strengthening our ability to tackle this problem more vigorously. It was through the tireless efforts and dedication of many of you that we have this law. I have been honored to meet several of the members and the staff on this important and timely issue and have found your guidance and input invaluable.

This law has provided policymakers and prosecutors with the necessary tools to fight trafficking in persons, a truly grave violation of human rights and a growing transnational crime problem. And it has given us a model to share with other countries that are also committed to ending this horrendous violation of human rights.

Since the law's passage, we are pleased to report that we have covered a lot of ground from establishing the new trafficking office to releasing the first Trafficking in Persons Report to getting some 85 countries to sign the new UN Protocol on trafficking. This Protocol provides a framework for countries to criminalize trafficking, provide victim protection, and prevent trafficking through public information campaigns.

NEW TRAFFICKING IN PERSONS OFFICE

Let me start with the office, which is your primary partner at the Department on this issue. The Office to Monitor and Combat Trafficking was established on October 15th. The office is an independent office which reports directly to me. It coordinates policy and programmatic responsibilities with respect to trafficking in persons. These responsibilities are predicated on human rights and law enforcement concerns. As I have discussed previously with various members and staff, the office focuses on three key areas: the compilation and release of the trafficking in persons report; an assessment and implementation of programs; and outreach to partner agencies, Congress, and the non-governmental community. The office structure reflects these key priorities.

The Deputy Secretary cut the ribbon on the new office space on November 15th in a ceremony that was well-attended by our new staff, colleagues from other agencies, the non-governmental community, journalists, and partners on the Hill. We appreciated the kind remarks made by Representative Smith at this event.

I'd like to take a moment and introduce the new team.

- *Ambassador Nancy Ely-Raphel* is the new Senior Adviser to the Secretary on the trafficking issue. She has a wealth of experience having previously served as our Ambassador to Slovenia; our principal deputy assistant secretary in the Bureau of Democracy, Human Rights, and Labor; our Coordinator for Bosnia; and Assistant Legal Adviser for African Affairs.
- Prior to coming to the Department, she held important posts ranging from Assistant U.S. Attorney to Associate Dean of Boston University's School of Law to senior trial attorney with the Department of Justice's Organized Crime Strike Force.

- *Dr. Laura Lederer*, whom many of you know so well, is the Deputy Senior Advisor to the Secretary. She is an expert on trafficking, who founded and directed The Protection Project, which documented the scope of the problem, reviewed laws and enforcement responses, and collected survivor stories from 194 countries and published the first comprehensive Human Rights Report on Trafficking. She has worked closely with the Hill in arranging briefings on the trafficking issue and ensuring the law's passage.

In addition to the senior leadership, the office will have three sections which reflect the priorities I noted earlier—Public Outreach and Diplomacy, Reports, and Policy and Programs. Let me introduce the directors of these three sections and the staff members.

- *Sharon Payt* will be the senior coordinator for public outreach and diplomacy. As you know, she is no stranger to the trafficking issue; as a senior staffer with Senator Brownback's office, she worked diligently on the trafficking legislation and helped keep the issue on the legislative front burner.
- *Amy O'Neill Richard* is the new senior coordinator for reports. She comes to the Office from the Department's Bureau of Intelligence and Research and is one of our government's experts on the trafficking in persons issue. She was also the author of the groundbreaking report, "International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime".
- *Carla Menares-Bury* has been seconded to the trafficking office from the Bureau of International Narcotics and Law Enforcement Affairs (INL) where she has spent the last four years overseeing numerous anti-trafficking and domestic violence programs and initiatives abroad.
- *Sally Neumann*, is also formerly with the Bureau of International Narcotics and Law Enforcement Affairs, where she was responsible for several anti-trafficking and domestic violence programs overseas.
 - Both Carla and Sally will work on anti-trafficking programs in the new office.
- *Chanel Turner* will also be assisting us in managing the office. Her efforts have been crucial in setting up the new office.

As you can see, we have assembled a team of very capable and knowledgeable people on the trafficking issue.

Let me take a moment to express my and the new office's appreciation to James Puleo for his hard work in establishing the new office. It was no small task to oversee actual set-up of the office, as well as give the office a firm footing upon which to begin its efforts.

The Office aims to hire more staff over next several months until we reach our full compliment of fourteen staff members, in accordance with the plan I laid out to Congressional staff several months ago.

ANNUAL REPORT ON TRAFFICKING IN PERSONS

Now let me move on to another initiative in the Act that we have been active on since its passage late last year. That is the issuance of the annual report.

Last July, the Secretary of State, the leadership of the Bureau of Democracy, Human Rights and Labor and the Bureau of International Narcotics and Law Enforcement Affairs, and I "rolled out" the first annual Trafficking in Persons report.

I'd like to thank those two bureaus for their leadership in preparing the first Trafficking in Persons report before the office could be established.

The report presented information gathered from 186 embassies and consulates as well as NGO and press reports. It then assessed the efforts of those countries—82 last year—for which it was determined that there were a significant number of victims of severe forms of trafficking to determine whether such countries meet the minimum standards specified in the law.

As expected, the report has become an invaluable tool in our bilateral dialogues on trafficking. It has prompted many countries—at senior levels—to engage with the US Government on the trafficking issue. I have met personally with a number of senior representatives of countries who have said that the report had prompted them to examine and improve their efforts. And I know the same is true for Assistant Secretary Craner and Assistant Secretary Beers and some of our regional Assistant Secretaries as well. Many of our posts are reporting a higher degree of interest, awareness, and, more importantly, action since the release of the report. This increased interest is indicative of a larger positive trend as many more countries are increasingly taking this issue seriously.

While we were very pleased with the report, we wanted to ensure that we heard the feedback and reaction of our partners—in and out of government—who have been working on this issue for years. I held a roundtable discussion for some 30 NGO representatives immediately following the release to hear what they thought of the contents of the report. I was pleased with the support we received and with the constructive feedback offered. As many of you may know, I, as well as a number of my colleagues, also reached out to Congressional members and staff to hear their feedback.

To build on this, Ambassador Ely-Raphel and her team recently met with various relevant U.S. government agencies and non-governmental organizations to solicit their feedback on the annual TIP report process. We intend to incorporate their ideas and suggestions into the 2002 Trafficking in Persons Report. And as I've said to many of our partners in the NGO community, we welcome comments and additional information that will help us produce the best report each year.

INTERAGENCY TASKFORCE

Another priority for the office is the first meeting of the Interagency Cabinet-level Taskforce on Trafficking. We are beginning to plan for this meeting, which we hope can be held within the next few weeks and we expect to be chaired by Secretary Powell. At this meeting, we expect to introduce the office to other cabinet members and highlight its mandate, as well as lay out a strategy for coordination with other agencies. We will also set up an interagency working group which will review programs and ensure all agencies are well coordinated and, ultimately, report back to the Taskforce on the nature of its work.

In preparation, Ambassador Nancy Ely-Raphel and Dr. Lederer recently met with the Departments of Justice, Labor, Health and Human Services, and the Agency for International Development to take stock of their anti-trafficking programs. We are looking forward to this effort to really examine how the numerous agencies—many of whom are sitting here—can continue to strengthen their efforts to combat this problem and to reach out to the victims that are so deeply impacted.

We have coordinated with our interagency partners on a number of steps outlined in the Act. For example in July, Deputy Secretary Armitage and Attorney General Ashcroft signed the regulations that will, among other steps, ensure that relevant law enforcement personnel, immigration officials, and State Department officials receive the appropriate training to recognize and assist victims of trafficking. We look forward to using the Taskforce and our direct contact with our partners to continue such coordination.

OTHER INITIATIVES

Let me note a few other initiatives that we are undertaking to strengthen our effort and expand our knowledge.

Intelligence: Ambassador Ely-Raphel and Dr. Lederer also recently met representatives from the CIA, NSA, and Bureau of Intelligence and Research to discuss the importance of enhancing intelligence collection on the trafficking issue. Better intelligence will make it possible for us to better understand the magnitude of the problem and fine-tune our strategy to combat it.

Programs: The State Department has also funded or implemented some 90 global anti-trafficking programs, projects or initiatives in well over 30 countries. We work closely with the Agency for International Development and the Department of Labor, and have held interagency working group meetings to coordinate these programs. I have brought copies of a factsheet detailing the various international anti-trafficking initiatives. This factsheet can also be found on our web-site. Our programmatic approach has been predicated on the “three P’s”: protection, prosecution and prevention. Our interagency meeting will take stock of the programs that have been ongoing and make determinations as to what our priorities will be in these three areas.

Public Outreach: While the Act, our report, and other efforts have significantly raised awareness of the issue, we are committed to reaching out to the public to educate them about the issue and what the U.S. is doing. For example, Ambassador Ely-Raphel and I recently spoke on the trafficking issue in an OAS forum on Violence Against Women. The show was webcast and picked up by a host of radio and television stations. I have spoken with numerous journalists, and I know Nancy and her team will continue this effort. In fact her team has been busy throughout the country and world educating people about the issue. Over the last year, members of our new office traveled to Belgium, Brazil, Mexico, Germany, and Jamaica to speak on trafficking panels at various international conferences and share information with various foreign government officials and non-governmental representa-

tives. Office members also traveled to different states, ranging from Alaska to Vermont to South Carolina, to enhance public awareness of the trafficking issue and/or participate in law enforcement training courses and conferences.

CLOSING

We've been busy. But there remains a lot to be done. We thank you for your leadership on this issue and the Act, which has provided a solid framework for our efforts, an impetus for increased coordination, and a model as we reach out to our partner countries.

We look forward to continued partnership on this issue. I look forward to a day when I can say that there isn't a problem for us to talk and write about. Until that day, we will continue to work in close partnership with you, our allies, the NGO community, and anyone else committed to ending this unacceptable offense.

Thank you for this opportunity. I welcome your comments or questions today and in the future.

Chairman HYDE. I understand that you have to leave at 12:15, and rather than lose the opportunity for questions, if you will, we will break our usual routine, and we will ask you questions now before you leave.

And Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Could I pass for the moment?

Chairman HYDE. Sure.

Mr. Gilman.

Mr. GILMAN. Thank you. I will be brief.

Can you tell us, Madam Secretary, how our embassies abroad are using the Trafficking Victims Protection Act in diplomatic discussions? Are clear signals being sent to those foreign governments about the act's enforcement provisions and about the obligation, the intention of our Nation to vigorously apply them?

Ms. DOBRIANSKY. The answer is yes. First, let me briefly say I have had the opportunity to meet with many of our outgoing Ambassadors through the State Department's ambassadorial seminar. I have discussed quite specifically the report, and the issue of trafficking in persons with them. I have also discussed trafficking with those Ambassadors who have also come to my office before going out in the field.

Quite specifically to answer your question, yes, we have. We have used the report, first of all, as an instrument of dialogue. It has been a fundamental tool in our discourse with other countries to basically engage them on the issues of prevention, protection and prosecution, and to quite specifically look at what is being done and what isn't being done.

Toward that end, I would say that I think the engagement has not only been consistent, it has been broadspread, but it also has, I think, reaped certain results. As I indicated briefly in my statement, a number of countries have come back to us and are very interested in improving their records and are soliciting our advice and support in a number of cases.

Finally, separate from bilateral engagement, we have tried to also use multilateral means and fora as well to raise the trafficking issue.

Mr. GILMAN. Do you feel that you have been successful in your efforts?

Ms. DOBRIANSKY. As I said, in a number of cases, yes; in some cases, no. In some cases it is very clear with certain countries that we are going to have to be very vigilant. We are going to have to

think of new and creative means of exerting pressure. As clearly indicated in the act, the act calls for ultimately in 2003 punitive sanction measures.

But I will say this, that I think I am heartened by the fact that essentially a number of the countries in Tier 3 have come back and do want to work with us and try to improve their records.

Mr. GILMAN. Who are some of your major violators?

Ms. DOBRIANSKY. Meaning the ones that have engaged us positively?

Mr. GILMAN. Who have not engaged you positively and still are a major violator.

Ms. DOBRIANSKY. Well, there are a number of major violators on the Tier 3 list. I will tell you the ones, if you don't mind, the ones who have been positive, and then we will leave the others sitting on the list.

Mr. GILMAN. I want to know the ones that have not been positive.

Ms. DOBRIANSKY. Okay.

Mr. GILMAN. Just some of the major ones.

Ms. DOBRIANSKY. Well, for example, countries such as Russia. I don't believe that we have had extensive engagement with Russia.

Let me see, looking through the countries, Indonesia, Congo, Bosnia-Herzegovina, Belarus.

Mr. GILMAN. Madam Secretary, could you supply for us a list of the major violators who have not been cooperative? Could you supply our Committee with a list of those major violators who are not cooperating?

Ms. DOBRIANSKY. Okay. As well as the ones who have been cooperating?

Chairman HYDE. Mr. Gilman, she has to leave at 12:15, and we have other Members.

Mr. GILMAN. One more question. Can you tell us of the activities of the Interagency Task Force to Combat Trafficking, the establishment which was mandated by this Traffic Victims Protection Act?

Ms. DOBRIANSKY. I am sorry. I didn't hear.

Mr. GILMAN. Can you tell us of the activities of the Interagency Task Force to Combat Trafficking that was established by this act?

Ms. DOBRIANSKY. As I said, the interagency group seeks to coordinate the activities of the various agencies that are involved and have a stake in this issue and have been already engaged. But the group is meant to ensure that we are well coordinated, that we are focused; the group also looks at these programs that each of—actually each of the agencies have undertaken to try to ensure that we are not duplicating, but that we are reinforcing one another; and then also, thirdly, to lay down, I think, what would constitute programmatic parameters.

By the way, if I may add a footnote, which I feel I should. It probably is not fair for me to have mentioned specific countries. I mentioned a few. There are others that haven't cooperated. There are some in Tier 2 that I have not mentioned that haven't been cooperative. Although I have mentioned a few, the process is ongoing. There may be information that even as I sit here, and in fairness to those countries, that I may not be personally aware of changes.

So I will—to be precise on that, I would like to submit that information for the record.

Mr. GILMAN. We welcome that.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Chairman.

Mr. Smith.

Mr. SMITH OF NEW JERSEY. Madam Secretary, thank you again for your testimony and for your good work.

Gary Haugen from the International Justice Mission will testify later on, and he is concerned and I have heard this voiced by some others, that there are some Tier 2 countries that were put on the list that really, you know—and as we know, Tier 2 are those who don't meet the minimum requirements, but they are making significant efforts to do so. There are countries that—where there appears to be police complicity if not outright the buying and selling and the running of those brothels.

He makes the point to a person, and this is after he goes through some casework that is absolutely disturbing. In one of those bits of casework he talks about those very young girls, 90 to 120 victims observed, where the investigators found a dollar for sex, \$5 for a night, and \$30 dollars to own these young girls outright. If that isn't slavery, I don't know what is, yet this is a Tier 2 country. He makes the point that these countries, like I said, the police are very much involved, and yet they are on that Tier 2 list.

And many of us have the concern that India, China, Vietnam and Cambodia are also on the Tier 2 list, and there is a concern. Are any other matters weighing into that in terms of whether or not they are in Tier 3 or Tier 2?

He makes the point again, I think it is very important to reiterate this, that if we give a passing grade without addressing the real problem, we do a disservice to the people who are fighting in those countries to stop this. How do you respond to that?

Ms. DOBRIANSKY. When the reports were compiled, as I indicated—as I noted, they were predicated on a broad solicitation drawing upon the act's standards, questions, and criteria that was sent out to all of our posts. The posts in turn reached out to a wide range of sources, both public and private, indigenous NGOs as well as American NGOs, press reports, the gamut.

When these assessments were made, they also focused on protection, prevention and prosecution and what efforts were being made in each country toward that end. In some cases, you know, this was our first effort.

We then looked back. Maybe there was information that we needed to have and needed to have more of. That is why right when we rolled out the report, I know, in fact, a number of NGOs, including your upcoming witness, was invited to be part of that review effort, because we wanted to have a critique, actually a critique on what we put out.

This is an ever-changing process. That is why I felt a little bit hesitant after I mentioned several countries earlier, because it is a changing process. Some countries are improving their records. Some may not. I may not be, as I am sitting here, aware of some of the new efforts that may be going on at post.

But back to your question. Very specifically, there are countries that are in Tier 2; there are countries in Tier 3. We made our best effort in putting them in the categories based on the information we had. We would be very much open and would welcome any information that either you or NGOs here in the room have as to a number of the countries that you mentioned. And that is—

Mr. SMITH OF NEW JERSEY. I know the time is very brief. We had a major battle in terms of definition, section 103 of the bill, and we included prostitution and the sale, harboring, transmitting and the like under that definition, and there was an effort made by the previous Administration just to have forced prostitution included. My understanding is that there is neutrality at the Department now on that issue. Could you clarify?

And Jessica Neuwirth makes a very strong and compelling argument, as did the previous Administration, that this is exploitation of women, and to somehow look askance when it is seemly by consent does a grave disservice to these women. If you could clarify this.

Ms. DOBRIANSKY. Very simply, we oppose all forms of prostitution, and that is upon which—

Mr. SMITH OF NEW JERSEY. As well as the legalization of prostitution?

Ms. DOBRIANSKY. All forms including legalized prostitution. And our approach is predicated on, as you know, the three Ps, prevention, protection, prosecution.

Mr. SMITH OF NEW JERSEY. Thank you.

Chairman HYDE. Ms. Watson.

Ms. WATSON. Yes. I have two questions. First, the Tier 3 countries, and coming to mind are Greece, Israel and Turkey. What kind of progress are they making coming up to Tier 2?

My second question is, there has been, particularly in Japan, something that I would consider a real problem. They advertise for young women to come over and work in the water bars. These young women come to Tokyo or other cities within Japan, and they end up working in these bars. They end up going into prostitution, and they end up disappearing.

Have you been considering that particular issue and problem that seems to be localized in Japan? It might be some other countries in Asia. But what do you know about that problem?

Ms. DOBRIANSKY. Okay. On the first question you mentioned Greece, Turkey, Israel. I was mentioning on the positive side Israel has come back and has engaged us in discussion on the issue of trafficking in persons in the three categories. I think the report has really generated very, very positive discussion.

I must say personally in the case of Greece and Turkey, we can get back to you specifically, as we are getting back on the country's cases. I personally am not familiar with what discourse has arisen with those two countries, but Israel has definitely come forward.

Ms. WATSON. Does that not move them to another tier?

Ms. DOBRIANSKY. Not yet. We haven't actually come back to Congress with giving a single interim report and saying that a country should be moved off of Tier 3 and put onto Tier 2 yet.

So you know, there are some countries that we are having discussions with. We may see some improvement. There are some that

we are having discussions with, but that may not translate into improvement. We have to see. In the case of Israel I could tell you that it is real, has been initiated, and we have had some very good concrete discussions with them. On the other two, as I mentioned, I would have to come back to you specifically on that.

With regard to Japan, I would just state broadly, and then would want to also come back to you on the specifics that you raise, any form of trafficking where you know the term with all of you in your statements have—you have made—force, fraud, coercion—that is what we are concerned about.

Ms. WATSON. Deception more in this case.

Ms. DOBRIANSKY. More fraud, force, coercion. Wouldn't you translate deception as a type of fraud?

Ms. WATSON. Possible. What are they doing about it, or what are you doing about it?

Ms. DOBRIANSKY. I would—Congresswoman, I would have to come back to you on that specific point.

Ms. WATSON. Please do.

Mr. SMITH OF NEW JERSEY. If the gentlelady would yield very briefly.

Ms. WATSON. Yes.

Mr. SMITH OF NEW JERSEY. I thank you.

Madam Secretary, section 103(9) defines sex trafficking. The term "sex trafficking" means the recruitment, harboring, transportation, provision or obtaining of a person for the purposes of a commercial sex act.

While the overwhelming weight of the sanctions are leveled against those who engage in severe forms of trafficking, the clear intent of this legislation was inclusive of sex trafficking in general. Thank you.

Ms. DOBRIANSKY. Thank you.

Chairman HYDE. The gentleman from Ohio Mr. Chabot.

Mr. CHABOT. I thank the Chairman. I will be brief. The numbers of lives who have been affected by this and oftentimes destroyed are really mind-boggling, and I think it is appropriate, I would commend the Chair for taking on this important hearing today.

Madam Secretary, could you discuss one or two recent cases in which traffickers have been tried and convicted in countries other than the United States? And has the Trafficking Victims Protection Act helped to encourage foreign governments to bring such cases?

Ms. DOBRIANSKY. I am personally not familiar with those cases. That may be potentially, I would assume, in your bailiwick, actually my colleague from the Department of Justice.

Mr. CHABOT. Could you briefly talk about a case in particular, or would you prefer to wait until you testify?

Mr. BOYD. I will be happy to respond to that now.

We have a number of prosecutions at the Department of Justice Civil Rights Division, in coordination with the various United States attorneys' offices across the country, that have been brought in the trafficking and trafficking-related area. They involve cases of trafficking women and, in some instances, children from Vietnam and China to work in forced-labor situations under the types of cruel conditions and circumstances that exist in Samoa, a case that Congressman Lantos referred to in his opening remarks.

We have cases involving women who were trafficked from Guatemala to serve in sexual servitude here in the United States. We have instances of young women and girls being trafficked into the United States to serve as prostitutes and in strip clubs from Russia and the Ukraine. You name it, we've got it.

We have 89 open investigations, and we have prosecuted over the course of the last year about 12 cases of some obvious note involving the kinds of circumstances that have been discussed here today.

Mr. CHABOT. Thank you very much. And I yield back the balance of my time, Mr. Chairman.

Chairman HYDE. Thank you.

Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. I also will be brief.

Madam Secretary, when Congressman Smith and I and others were in St. Petersburg, I think it was a year and a half ago, and met with representatives of various organizations, NGOs over there who were combating trafficking, it was quite elucidated that so much of the problem dealing with it in countries is the fact that there is a cultural sort of a nonchalant attitude taken by a lot of people in a lot of these countries. This attitude suggests that, in fact, most of these women know exactly what they are doing. If they answered these ads, well, so what, come on, it is all pretty much their own desire.

But there was one aspect of it that it seemed to me quite extraordinary in terms of the situation—how one thing could be more horrendous than another, but in Russia at the time we were confronted with an allegation that children were being taken from orphanages and wholesale. I mean, buses would come. A fee would be paid to the people running the orphanage, and 20 or 30 or 50 children would be taken and sent away.

Now, in that situation it was absolutely apparent that even people in Russia who would have taken a more nonchalant attitude to adult trafficking were completely astounded by this and were affronted by it. What I was wondering was whether or not it would be legitimate for you and the State Department to begin to work with those embryonic aspects of the media in these various countries. I say embryonic because I am speaking specifically of those that are doing investigative journalism. They are using the media in these countries to actually bring this kind of thing to light in the country and to make it a public discussion in the hopes that in focusing on issues like the one I just mentioned like the children taken from the orphanages, that we could turn public opinion. Is that a legitimate form of combating terrorism from your point of view, the State Department working with the media?

Ms. DOBRIANSKY. Absolutely. In fact, the way our office is structured, the new trafficking office focuses on the report, the programmatic division, and then what we call the outreach division—dealing with media, public outreach. As part of that, and clearly as part of prevention, prevention is knowing and having campaigns, public campaigns, international campaigns, local campaigns, and the involvement of both those individuals in Government as well as out of Government.

I mean, we have to be very vigilant in trying to encourage others not only at the public level, meaning other governments, just as our Government is being outspoken about the problems that we have confronted in our own country, to join in. If trafficking in persons is to be eradicated, it has to be a very public effort.

As you were speaking, I wrote down three words. First, you know, I don't see it as a cultural matter. I will say that. I personally don't see it as cultural. I see this as criminal activity no matter where it occurs.

Mr. TANCREDO. Undoubtedly.

Ms. DOBRIANSKY. But I wrote down two of the motivations: greed and also not knowing. The media is critical. Many of these women, with the thought that they are moving on to some new job and some new prospect, are taken in and then, you know, are shocked at what they end up in. One needs to know more, and that gets back to education and back to media campaigns.

So absolutely, and that is, as I have indicated, certainly one of the components of our office, and we will be pursuing programs toward that end.

Chairman HYDE. The gentleman from Michigan Mr. Smith.

Mr. SMITH OF MICHIGAN. Thank you.

Help me understand trafficking. We are the money bags of the world, so in the past I assume a lot of the trafficking was coming to the United States to take advantage of the more lucrative market. As we have tightened down on through INS over the years—and I suspect the tightening is continuing, has trafficking into the United States been a focus of the State Department's efforts? What do you predict is the future in terms of the tightening of all immigration coming into this country?

Ms. DOBRIANSKY. Well, I will answer the front end, and then I think my colleague from the Department of Justice should be answering the end concerning specifically immigration.

We collaborate with the Department of Justice. The Department of Justice is in the lead on this question of immigration. Specifically in terms of the numbers, you know, the numbers that have been cited have been some 700,000, and I have been very struck by coming back into Government and being involved with this issue and hearing what is said. Most are saying that that is a low figure actually. That figure is global, excuse me, not for the United States. Globally 700,000, most say that is a low figure. For the United States, and as cited in our report, I believe the figure is approximately somewhere between 50,000 to 60,000 that we cite at the front of our report.

The United States is a transit and destination country. There are some countries which are source countries, transit countries, and then you have destination countries. We are a transit and destination country. That defines basically where we fit into this picture. Do you want to—

Mr. SMITH OF MICHIGAN. To Mr. Boyd, expand on your answer to include I understand—

Chairman HYDE. Mr. Smith, the purpose is to question Ms. Dobriansky. She must leave at 12:15, and we will hold off on Mr. Boyd.

Mr. SMITH OF MICHIGAN. Thank you, Mr. Chairman.

Chairman HYDE. Do you have a question pending?

Mr. SMITH OF MICHIGAN. No.

Chairman HYDE. You are all through. Thank you.

Mr. Pitts, the gentleman from Pennsylvania.

Mr. PITTS. Thank you, Mr. Chairman, and thank you, Madam Secretary, for your testimony.

Just to clarify, in the past 8 years it appeared that some in the State Department supported the idea that prostitution could be a legitimate form of labor. In fact, it is the position of some NGOs that prostitution should be safe and legal. They advocate this position as part of their anti-trafficking activities and apparently receive some support of various sorts from speaking engagements, to grants, to contracts, to subcontracts. Can you clarify the position of the State Department in this policy debate as to funding these groups?

Ms. DOBRIANSKY. I believe I answered that very directly. This Administration's position is we do not support prostitution, all forms of prostitution, and when Congressman Smith asked me about legalized prostitution, I indicated that we do not support legalized prostitution.

Mr. PITTS. Is there a restriction on what they can promote with the funding and the arrangements you make with them as far as their promotion of prostitution being safe and legal?

Ms. DOBRIANSKY. We haven't undertaken a specific review. That is going on actually in taking stock of all groups that have been funded, noting where we are and then determining where we go forward with this.

Mr. PITTS. So that prostitution will be always viewed as a criminal violation, not just a labor issue of keeping it safe and legal; is that correct?

Ms. DOBRIANSKY. Well, I think I have answered where we stand on the issue of prostitution quite specifically.

Mr. PITTS. Thank you, Mr. Chairman.

Chairman HYDE. Mr. Issa, the gentleman from California.

Mr. ISSA. Following up on that question, and I know that it is not your portfolio, but allowing domestic prostitution in places such as Nevada to be legal, doesn't it eliminate our high ground in our ability to define, and I think quite correctly define, prostitution as a crime at all times?

Ms. DOBRIANSKY. You are right. I don't think it is my bailiwick. I would defer to the lawyer at the table, but I have stated, I believe, very clearly what our position is.

Mr. ISSA. I appreciate that. Just following up on my question, though, to keep it within your bailiwick, doesn't it undermine your credibility when you go to tell these NGOs that no prostitution legally allowed is not acceptable, doesn't our American policy such as in Nevada undermine your ability to accomplish that?

Ms. DOBRIANSKY. I think that the focus here is on trafficking in persons, that is what the issue is. In terms of our approach and policy, I think that our policy is a very effective one. If you are focused on the eradication of all aspects of trafficking in persons, I don't believe we stand any less credible in our position.

Mr. ISSA. One final follow-up, if I could. Presumably a Nevada brothel could put an advertisement in an overseas newspaper ask-

ing for young women—under their law you wouldn't have to be 18—to work in Nevada in a high-paying, safe and legal position. Doesn't that undermine your efforts if that can really legally be done and if that law in some States works to the detriment of credibility on trafficking?

Ms. DOBRIANSKY. Again, Congressman, I think the focus here—if you will forgive me, with due respect, I think the focus is on trafficking in persons. I think there are a variety of international issues that we speak out on, on human rights issues, where other countries may come and pick out particulars about specific laws in the United States. I repeat, I do not think that if your focus is very straight, very clear as to what our definition of trafficking is—as Congressman Smith defined it and as I have it in front of me—I think it does not undermine our own approach and credibility.

As to the legal dimension of this, I really defer to my colleague here.

Mr. ISSA. Thank you.

And thank you, Mr. Chairman.

Chairman HYDE. Mr. Flake, the gentleman from Arizona.

Mr. FLAKE. Thank you very much.

Just a quick question of Africa, the prevalence of AIDS in Africa, in some of the countries that you deal with here, Angola and what-not, how has the prevalence of AIDS affected your work there both in trafficking across country and within countries for labor and the sex trade?

Ms. DOBRIANSKY. Quite significantly. In fact, in terms of my own portfolio as the Under Secretary for Global Affairs, I handle a broad range of issues, one of which is dealing with infectious diseases, and clearly there is a relationship here and a significant problem. The number of cases have risen and are very much connected, in fact, to trafficking. That is one of the clear problems that we have to deal with, and it is interrelated to refugee camps. A lot of women in refugee camps have contracted HIV/AIDS. There have been a lot of women, in addition, who have been trafficked out of refugee camps.

There is an interrelationship among these various issues, and it is a problem and one that we must be vigilant on.

Mr. FLAKE. Thank you. No further questions.

Chairman HYDE. And the last questioner, and I am happy to say we made our time, 12:15, right on the button, the gentlelady from the First District of Virginia Mrs. Davis.

Mrs. JO ANN DAVIS OF VIRGINIA. Thank you, Mr. Chairman, and I will be very brief so the Secretary can leave.

Understanding that I am a freshman and wasn't here last year when the act was passed, and one of the things I have found since in Congress is that things move slowly, do you think we enacted the particulars of the legislation as quickly as we should have? It seems to me that the perception is that a lot of the aspects of the legislation have not been implemented yet, understanding you just came on in March as well, so it is not directed at you, but that is just a general question.

Ms. DOBRIANSKY. I wish I came on in March. I came on in May. But the new Administration, I think, certainly tried to pick up the mantle quickly and expeditiously on this issue. I am quite pleased

that we issued a report; in fact, we got positive feedback from a number of you here in the room and other Members of Congress. We felt that as a first start we made a very good and very important effort.

Also in terms of setting up our office, too, by maybe all accounts bureaucratically I think we have done a good job in moving forward and have a good, solid and experienced team to deal with the issue of trafficking in persons. The Interagency Task Force, as I said, we will be soon convening that body, which will be chaired by the Secretary of State. But I would want to underscore, and I think this is an important point, that prior to the office actually being set up, that did not mean that during this period that everything was put on ice or being held off to the side. In fact, as you see, there were a number of programs during this period that have been initiated, had been ongoing, and no less in terms of the work completed by the other agencies. I feel in looking back over everything since the time of the act coming into being, I think that we really have made a significant mark.

Also, coming back to the question before about visibility, I know when we had our rollout, it certainly did make its mark, and we had, I thought, a very significant impact internationally.

Mrs. JO ANN DAVIS OF VIRGINIA. Thank you, Mr. Chairman.

Chairman HYDE. Madam Secretary, you are paroled. Thank you for a very enlightening statement and answers to these important questions, and we will be in frequent contact.

Ms. DOBRIANSKY. Thank you. And I was going to ask Ambassador Raphel to come up here as you go forward, if that is—

Chairman HYDE. Surely.

Ms. DOBRIANSKY. Thank you.

Chairman HYDE. Thank you.

And now Assistant Attorney General Boyd.

STATEMENT OF THE HONORABLE RALPH F. BOYD, ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS, U.S. DEPARTMENT OF JUSTICE

Mr. BOYD. Thank you, Chairman Hyde, Vice Chairman Smith and Members of the Committee. I want to take this opportunity to thank you along with my distinguished executive branch colleagues who are seated here with me. I was going to say "this morning," but now it is afternoon. I thank you for giving us this opportunity to present testimony concerning what I believe are our determined efforts to fully implement the provisions of the Trafficking Victims Protection Act of 2000.

The Department of Justice is grateful to the Committee and to Congress for passing this vital legislation. The TVPA gives the Department of Justice new and better tools that enhance our ability to prosecute traffickers, and it allows us to assist trafficking victims in ways that simply were not possible before the act was passed in October 2000. Let me speak—

Chairman HYDE. We have a series of votes. I don't know how many. Two votes? That won't take too long, two votes. One is 15, which means 28 minutes or so, and the next is 5 minutes, and that can be abbreviated because once we vote, we come back. So if you

don't mind the imposition, we will run over and vote and hurry back.

Mr. BOYD. I will hold my thought, Mr. Chairman.

Chairman HYDE. Thank you. Hold on to that thought.

The Committee will be in recess until after the second vote, and I admonish you to return so we may complete this panel. Thank you.

[Recess.]

Mr. SMITH OF NEW JERSEY. [Presiding.] The Committee will resume. Twenty-eight minutes that Chairman Hyde had suggested they would go, and I do apologize for that, but, Mr. Secretary, I know you were just holding a thought there, and you are ready to proceed. If you would proceed now.

Mr. BOYD. Thank you very much, Vice Chairman Smith.

Mr. SMITH OF NEW JERSEY. I don't think it is on.

Mr. BOYD. Thank you very much.

What I had done was thank the Committee and thank you especially, Congressman Smith, for your efforts to give us a statute which we really view as being an important tool in the DOJ tool bag, if you will, to really prosecute and deter the trafficking of humans and also to do what we can to alleviate the suffering of victims of trafficking. So I thank you, Congressman Smith.

Let me move on because I know there is a lot to talk about and probably a lot of questions the Committee has. Let me talk about the Attorney General's program to combat trafficking in persons and the Department of Justice's efforts at prosecution, outreach, coordination, and protection and assistance to the victims of trafficking.

In March of this year, Attorney General Ashcroft declared that combating trafficking in persons, which I know the Committee knows in many instances leads to situations that are tantamount to modern-day slavery, combating this evil is one of the highest priorities for the Department of Justice. Attorney General Ashcroft announced in March that additional resources would be allocated first to prosecute these cases criminally; secondly, to engage in meaningful outreach efforts targeting vulnerable victims, potential victims and their advocates and services providers; and third, to coordinate between the various agencies of the Government, some of which are represented here today, who have responsibilities to eradicate trafficking and to ameliorate the suffering that it causes.

Let me talk briefly about the prosecutions. To improve our prosecution efforts in the Department of Justice, the Attorney General issued the first guidance to all 94 U.S. Attorneys' offices concerning Federal prosecutions under the act. The guidance details the important new law enforcement tools available under the act. The INS, the Immigration and Naturalization Service, has also sent guidance to its district offices regarding its role in implementing the act.

The Attorney General also announced the creation of new attorney positions in the Civil Rights Division's Criminal Section, new additions that I am delighted to have as part of our efforts to eradicate human trafficking. I should say, Mr. Vice Chairman, that our Criminal Section in the Civil Rights Division is an office that historically has specialized in investigating and prosecuting human

trafficking cases and other similar Federal civil rights crimes. We have done a number of these cases in the last year. In fact, in August, a Federal grand jury returned a 22-count indictment charging 3 defendants with violations of numerous Federal statutes including involuntary servitude and forced labor under the act. Two of the defendants pleaded guilty to conspiracy and will be sentenced in January. We also allege that one of the defendants held nearly 250 Vietnamese and Chinese workers in involuntary servitude for 2 years in the U.S. Territory of American Samoa, using them as forced labor in a garment factory. Approximately 180 of the victims remain in the United States and are assisting law enforcement.

Now, there are a number of other cases that we have brought over the course of the last year, and they range from the type of case that I have just described to the Committee to cases involving young women and girls who have been brought into America unlawfully for the purposes of having them serve in sexual servitude and to be exploited sexually. And I won't go through all of those because I know the Committee has questions, but I would say they are set forth in great detail in my written statement, which I know the Committee will make a part of the record.

Mr. Vice Chairman and Members of the Committee, human trafficking cases, as I know many of you know, are labor-intensive and time-consuming. Nevertheless, the Department of Justice has prosecuted—if I can give you these statistics, I think they are helpful to put this in context. The Department of Justice has prosecuted 34 defendants in fiscal year 2001, more than four times as many as in the previous year. As of October 2001, the Department of Justice had 89 investigations pending, approximately a 19 percent increase over the number that were pending a year earlier, and a threefold increase since establishing our Trafficking in Persons and Worker Exploitation Task Force toll-free hotline in February 2000. And I want to be clear. Although only one of our current prosecutions involves specific violations under the new criminal provisions of the act, we expect that many of our 89 open investigations will end up having allegations and evidence to support those allegations that will result in indictments under the act.

I should also say that there are other cases kicking around the Department of Justice on related prosecutions that we also expect may give rise to specific violations of the act, and we are reviewing our cases to make some assessment of what the scope and magnitude and what those numbers are likely to be.

Let me talk briefly about outreach. The second part of the Attorney General's anti-trafficking program involves outreach, and also in March, Attorney General Ashcroft announced that there would be permanent funding of the DOJ's toll-free hotline. And I have already spoken about the information fruits from that hotline in that it has translated into three times as many cases as we had prior to the commencement of the hotline. He also directed the creation of a community outreach program to work with local community groups, victims' and immigrants' rights organizations, shelters, and other interested and concerned organizations and service providers.

The Department of Justice is also providing expertise and assistance in training prosecutors, police and judges overseas to combat human trafficking in other countries. We were informed by both do-

mestic and international law enforcement and intelligence agencies that trafficking in persons is a steadily increasing international and transnational problem.

Let me move to coordination. The third part of the Attorney General's strategy is to increase coordination among Department offices in order to investigate and prosecute human trafficking cases more effectively and more efficiently. Attorney General Ashcroft directed both the FBI and the Immigration and Naturalization Service to work with the Civil Rights Division to explore ways to identify victims of trafficking and to refer these cases promptly to the Division for prosecution. As I know the Committee knows, the FBI and the INS play critical leadership roles in identifying victims and investigating these cases that so offend our moral and our legal sensibilities.

Another important method of facilitating coordination that I want to mention is the Trafficking in Persons and Worker Exploitation Task Force. This interagency group helps coordinate the investigation and the prosecution of trafficking cases and seeks to ensure, and this is equally important, the protection of victims of trafficking and other exploitative work practices. And I am one of the cochairs of the task force along with the Solicitor of Labor, and the task force also includes several other representatives from many offices within the Department of Justice and the Department of Labor and other interested and involved Federal agencies. In addition, the task force has created 15 regional task forces, each of which has points of contact from local offices of various Federal agencies represented on the task force.

Mr. Vice Chairman, if I can move quickly, because I suspect this will be a matter of some interest to the Committee, to the protection and assistance to victims of trafficking aspects, our work with respect to the T nonimmigrant status regulation and the regulation promulgated to implement section 107(c) of the act. As I know the Committee knows, the act created a new nonimmigrant status. The T visas are for eligible victims of severe forms of trafficking as set forth in section 107(e) of the act.

Although the Department has not yet published a regulation to implement this provision, I am happy to say that last week we did submit an interim rule to the Office of Management and Budget, the OMB, and the rule addressed the essential elements that must be demonstrated for a person to be classified as a T nonimmigrant alien. It also sets forth the procedures to be followed by applicants to apply for T visas, and also provides evidentiary guidance to assist in the application process.

Relatedly on July 24 of this year, Attorney General Ashcroft announced the issuance of a regulation implementing section 107(c) of the act, and I do want to thank you, Vice Chairman Smith, for your participation in that announcement. I know that this is an important aspect in implementing the provisions of this act, and I know you participated in the publicity surrounding the issuance of this important regulation.

This regulation instructs Federal officials to provide victims of human trafficking with legal protections and other assistance as their cases are investigated and prosecuted by Federal authorities. The 107(c) implementing regulation requires Federal officials to

identify victims of severe forms of human trafficking, protect those victims who are in custody, provide victims with access to information and translation services, and establish legal mechanisms for allowing victims of severe forms of trafficking in persons who are potential witnesses continued presence and reasonable protection in the United States. And finally, it provides for developing appropriate training for Department of Justice and State personnel in investigating and prosecuting these cases.

Let me speak briefly about HHS certification, and I know Assistant Secretary Horn is here. Victims of severe forms of trafficking may be eligible for a number of benefits and services regardless of their immigration status. Under section 107(b) of the act, alien victims of severe forms of trafficking are eligible for many Federally funded assistance programs to the same extent as aliens admitted to the United States as refugees. The Department of Health and Human Services will testify about the implementation of 107(b) today, but I can report that the Department of Justice and HHS have worked very closely together over the course of the past year, and we remain in frequent communication about how best to implement the act and, most importantly, to assist victims of trafficking.

The act also authorizes a \$10 million grant program to fund State and local governments, Indian tribes and nonprofit, non-governmental victim service organizations to develop and expand programs for trafficking victims, and we are very happy to hear that this funding has been included in the Department's fiscal year 2002 appropriation, which I understand the President signed yesterday. I should say that the Department, therefore, is prepared to hit the ground running to implement this grant program.

Let me conclude by saying that since the passage of the act, the urgent need for its provisions has become more and more apparent to those of us charged with the act's enforcement. The Department of Justice has encountered many human trafficking victims who need our assistance and our protection from traffickers. We commend you for passing this important legislation, and I assure you that we are working, and I promise that we will continue to work, diligently to implement the act and to help bring a real measure of comfort, of justice and of dignity to trafficking victims who find their way to our shores. Thank you very much.

Mr. SMITH OF NEW JERSEY. Thank you very much for your full testimony, and your full statement will be made a part of the record.

[The prepared statement of Mr. Boyd follows:]

PREPARED STATEMENT OF THE HONORABLE RALPH F. BOYD, ASSISTANT ATTORNEY
GENERAL FOR CIVIL RIGHTS, U.S. DEPARTMENT OF JUSTICE

INTRODUCTION

Mr. Chairman and members of the Committee, I thank you for affording me the opportunity to appear before you today to present testimony concerning the implementation of the Trafficking Victims Protection Act of 2000 (TVPA). The Department of Justice is grateful to the Committee and to Congress for passing this vital piece of legislation. The TVPA creates new tools that enhance the Department's ability to prosecute traffickers, and it allows us to assist trafficking victims in ways that simply were not possible before the TVPA was passed in October 2000.

Trafficking in persons—also known as “human trafficking”—is a form of modern-day slavery, and, although unknown to many, it is a significant and persistent problem in America and internationally. Victims are often lured with false promises of

good jobs and better lives, and then forced to work under brutal and inhuman conditions. Many trafficking victims are forced to work in the sex industry, but trafficking can also take place in labor settings involving domestic servitude, prison-like factories, and migrant agricultural work. An estimated 50,000 women and children are trafficked into the United States each year.

The TVPA sets forth a three-pronged strategy to combat the crime of trafficking in persons: providing protection and assistance to victims, prosecuting offenders, and preventing human trafficking by working with authorities in the victims' home countries. My remarks today will focus on the areas in which the Department of Justice is most directly involved—the prosecution of traffickers and the protection of victims in the United States.

Combating human trafficking is one of the highest priorities for Attorney General Ashcroft and the Department of Justice. In March 2001, the Attorney General set forth new steps to address trafficking in persons, and in July 2001, he announced the publication of a regulation implementing a portion of the TVPA. The Attorney General noted:

Human trafficking is a serious violation of the law. It is an affront to human dignity. The Department of Justice is determined not to stand idly by while the toll in human suffering mounts. Human trafficking victims often are too young, too frightened, too trapped in their circumstances to speak for themselves. By setting high standards of conduct for federal officials in meeting the needs of these victims, we hope to be the victims' voice, to lessen the suffering, to prosecute those who commit these crimes to the fullest extent of the law.

ATTORNEY GENERAL'S PROGRAM TO COMBAT TRAFFICKING IN PERSONS

In March 2001, the Attorney General declared that combating trafficking in persons was an important priority for the Department of Justice. He stated that additional resources would be allocated for prosecutions, outreach, and coordination.

Prosecutions

To improve our prosecution efforts, the Attorney General issued the first guidance to all U.S. Attorneys' offices concerning federal prosecutions under the TVPA. Among other things, the guidance document details the important new law enforcement tools available under the Act. For example, the March guidance points out that under the TVPA, those convicted of trafficking offenses may be imprisoned for up to 20 years and, in some instances, for life. This represents a significant increase over preexisting servitude statutes, which carried a maximum sentence of 10 years' imprisonment. Moreover, the guidance explains that the new statutes created by the Act are designed to address the subtle means of coercion that traffickers often use to bind their victims in servitude. Such means include psychological coercion, trickery, and the seizure of documents. Preexisting servitude statutes and case law made it difficult to prosecute such conduct, but the new statutes permit federal prosecutors to address this wider range of activities that traffickers use to facilitate their criminal objectives. The Immigration and Naturalization Service (INS) has also sent guidance to its district offices regarding its role in implementing the TVPA.

In addition, the Attorney General announced the creation of two new attorney positions in the Civil Rights Division's Criminal Section, an office that specializes in investigating and prosecuting human trafficking cases (and other federal civil rights crimes). In our FY 2002 budget request, the Department is seeking an increase of \$770,000 to hire 7 additional prosecutors and 5 support staff to work on human trafficking cases and enforcing the TVPA. In most of our cases, we serve as co-counsel with the 94 U.S. Attorneys' offices across America.

The following descriptions are illustrative of some of the cases the Department has prosecuted this year alone:

- In August, a federal grand jury returned a 22-count indictment charging three defendants with violations of numerous federal statutes, including involuntary servitude. Two others pleaded guilty to conspiracy and will be sentenced in January 2002. We allege that one of the defendants, Kil Soo Lee, held nearly 250 Vietnamese and Chinese workers (mostly young women) in involuntary servitude for over two years in the U.S. Territory of American Samoa, using them as forced labor in his garment factory. He reportedly maintained a captive, cheap and compliant labor force through various coercive means including threats of harm, assaults, beatings, extreme food deprivation, creation of company store indebtedness, denial of other work opportunities, threats of deportation with severe economic consequences including bankruptcy to workers and their families, confiscation of passports, and false arrest. Lee and his subordinates are alleged to have held the victims in a

guarded compound containing a factory, living barracks, and a cafeteria. Approximately 180 of the victims remain in the United States and are helping law enforcement. Trial is scheduled for April 2002. (*United States v. Kil Soo Lee*)

- In August, a federal grand jury in El Paso, Texas returned a six-count indictment charging two defendants with recruiting women from Uzbekistan into the United States under false pretenses, then forcing them to work in strip clubs and bars in order to pay back an alleged \$300,000 smuggling fee. We allege that the victims' passports were taken away, they were required to work seven days a week, and they were told that their families in Uzbekistan would be harmed if they did not comply with the defendants' demands. (*United States v. Gasanov*)
- In August, May, and March, three defendants pleaded guilty to rounding up and enslaving homeless and drug-addicted African-American men in Fort Pierce, Florida, and forcing them to pick oranges against their will by using crack-cocaine, threats and violence. The two primary defendants were subsequently sentenced to prison terms of 55 and 48 months. (*United States v. Lee*)
- In June, three men pleaded guilty in federal district court to bringing two sixteen-year-old Russian girls to Anchorage, Alaska to dance nude in a strip club. The two main defendants were sentenced in August and September to 46 and 30 months incarceration. (*United States v. Virchenko*)
- In March, a Berkeley, California multimillionaire pleaded guilty to using beatings and threats to hold girls captive whom he had brought into the United States from India to work in his real estate business. The victims were predominantly from families of lower castes and were brought here by way of fraudulent employment offers or sham marriages. The defendant was sentenced to 97 months incarceration and was ordered to pay \$2 million in restitution to four of his victims. (*United States v. Reddy*)

Human trafficking cases are labor-intensive and time-consuming matters, often involving many victims and requiring the full-time involvement of multiple attorneys and investigators. Nevertheless, the Department of Justice prosecuted 34 defendants in FY 2001, more than four times as many as in the year before. In addition, we opened investigations into 64 allegations of trafficking in FY 2001. As of October 2001, we had 89 investigations pending, which represents a 19% increase over the number of pending investigations we had a year earlier and a three-fold increase since establishing our Trafficking in Persons and Worker Exploitation Task Force toll-free hotline in February 2000. Although just one of our current prosecutions (*United States v. Kil Soo Lee*) involves violations of the new criminal statutes (Section 1589—forced labor), many of our 89 investigations include allegations that may lead to indictments under the TVPA.

Outreach

To enhance our outreach efforts, the Attorney General announced in March that there would be permanent funding of our Trafficking in Persons and Worker Exploitation Task Force toll-free hotline (1-888-428-7581). He also announced the creation of a community outreach program to work with local community groups, victims' rights organizations, immigrants' rights organizations, shelters, and other interested groups. This outreach program has been under way for several months, and we have had increasing success in informing victims of the protections and services that are available to them, and encouraging victims and others to report suspected trafficking crimes. Justice Department personnel have made numerous presentations to non-governmental organizations (NGOs), shelters, crisis centers, community and advocacy groups, and service providers about the Department's efforts to combat trafficking and aid trafficking victims. We are also working closely with the Department's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) to provide expertise and assistance in training prosecutors, police and judges overseas to combat human trafficking in those countries and regions. Department officials have participated in assistance and training in Poland; Bosnia-Herzegovina; Bulgaria; Kosovo; Macedonia; Romania; the former Soviet republics, including Ukraine; and Thailand; and we have briefed many international visitors to the United States on our new trafficking in persons law.

Coordination

The third part of the Attorney General's March announcement was that there would be increased coordination among Departmental offices in order to investigate and prosecute human trafficking cases more effectively. He directed both the Federal Bureau of Investigation (FBI) and the INS to work with the Civil Rights Divi-

sion to explore ways to identify victims of trafficking and to refer these cases to the division for prosecution. The FBI and INS play a critical leadership role in identifying victims and investigating these crimes.

Another important method of facilitating coordination is the Trafficking in Persons and Worker Exploitation Task Force, formerly called the Worker Exploitation Task Force. This interagency group helps coordinate the investigation, prosecution, and protection of victims of trafficking and other exploitive work practices. The Task Force is co-chaired by the Assistant Attorney General for Civil Rights and the Solicitor of Labor. Department of Justice components include the Civil Rights Division (Criminal Section, Office of Special Counsel for Immigration-Related Unfair Employment Practices), the Criminal Division (Child Exploitation and Obscenity Section, Alien Smuggling Task Force), the FBI, INS, the Executive Office for U.S. Attorneys (EOUSA), the Office of Legal Policy, the Office for Victims of Crime (OVC), and the Violence Against Women Office (VAWO). Department of Labor components include the Office of the Solicitor, the Wage and Hour Division, and the Women's Bureau. Other federal partners include the U.S. Departments of State, Agriculture, and Health and Human Services (HHS); the Equal Employment Opportunity Commission; and the National Labor Relations Board. In addition, the Task Force has created fifteen regional task forces, each of which has points of contacts from local offices of federal agencies.

PROTECTION AND ASSISTANCE TO VICTIMS OF TRAFFICKING

"T" Nonimmigrant Status Regulation

The TVPA created a new nonimmigrant status for eligible victims of severe forms of trafficking in Section 107(e). Although the Department of Justice has not yet published a regulation to implement this provision, last week we submitted an interim rule to the Office of Management and Budget regarding the implementation of Section 107(e) of the TVPA. The rule will address the essential elements that must be demonstrated for classification as a T nonimmigrant alien, the procedures to be followed by applicants to apply for T nonimmigrant status, and evidentiary guidance to assist in the application process. In order to encourage input and feedback from affected communities, the INS conducted a series of stakeholders' meetings with representatives from key federal agencies; national, state and local law enforcement associations; non-profit, community-based victim rights organizations; and other groups. Many officials and components within the Department have devoted considerable time and attention to this issue, and we expect to publish this important regulation in the near future.

107(c) Regulation

In July 2001, Attorney General Ashcroft announced the issuance of a regulation implementing Section 107(c) of the TVPA. This regulation instructs federal law enforcement personnel, immigration officials, and Department of State officials to provide victims of human trafficking with legal protections and other assistance as their cases are investigated and prosecuted.

The 107(c) regulation requires federal law enforcement personnel, immigration officials, and Department of State officials to: (1) identify victims of severe forms of human trafficking; (2) protect victims in custody; (3) provide victims with access to information and translation services; (4) establish legal mechanisms for allowing victims of severe forms of trafficking in persons, who are potential witnesses, continued presence and reasonable protection in the United States; and (5) develop appropriate training for Department of Justice and State personnel investigating and prosecuting these cases.

Identifying Victims. Federal officials must identify victims of severe forms of trafficking in persons. The regulation helps clarify the roles and responsibilities of federal officials in identifying victims of severe forms of trafficking as early as possible in the investigation and prosecution process, to ensure efforts are made to see that such victims are accorded the rights described in 42 U.S.C. 10606, and to provide the protections and services required under 42 U.S.C. 10607 and under the TVPA.

Protection. Victims of severe forms of trafficking who are in custody must be protected. The regulation establishes procedures for appropriate federal employees to ensure, to the extent practicable, that victims of severe forms of trafficking in persons are housed in a manner appropriate to their status as crime victims, afforded proper medical care and other assistance, and protected while in federal custody.

Access to Information. Trafficking victims must be informed of their rights, provided information about *pro bono* and low-cost legal services, and given access to translation services if they are unable to communicate in English. In order to help meet these obligations, federal agencies have created two brochures. The first bro-

chure is designed for federal law enforcement personnel to hand out to trafficking victims they encounter during the course of their investigations and prosecutions. EOUSA, the FBI, and INS will send the brochure to their agents and victim specialists in the field. Based on research about trafficking victims found in this country, this brochure is designed to be read at the second-grade level, to provide information to victims about their rights and available services, and to give them specific contact information for the Department of Justice or Department of State law enforcement agency working with them. We anticipate translating the brochure into Spanish, Chinese, Vietnamese, Thai, and Russian—these five languages are among the most common languages spoken by trafficking victims in the United States.

The second brochure is being published by the Department of Justice in collaboration with the Departments of Labor, State, and HHS. It is designed to provide information about federal activities on human trafficking for NGOs that are likely to encounter trafficking victims. The Civil Rights Division plans to send this brochure to the 1,500 organizations and service providers in our trafficking database; post the brochure on our Trafficking in Persons and Worker Exploitation Task Force website (other components within Justice will post it on their websites as well); provide the brochure to Office of Special Counsel for Immigration-Related Unfair Employment Practices grantees (including faith- and community-based organizations), which conduct public education programs for workers, employers, and immigration service providers about immigration-related job discrimination; and use the brochure in outreach presentations before appropriate audiences. VAWO plans to send the brochure for NGOs to the National Domestic Violence Hotline, the National Resource Center on Domestic Violence (which collaborates with 1,800 shelters nationwide), STOP Violence Against Women Formula Grant Program state administrators, and state and tribal domestic violence and sexual assault coalitions.

Continued Presence. The regulation clarifies the procedures for federal law enforcement officials to request that certain victims of severe forms of trafficking in persons, who are aliens and potential witnesses to such trafficking, be permitted to have continued presence in the United States in order to effectuate the investigation and prosecution of those responsible. It also establishes procedures to protect victims' safety, including taking measures to protect victims of severe forms of trafficking in persons and their family members from intimidation, reprisals, and threats of reprisals by traffickers and their associates. The INS may use a variety of immigration mechanisms to ensure the alien's continued presence in the United States. The specific mechanism used will depend on the alien's current status under the immigration laws and other relevant facts. These mechanisms may include parole, voluntary departure, stay of final order, section 107(c)(3)-based deferred action, or any other authorized form of continued presence, including applicable non-immigrant visas. In most circumstances, victims granted continued presence will be eligible for temporary employment authorization.

Training. The regulation provides guidance about training of appropriate Justice and State Department personnel in identifying victims of severe forms of trafficking in persons, in understanding the particular needs common to victims of severe forms of trafficking in persons, and in providing for the protection of such victims. Most recently, in October 2001, EOUSA (in conjunction with several other Department components) organized a training for federal victim-witness coordinators at the Justice Department's National Advocacy Center in South Carolina. The seminar included victim-witness coordinators from U.S. Attorneys' offices around the country, Civil Rights Division officials, and agents from INS district offices. Victim-witness coordinators are on the front line of the effort to combat human trafficking, and they often are the federal government's key liaisons to victims of federal crimes like trafficking victims. They help ensure that victims receive information about their rights and referrals to necessary services.

EOUSA has also used the Justice Television Network (JTN), a satellite television network broadcast to U.S. Attorneys' offices and other components of the Department of Justice, to conduct training on trafficking victim issues. During Crime Victims Rights Week in April 2001, EOUSA aired a panel on JTN comprised of representatives from different areas of the federal government who discussed the special needs of trafficking victims throughout the criminal justice process and the resources that are available to assist these victims. In August 2001, EOUSA aired a panel discussion about how to better assist trafficking victims, with a discussion of the TVPA as well as the labor laws that protect victims of trafficking.

In addition to the guidance sent in March 2001 to all U.S. Attorneys' offices, the first comprehensive training on the TVPA and trafficking cases was conducted for federal prosecutors, agents, and other officials at a December 2000 seminar at the National Advocacy Center. The training included presentations on structuring trafficking investigations and prosecutions from a victim-centered perspective; a panel

on civil approaches to worker exploitation issues; discussion of recent successful slavery prosecutions; and development of action plans by regional working groups of Assistant U.S. Attorneys and agents from the FBI, INS, and Department of Labor. The Department is planning another training course for federal prosecutors and agents during the summer of 2002. The INS has also conducted a series of training activities for Service personnel over the past year.

OVC has provided important training on human trafficking for immigrant service providers at its annual National Symposium on Victims of Federal Crime. In addition, OVC has provided generous funding for the brochures discussed previously.

HHS Certification

Victims of severe forms of trafficking may be eligible for a number of benefits and services regardless of immigration status. Under Section 107(b) of the TVPA, alien victims of severe forms of trafficking are eligible for many federally-funded assistance programs to the same extent as aliens admitted to the United States as refugees under § 207 of the Immigration and Nationality Act. To be eligible to receive this assistance, adult victims of severe forms of trafficking must have been certified by HHS after consultation with the Department of Justice. HHS will testify about implementation of 107(b) at today's hearing, but I can report that the Department of Justice and HHS have worked very closely together over the past year, and we remain in frequent communication and coordination about how best to implement the TVPA and to assist victims of trafficking.

Federal Grants

The TVPA authorizes a \$10 million grant program to fund state and local governments; Indian tribes; and nonprofit, non-governmental victims' service organizations to develop and expand programs for trafficking victims. We were happy to hear that this funding has been included in the Department of Justice's FY 2002 appropriation, and OVC and VAWO (as part of the Office of Justice Programs) are prepared to hit the ground running to implement the grant program. Since 1998, OVC has provided funding to a Los Angeles-based organization called the Coalition to Abolish Slavery and Trafficking (CAST), one of the only programs in the United States that focuses exclusively on victims of trafficking. CAST has provided considerable support to federal efforts to prosecute cases of human trafficking, and the organization has helped the government better understand the unique needs of trafficking victims. The Department's funding efforts are being coordinated with the Office of Refugee Resettlement at HHS, which has also given recent grants to NGOs to assist trafficking victims in finding housing, applying for work permits, studying English, and receiving medical care. The National Institute of Justice, in consultation with other Justice Department components, is supporting research on human trafficking. This research will provide the federal government with a better picture of the needs of trafficking victims.

CONCLUSION

Since passage of the TVPA, the urgent need for these measures has become even more apparent. The Department of Justice has encountered many human trafficking victims who need assistance and protection from traffickers. We commend Congress for passing this important legislation, and I assure you that we are working—and will continue to work—diligently to implement the TVPA and to help bring a measure of comfort, justice, and dignity to trafficking victims in the United States.

Mr. Chairman, that completes my prepared statement. I would be pleased to respond to your questions at this time.

Mr. SMITH OF NEW JERSEY. Before going to Secretary Horn, I do want to acknowledge that Chairman Wolf was here earlier, the Chairman of the CJS Appropriations Subcommittee. It should be noted as he worked his bill through the House, he made sure that every area where there was a trafficking concern it was fully provided for and fully authorized, and we are very grateful for that.

In terms of the foreign upspill, and I will be asking some questions about this later, we are still working to try to ensure that the full authorization moneys are provided there as well.

But I also want to acknowledge that Sharon Payt is also here. Sharon, as the counsel to Senator Brownback, was also very, very helpful and one of the architects of this legislation. So I want to

thank her for being here and for her ongoing work on behalf of trafficking victims.

Secretary Horn.

STATEMENT OF THE HONORABLE WADE HORN, ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. HORN. Thank you very much, Mr. Chairman and distinguished Members of the Committee, for the opportunity to testify on the progress the Department of Health and Human Services has made in implementing the Trafficking Victims Protection Act of 2000.

As evidenced by this panel, HHS is only one of several agencies playing a role in efforts to combat human trafficking. Given the complexity of participating in such a multiagency endeavor, I am pleased at the progress that has been made thus far and am deeply committed to continuing our efforts to implement the law in conjunction with other key Federal agencies.

The Trafficking Victims Protection Act is designed to combat human trafficking by increasing law enforcement, ensuring effective punishment of traffickers, protecting victims, and providing assistance to victims. The law makes adult victims of severe forms of trafficking who have been certified by HHS eligible for certain benefits and services to the same extent as refugees. Victims of severe forms of trafficking who are under 18 years of age are also eligible for these benefits to the same extent as refugees, but do not need to be certified.

In order to ensure the timely certification of trafficking victims, HHS staff consults on a daily basis with a staff at the U.S. Department of Justice which is charged with investigating and prosecuting trafficking cases and referring appropriate cases to HHS for certification. Once we receive a referral, the certification letter is provided to victims safely and without breaches of confidentiality. In addition, we contact local refugee service providers and other benefit-granting agencies to inquire about appropriate local programs to help the victims.

We also work with the Immigration and Naturalization Service to coordinate access to employment authorization documents. This is a critical component because it allows victims to participate in work programs and move toward self-sufficiency. In fiscal year 2001, HHS issued 196 certification letters to adults and 4 eligibility letters to minors under the age of 18. Since the beginning of this fiscal year, four more certification letters for adults have been sent. The majority of these victims, 87 percent, are female. Only 13 percent were male. Although the 204 victims came from a variety of countries, 87 percent were from Vietnam. Victims have also come from Bangladesh, Brazil, Cameroon, China, India, Mexico, Micronesia and Russia. In many of these cases traffickers took the victims' immigration documents, restricted their freedom of movement, and physically and, in some cases, sexually abused them.

Despite the hardship that these victims have suffered, many have been able to successfully participate in the Voluntary Agency Matching Grant Program, a program to help refugees and now trafficking victims attain self-sufficiency within 4 months. The pro-

gram emphasizes employment, English language training, and cultural orientation.

In addition to certification assistance activities, the act calls for HHS, in collaboration with other Federal agencies, to carry out activities and programs to increase public awareness about trafficking. To that end we have been actively involved in outreach efforts aimed at immigrant and refugee communities, NGOs, voluntary agencies, State and local social service providers, State and local law enforcement, the general public and other Federal and State government officials.

Further, in fiscal year 2001, we awarded more than \$1.25 million in discretionary grants to aid organizations throughout the United States. These grants provide these nongovernmental groups the means to assist certified and/or eligible victims of trafficking in order to enhance their transition from victimization to self-sufficiency. In addition, trafficking grant funds may be used to fund other services needed during the time between the date of HHS certification or eligibility letters and the receipt of public benefits and support services.

As important as these steps are, we know that there are still also an estimated 50,000 victims annually in the United States and over several hundred thousand worldwide. One of the barriers to victims of trafficking coming forward is the fear that doing so may result in their being deported. It must be remembered that many of these victims are women and children who have been beaten or raped. We need to help them understand that coming forward would not result in their further victimization, but in their being made safe and provided with help.

To date our efforts have focused on making the program operational. We are now prepared to ensure that we do a better job of communicating to trafficking victims that we will protect them and that we will provide them with support of services. If successful, our model will not only be important for victims here in the United States, but also for trafficking victims throughout the world.

I want to thank you for the opportunity to address HHS's response to this horrendous problem of human trafficking, and I assure you, Mr. Chairman and the rest of the Committee Members, that I am fully engaged in this issue and intend to work as diligently as possible to ensure that all victims of trafficking are provided protection and safety and assured that if they do come forward, they will not be deported, but will be, in fact, provided with the help they need. Thank you.

Mr. SMITH OF NEW JERSEY. Secretary Horn, thank you very much for your testimony and your commitment.

[The prepared statement of Mr. Horn follows:]

PREPARED STATEMENT OF THE HONORABLE WADE HORN, ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. Chairman and distinguished members of the Committee, thank you for the opportunity to testify on the progress of the Department of Health and Human Services (HHS) in implementing the Trafficking Victims Protection Act of 2000. The Administration is fully committed to implementing this important legislation to fight against trafficking in persons and to protecting and assisting trafficking victims.

Since enactment, HHS has acted quickly in carrying out the vision of the Act, always keeping in mind that behind our paper processes are vulnerable human

beings—who have been subjected to severe physical and emotional coercion. These trafficking victims are usually in desperate need of assistance, and HHS has worked diligently to see that once someone is determined to be a victim, no time is wasted in linking them up with necessary benefits and services.

At the same time, however, HHS is determined to see that victims are given the opportunity to regain their dignity—by emphasizing benefit programs geared toward building self-sufficiency, rather than dependency. It has been our experience to date that this approach is what most trafficking victims prefer. When victims are empowered to gain back control of their own lives, everyone wins.

As evidenced by this panel, HHS is only one of many federal agencies playing a role in efforts to combat human trafficking. Given the complexity of participating in such a multi-agency endeavor, I am pleased at the progress that has been made and will commit to continuing our efforts to implement the law in conjunction with the other key federal agencies. Before speaking to our progress, however, I would like to provide a brief overview of the Trafficking Victims Protection Act and our Department's role in its implementation.

I. BACKGROUND

The trafficking of women, children, and men into the sex industry, sweatshop labor, domestic servitude, and migrant agricultural labor is estimated to involve over 700,000 people annually worldwide—and approximately 50,000 annually to the United States alone. To address this atrocity, the Trafficking Victims Protection Act was enacted as part of Public Law 106-386 in October 2000. The Act aims to combat trafficking by increasing law enforcement, ensuring effective punishment of traffickers, protecting victims, and providing Federal and certain State assistance to victims.

The law makes adult victims of severe forms of trafficking, who have been certified by HHS, eligible for certain benefits and services to the same extent as refugees. Victims of severe forms of trafficking who are under 18 years of age also are eligible for these benefits to the same extent as refugees but do not need to be certified.

“Severe forms of trafficking in persons” is defined under the Act to mean: 1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act is under 18 years of age; or 2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

To implement the department's responsibilities under the Act, Secretary Thompson delegated the authority to conduct certification activities to the ACF Assistant Secretary, my current position, which in turn was re-delegated to the Director of the Office of Refugee Resettlement (ORR).

I would like to turn now to our efforts to implement this provision.

II. CERTIFICATION AND VICTIM ASSISTANCE

HHS has been actively involved in developing policies and procedures related to certifying individuals who are determined to be victims of a severe form of trafficking, and making victims eligible to access federal and certain state benefits and services to the same extent as refugees.

HHS has developed a systematic approach to the certification of trafficking victims and the facilitation of their access to benefits and services. ORR staff consults on a daily basis with staff at the U.S. Department of Justice, Criminal Section of the Civil Rights Division (CRD), which investigates and prosecutes trafficking cases and refers appropriate cases to ORR for certification.

Once ORR staff receives a referral, the first step is to produce a certification letter, which is provided to victims safely and without breaches of confidentiality. In addition, ORR staff contacts local refugee service providers and other benefit-granting agencies to inquire about appropriate local programs to help the victims. Many victims are in need of psychological counseling, medical assistance and immigration legal advice.

ORR staff also works with the Immigration and Naturalization Service to coordinate access to Employment Authorization Documents. This is a critical component because it allows victims to participate in work programs and, hopefully, to begin work. In turn, working allows victims to move toward self-sufficiency, improved self-esteem and increased stability to allow them to assist with cases against the traffickers. HHS is also coordinating with the State Department. ORR staff recently briefed Ambassador Nancy Ely-Raphel, Director of the Office to Monitor and Combat Trafficking and her staff on the HHS role in implementing this legislation.

Through this regular contact with refugee service providers and other agencies assisting trafficking victims, ORR continues to learn a great deal about the certified trafficking population in the United States today. In FY 2001, ORR issued 196 certification letters to adults and 4 eligibility letters to minors under the age of 18. Since the beginning of fiscal year 2002, 4 more certification letters for adults have been sent.

The majority of victims, 87 percent, are female. Only 26 victims (13 percent) were men. Although the 204 victims came from a variety of countries, a disproportionate number were from Vietnam (87 percent). The Vietnamese victims were all involved in the same case in which garment workers, who believed they were coming to work in a U.S. factory, were held in slavery-like conditions with their freedom of movement restricted and some suffering physical abuse.

Victims also have come from Bangladesh, Brazil, Cameroon, China, India, Mexico, Micronesia and Russia. For example, some of the victims were forced into a form of domestic servitude, forced to stay in the trafficker's house, suffering physical abuse and no compensation for their work. Other victims were forced to work in the sex industry. In many of these cases, traffickers took the victims' immigration documents, restricted victims' freedom of movement, physically abused victims and did not provide payment for work.

Victims are located throughout the United States. In all, Certification/Eligibility letters were sent to benefit-issuing offices in 19 states plus the District of Columbia.

Despite the hardships that these victims have suffered, many have been able to successfully participate in the refugee program called the Voluntary Agency Matching Grant Program, a program to help refugees, and now trafficking victims, attain self-sufficiency within four months. The program emphasizes employment, English language training and cultural orientation.

Thirty-four percent of the victims applied for food stamps, while 21 percent applied for Refugee Cash Assistance and 35 percent applied for Refugee Medical Assistance. Less than 1 percent of victims applied for Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI).

III. OUTREACH ACTIVITIES.

In addition to certification and assistance activities, the Act calls for HHS, in collaboration with other designated federal agencies, to establish and carry out programs to increase public awareness about trafficking in persons. To that end, we have been actively involved in outreach efforts aimed at immigrant and refugee communities, non-governmental organizations, voluntary agencies, state and local social service providers, state and local law enforcement, the general public, and other federal and state government officials.

ORR staff facilitated training and gave presentations in a variety of organized forums, reaching out to more than 800 people during FY 2001. The content of these sessions focused on the problem of trafficking, background of the legislation, the roles and responsibilities of HHS within the law, the role of benefit-issuing offices within the HHS certification process, and the benefits and services available to certified/eligible trafficking victims.

ORR staff also participated in an interagency working group that drafted a "trafficking in persons" brochure designed for wide dissemination to non-governmental organizations. The brochure focuses on the needs of trafficking victims and what non-governmental organizations can do to assist them.

IV. DISCRETIONARY GRANTS.

The last implementation activity I would like to address is discretionary grants. In FY 2001, ORR awarded more than \$1.25 million in discretionary grant money to eight organizations throughout the United States. The grants provide these non-governmental groups the means to assist certified and/or eligible victims of trafficking in order to enhance their transition from victimization to self-sufficiency. Grant funds may be used for a wide range of services, including case management, temporary housing, special mental health needs (such as trauma counseling), legal assistance referrals, and cultural orientation. In addition, trafficking grant funds may be used to fund other services needed during the time between the date of HHS certification/eligibility letters and the receipt of public benefits and support services.

V. CONCLUSION

As important as are the steps we have taken so far, we know that there are still an estimated 50,000 victims annually in the United States and over 700,000 worldwide. One of the barriers to victims of trafficking coming forward is the fear that doing so may result in their being deported. It must be remembered that many of

these victims are women and children who have been beaten and/or raped. We need to help them understand that coming forward will result not in further victimization, but in their being made safe and provided with help.

To date our efforts have been focused on making the program operational. We are now preparing to ensure that we do a better job of communicating to trafficking victims that we will protect them, and that we will provide them with supportive services. If successful, our model will be important not only for victims in the United States but also for trafficking victims throughout the world.

I want to thank the committee for offering me the opportunity to address HHS' response to the problem of human trafficking. At this time I'd be glad to address any questions you may have.

Mr. SMITH OF NEW JERSEY. Secretary Ballantyne.

STATEMENT OF THE HONORABLE JANET BALLANTYNE, ACTING DEPUTY ADMINISTRATOR, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Ms. BALLANTYNE. Thank you, Mr. Vice Chairman, distinguished Members of the Committee. It is a very great pleasure to be here today to discuss how the Agency for International Development, AID, has responded to the Trafficking Victims Protection Act. We are fully supportive of the objectives of this act and have worked over the past year to incorporate key elements into our overseas programs. USAID works in over 80 overseas missions, and we now have anti-trafficking activities in 24 of these countries. Many of us serving in these field missions, particularly where trafficking is prevalent, have seen this corrosive impact on society.

When I was serving as the AID mission director in Russia, I had a personal experience with a woman—I am sorry, with a girl who was being trafficked. I was in the departure lounge of a small airport in the south of Siberia waiting for a flight that was seriously overdue when a very pretty young girl maybe 11 or 12 years old came over to me and asked what time it was. I pointed to the large clock on the wall and said, well, as you can see, it is noon. I will never forget her reply: “I don't know how to tell time.” I asked where she was going, and she pointed to a middle-aged man in a track suit wearing dark sunglasses and talking on a cell phone. “I am going to St. Petersburg and then to New York,” she said, “and I am going to make lots of money and become a millionaire.” I left the departure lounge and talked to the Russian authorities, and they were escorted out of the lounge. I do not kid myself for a minute that the girl was saved, but at least her sentence was perhaps postponed. I continue to be haunted by the memory of a little Siberian girl who couldn't tell time, but whose time was very clearly rapidly running out.

One need only go as far as the Internet to see what international trafficking in human beings is all about. I do not recommend that these Committee Members or anybody in this room look at the various numerous Web sites from St. Petersburg, Ukraine, Belarus, or you name it advertising or soliciting women, but they are there, and thousands of women and children are putting their resumes and photographs up on those Web sites still believing they have a better life by going abroad. Many have taken the first steps toward becoming victims of trafficking.

USAID has moved quickly over the last year to address trafficking, as required in the act. In fiscal year 2001, we spent \$6.2 million on direct anti-trafficking activities in all regions. These are

a few of the activities we did with this funding. These are described in our easy-to-read 10-page publication, which I commend to your reading.

In Angola we funded a street girl center providing basic literacy training and vocational services for former war wives, abused women, and young prostitutes. In Uganda we are helping to reintegrate girls abducted in the conflicted areas of Uganda. In Bangladesh we are supporting education among vulnerable populations, legal assistance, rehabilitation, repatriation of victims and shelters for women and children. In Nepal we are supporting evaluation of the existing legal framework and institutional mechanisms to control human trafficking. In Ukraine we are continuing a multisector trafficking prevention program.

Since 1999, nearly 11,000 women have received information on the dangers of trafficking and domestic violence, and 26,000 women have used the program's walk-in employment referral and vocational services. Helping victims of trafficking is important, but prevention is the key. We must address its root causes of poverty, lack of education, vulnerability, and low value on women and children, and the lack of legislation, law enforcement and corruption.

In the future USAID will continue to support protection and prevention programs. We must also work to leverage governed policies particularly in countries that permit or cast a blind eye to this human rights abuse. Trafficking is complex and highly profitable. It continues because of poverty, ignorance, and gross negligence on the part of both the exporting and receiving countries. Stopping it depends not only on efforts within source countries, but also on actions of recipient countries, including our own. We have important first steps with the act, and it is encouraging for me to hear what other agencies are doing to make sure that our country is doing the right thing.

AID remains committed to this fight. In implementing the act we are collaborating closely with the other U.S. Government agencies, particularly those represented on this panel, with international organizations, other bilateral donors and nongovernmental organizations. Kathy Blakeslee, who is here with me today, is the Chief of AID's Office on Women in Development and works closely with all these groups. I have known Kathy for nearly two decades and can't imagine anybody more committed than she is.

We will be submitting a statement for the record. Thank you for your kind attention.

Mr. SMITH OF NEW JERSEY. Thank you, Deputy Administrator Ballantyne, for your testimony and for sharing that very powerful story about that young girl.

[The prepared statement of Ms. Ballantyne follows:]

PREPARED STATEMENT OF THE HONORABLE JANET BALLANTYNE, ACTING DEPUTY ADMINISTRATOR, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

INTRODUCTION

Mr. Chairman and Members of the Committee, I am pleased to be here today to represent the U.S. Agency for International Development at this hearing on the implementation of the Trafficking Victims Protection Act. This Committee has provided true leadership in initiating this legislation to address the global problem of trafficking in persons. Internationally, the United States is clearly in the lead in the fight against trafficking. As a result of our efforts, there is increasing interest and

potential opportunity for future collaboration with other development cooperation agencies.

Trafficking in persons for purposes of sexual and economic exploitation is a highly profitable criminal enterprise through which human beings, many of whom are still children, are coerced into commercial sex work, domestic servitude, and forced labor. As your legislation indicates, this is “a modern form of slavery.” It is an abuse of human rights that degrades not only its victims, but also our collective humanity.

The U.S. Agency for International Development is committed to playing a critical role in the implementation of this legislation in relation to trafficking in developing and transition countries in which we work. Combating trafficking is the responsibility of all parts of the agency, field missions, regional bureaus and central bureaus. The USAID Office of Women in Development is coordinating this work within the agency and represents USAID on the Inter-Agency Taskforce.

BACKGROUND

Trafficking of persons is a complex global criminal problem for which there are no silver bullets. USAID is working closely with the State Department because anti-trafficking efforts call for diplomatic, legal and enforcement interventions in source, transit and recipient countries. Trafficking is also a development problem. The low value placed on females and the vulnerability of women and children, combined with poverty and expanding global markets for sex and cheap labor, are important factors underlying much of the trade in humans. The nature of trafficking varies by region, although there are some common threads. Not all, but most trafficked individuals are women or children and most are threatened with physical and emotional abuse.

Both natural and man-made disasters lead to and exacerbate poverty, insecurity, population displacement, separation from families, and desperation—conditions under which trafficking flourishes. The economy of war and conflict also breeds the enterprise of trafficking. In conflict areas in sub-Saharan Africa, young children are abducted and pressed into conflict as child soldiers or as sex slaves.

To mount effective anti-trafficking interventions we must understand the factors underlying the vulnerability of particular groups and individuals, how traffickers are able to dupe, trick or threaten individuals or their families and how economic, social and political conditions globally as well as within countries exacerbate the problem. For example, the deteriorating economic conditions in the former Soviet states have stimulated migration outside the region. As the motivations for migration grow, the opportunities for trafficking increase. Economic migration often has been assumed to center on adult males. However, females form a large portion of those who find themselves needing to migrate for economic reasons, and they are very valuable prey to traffickers.

Trafficking is increasingly intertwined with the HIV/AIDS epidemic. Women and girls who are trafficked into the commercial sex trade are at increased risk for contracting the HIV infection. In India, 71 percent of the sex workers in Mumbai were HIV positive in 1997. In Cambodia’s two largest cities, 40 percent of the 40,000 sex workers were infected with HIV. The infection is then spread further into the rest of the population. HIV positive trafficking victims may then be stigmatized and find acceptance back into their communities difficult. Women and girls who are trafficked into forced labor or domestic servitude also may be subjected to sexual violence and abuse and become HIV infected.

IMPLEMENTATION OF THE TRAFFICKING VICTIMS PROTECTION ACT

A significant part of USAID’s development assistance is aimed at reducing poverty, promoting the rule of law, supporting the education of girls, and fostering economic and political opportunities for women. These programs help to create conditions that lessen the vulnerability of women and children to traffickers. In addition, USAID is funding direct anti-trafficking activities aimed primarily at prevention of trafficking and assistance and protection for victims. These include prevention through economic and educational opportunities targeted at groups that are especially vulnerable to traffickers, public awareness, legislative changes, protection and rehabilitation for trafficked victims and enforcement of anti-trafficking legislation.

Assistance and protection for trafficking victims require restoration of a sense of safety and security for these individuals as well help and preparation for returning to their communities and families where that is possible. Prevention and protection activities often overlap or are one and the same. For example, public education both warns communities, families and individuals of the dangers of trafficking and also serves to explain the phenomenon, placing accountability on the traffickers rather than the victims. Shelters and protection for trafficked individuals can prevent them

from being re-trafficked. Efforts to help governments meet minimum standards to eliminate trafficking include legislative reform and enforcement activities, strengthening public education and nongovernmental organization efforts to prevent trafficking and help victims.

In FY 2001, USAID provided approximately \$6 million for direct anti-trafficking activities in all regions through field missions, regional bureaus and the Office of Women in Development. Approximately \$2.5 million was obligated for the former Soviet Union and Central Asia. Another \$1.3 million is being spent in Asia. Over \$2 million is being spent on programs supporting assistance for trafficked children in Africa, cooperation between nongovernmental organizations and governments in Central Asia, and an examination of cross-border trafficking in Latin America and the Caribbean. In addition, USAID also manages significant anti-trafficking programs that are funded through the State Department.

USAID's anti-trafficking activities are concentrated in countries that appear on Tiers 2 and 3 of the Trafficking in Persons List. We expect to focus on additional countries on this list in the future. Tier 3 includes 12 USAID-recipient countries, four of which have direct anti-trafficking activities. Tier 2 includes 33 countries in which USAID supports activities, and we have funded anti-trafficking activities or studies in 15 of these.

COLLABORATION AND COORDINATION

USAID is a member of the Inter-agency Taskforce on Trafficking and is working collaboratively with State Department and with embassies in a number of countries. We provided funds to an embassy-sponsored meeting in Almaty to bring together nongovernmental organization and government representatives from the five Central Asian states to talk about how to address trafficking in that region. In India, the USAID mission is working closely with the U.S. Embassy on the trafficking problem within that country. USAID is participating in a meeting on trafficking in West Africa sponsored by the U.S. Embassy in Abuja. We are also in touch with other U.S. Government agencies, for example, the Departments of Labor and Education.

CONCLUSION

USAID has long been a leader in focusing on the problems faced by vulnerable women and children, precisely those groups most at risk from trafficking. Targeted development efforts—the reduction of poverty, particularly among vulnerable groups; increases in the economic and social status of women; education and skills training for girls and young women; and public education for communities, families and individuals—have an important role to play in prevention of trafficking in developing countries. Specific trafficking prevention and victims' protection interventions should be set within the context of larger development programs so that their impact is reinforced by overall development progress. USAID expects to increase its funding for anti-trafficking activities in the future, to further integrate them into our overall development efforts and to focus efforts on additional countries that are in Tiers 2 and 3 of the Trafficking in Persons List.

Mr. SMITH OF NEW JERSEY. Very briefly, Dorothy Taft, who is the Chief of Staff and General Counsel at the Helsinki Commission of which I chair—we were in St. Petersburg 3 years ago, and at the parliamentary assemblies I routinely, ever since that assembly, have brought up resolutions trying to get the other parliamentarians of the 54 other nations that make up the OSCE to look at their own laws and realize that one law is not enough. Our law, whatever positives or negatives it may have, would be infirm if other laws and other cooperation is not forthcoming from other countries.

And I was amazed 3 years ago at the St. Petersburg conference with the disbelief bordering on contempt that I was met with. The resolution did pass, but it was one of those things where one delegation after another particularly in our bilaterals would come back and say they are just prostitutes. One representative, and I had to restrain myself in terms of my reaction to him, was so condescending to women who were caught up in the horrific cycle and

degradation of prostitution, and particularly those who have been coerced, thought it was just a figment of my imagination. The Duma's speaker for Russia did not respond, although he has since become much more open to this problem, which leads to my first question, and perhaps, Deputy Administrator, you might want to respond to this.

When we were working on this legislation, there were many within the Department who said that by having a provision where nonhumanitarian aid could be withheld. In other words, there is a sanction that could be imposed, of course there is a time period hopefully so they can make whole and fix their own problem, and we also give a very generous waiver to the President to not impose it if he sees fit. We were told that this would actually hurt the individuals that we are desperately trying to protect and save.

Obviously there has also been a listing of Tier 3 countries. Many of us think there are some Tier 2 countries that ought to be on Tier 3, but these egregious offenders have been named by name. Has there been any retaliation? Have you heard from the ADA offices? And, Secretary Dobriansky, I would have liked to have asked her, and perhaps she can do that for the record. Of course, Ambassador Raphel could respond to this as well. As a result of that provision, we have named names now and put it on the table and said this is unacceptable. Has there been retaliation?

Ms. BALLANTYNE. I will have to check back and see if we have had any instances of withholding assistance.

I think the question you have raised, though, is a very important one. The carrot and the stick. Do we, in fact, in countries where there is willful or knowing violation of some of the principles that we hold very dear, by walking away are we eliminating the chance of correcting them? I am a great believer in dialogue, and you can't carry on a dialogue if you don't have anybody there to talk with. I have worked in six overseas countries, several of which have provisions and social customs which are very anathema to the way that we think. I would like to think that by being there, working with colleagues, working with other international donors, with some of the NGOs, that we have been able to provide the kind of guidance that has lessened the impact of some of these practices. I will have to check, though, to see if we have—

Mr. SMITH OF NEW JERSEY. Ambassador Raphel.

Ms. ELY-RAPHEL. I, too, would have to check. I don't believe we have, but I don't know for a fact.

Mr. SMITH OF NEW JERSEY. Let me just ask, several weeks ago an amendment passed on the Floor of the House. I mentioned Frank Wolf's bill being fully—appropriations meeting the authorization levels. It passed 427 to zero. As a matter of fact, I offered it to fund the foreign ops part, the \$30 million. We have been told that there are some people within the Department that have suggested the absorptive capability of using that money wisely doesn't exist, and while the Senate didn't have any, we had 30-

My fear is that we will come in with a number that is far less than 30-, and it seems to me that at a time when we are creating a box, thinking outside of it isn't asking all that much. We want more programming, not less. We know that countries are having a difficult time even on a technical basis crafting new laws on this,

particularly in the emerging Eastern European and Central European countries. It seems to me that technical advice does cost money, and that money could be well spent if we had an action plan.

Perhaps one of you might want to respond. Can the \$30 million be spent effectively in the foreign ops section?

Ms. BALLANTYNE. I am not sure what the exact amount is. We have over the past year in many start-up programs spent a little bit over \$6 million. A lot of the limitations stem from the fact not of lack of good ideas and lack of appropriate counterparts. Certainly in Russia with all the problems you have mentioned, Mr. Vice Chairman, there are dozens and dozens of nongovernmental organizations who are very much concerned with the rights of women and trafficking of women.

The problem we have is on the operating expense budget of our own. We don't have enough people, enough American Foreign Service direct-hire staff to get out there and provide the proper supervision. I don't know what the right number is, but whatever number comes up, you can be assured that we will do our very best to see that it is well spent. There are limitless opportunities. It is just how we go about delivering it.

Mr. SMITH OF NEW JERSEY. I would point out in a bipartisan way with Mr. Hyde and Mr. Lantos leading, a letter has been sent to Mr. Kolbe and to Nita Lowey, the Ranking Democrat, asking that the full \$30 million be provided because the belief being that every dollar of that could be and should be spent. And, again, if it means coming up with additional programs, I know for a fact when you are talking about victims overseas being protected, there are a number of recommendations, and I have even brought back a few. One of them was from our Ambassador Lindy Boggs, when she was Ambassador to the Vatican, for a refuge that would be in Italy. We know in Albania and elsewhere there are a number of proposals to provide refuge. That takes money. The mere \$10 million for that section could be spent in a fortnight, I would think.

So I would hope at this critical juncture you would consider weighing in and the Administration would, because otherwise we will get far less, and implementation, as

Mr. Hyde pointed out, is absolutely crucial to this. And add to the fact obviously these countries are on Tier 3. Those who may go on it would want to get off, and finding the means to that end, if we can be of help, it seems to me that would be money well spent.

When can we expect OMB to approve? This is a long process, obviously, people will slip through the cracks. And secondly, on prosecutorial discretion, we know that the Attorney General has issued guidance, he has been very strong in his support of this as a Senator prior to becoming Attorney General.

And prosecuting those people, it seems to me, one reason why we went to 20 years and up to life imprisonment was that the penalty was so minuscule, especially for first offenders, that many U.S. Attorneys saw the other type of trafficking, weapons and drugs, as a far more promising potential for them.

Now we have the tools, as you pointed out. Are U.S. attorneys taking seriously that guidance? Is there any kind of feedback as to who really is taking it more serious than others? I mean, they are

not independent. They all work for us. We all work for the people. My hope is that they are taking that guidance very seriously.

Mr. BOYD. Thank you for that question, Congressman. Let me say this in response to your question. It is still early on. But one of the important aspects of our enforcement efforts in the Department of Justice is for those of us in the Civil Rights Division who have the experience doing these cases and these kinds of cases, even cases involving forced labor and involuntarily servitude and slavery prior to the enactment of the act, one of the things we are charged with is using our expertise and our experience to train and educate the very able assistant United States attorneys in the various 94 U.S. Attorney offices across the country.

I am happy to say that we had our first formal training session this summer at the National Advocacy Training Center in South Carolina. We have another training session that is scheduled for this summer. During the interim, we are not standing pat. In fact, the folks in the Criminal Section of the Civil Rights Division are engaged in an ongoing effort to provide consultative services drawing on our experience and our expertise in talking to U.S. Attorneys offices across the country about the extent to which this is a priority and the enhanced substantive and sentence enhancement tools that the act gives us. And in fact, we're offering advice and judgment and guidance about bringing these cases and we're offering it to cut co-counsel, local assistant United States attorneys across the country.

Indeed, the publicity, the very good publicity we have gotten about the early cases that we have done, I think, has sparked a real interest among prosecutors across the country. As the Vice Chair may know, prior to coming to this job, I was an assistant United States attorney out in the field for several years. This is the kind of case that really gets the juices flowing of prosecutors who are dedicated and committed to protecting people, particularly the most vulnerable people among us.

So I would suggest to you that it is early, but you have given us the tools. We have the will. We have the expertise, and we are going to train, educate and proselytize to our prosecutors across the country. This is really a joint effort within the Department of Justice.

With respect to the timing of the issuance of the T Visa, as I said in my opening remarks, we submitted the interim T Visa rule to OMB on November 20th. By rule, the Office of Management and Budget has 90 days to conduct that review.

I will say that in this instance, which isn't always the case, but certainly in this instance, we front-end—we front-loaded the vetting process that OMB goes through. We went through that process internally in the Department of Justice realizing how important it was to get this right and get it right in the first instance. We recognized that we had an abiding determination to really get it right. It is complicated, but it is important.

We vetted it with all of the relevant components within the Department of Justice and also vetted the issues, the complex issues surrounding the promulgation of the regulation, with other involved and interested agencies, both in and out of Government. So

we are hopeful that that will assist OMB in their vetting process. They can technically ask for more time.

But we expect that—they have until the end of February. We are hopeful to get it back from them at that time. When we receive it back, that is the review and the check-off from OMB, the Department of Justice, our Office of Legal Counsel, OLC, does a final check on it, and then it goes to the Attorney General for his signature.

We expect that to be a process of days or weeks, certainly not months. So we are helpful by this spring we will be somewhere. Can I add one thing, Congressman? Lest there be no misimpression, the interim rule that we promulgated in July of this year implementing the provisions of section 107(C) of the act really is a provision to protect and provide for the continued presence of potential victims of trafficking in this period before there is a formal published rule.

Mr. SMITH OF NEW JERSEY. So it is a bridge?

Mr. BOYD. Yes.

Mr. SMITH OF NEW JERSEY. That is encouraging. The sooner the better, obviously. This is a demand-driven exploitation. The sooner we get some very significant prosecutions and put some of these thugs behind bars, the sooner the message will be sent that it doesn't pay, and we dry up demand. As we all know, you begin to dry up the source and the pressure—full-court press obviously will hopefully put these people out of business.

Ms. Watson.

Ms. WATSON. Yes. I think my question might have already been answered. But there was a transmittal package for the U.N. for their protocol on combatting trafficking. It was going to be reviewed by you before we get it on to the Senate. And I was wondering if it can be expedited?

Mr. BOYD. The short succinct answer is I don't know, but I promise to check and get back to you forthwith, as we lawyers say.

Ms. WATSON. Please do. Thank you. Appreciate it.

Mr. SMITH OF NEW JERSEY. Any—Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I want to commend our witnesses for their eloquent statements made before the Committee.

I do have a couple of questions and appreciate the opportunity to raise some of these concerns or issues with our panelists.

First of all, I am very impressed with the fact that there is an active participation and interaction among the respective Federal agencies in trying to implement the provisions of this law.

And I might also, with a tremendous amount of tolerance in not expecting a whole lot, given the fact that the law is fairly new, and that some of our leaders have simply just started to make provisions, even in trying to put up the regulatory process and some of the provisions of the law. So I fully can understand and appreciate that.

I take it that the Department of Justice is the lead agency on this whole aspect of human trafficking. And basically, if I were to review the law, it comes under two basic categories, or maybe even more, they are basically forced labor and forced prostitution.

And I wanted to ask Mr. Boyd, if I am correct that the Department of Justice is the lead agency on this?

Mr. BOYD. With respect to enforcement, we absolutely are. It is our job to identify those situations and to make the victims of that conduct feel safe and comfortable so that they will work with us.

I mean, there are two important features that you all have given us in this—in this legislation. One is the enhanced ability to do the investigative and the prosecutive function by giving us additional substantive crimes and also meaningful sentence enhancement. But the other piece is to provide aid and comfort to victims. It really is a victim-oriented statute. And that is an important part of what everybody else is involved in.

Mr. FALEOMAVAEGA. And not taking anything away of wanting to be helpful to the victims, but I would like to raise the question, what is the weight of the criminal penalty, under the current statute? Are you satisfied to put these traffickers in a very meaningful way—in terms of as much as I want to look to the victims, but I want to get ahold of the traffickers as well. I wanted to ask our Assistant Attorney General Boyd, under the current provisions of the law, is there sufficient teeth in the law to make sure, because it seems to me it is the traffickers also that are perhaps even more responsible than the victims themselves.

I wanted to make sure that the law is strong enough that we make a real aggressive effort to apprehend these people who are responsible for this.

Mr. BOYD. Answering as a professional prosecutor, my first answer is, I always love more and better tools to enforce the law and protect people. But I should say that the tools that Congress has given us are excellent and we can use them effectively.

The enhanced sentencing provisions under the statute hike, in many instances, the—the statutory term of incarceration up to 20 years, and in aggravating circumstances, a sentence of incarceration of up to life.

As you know, Congressman, the—the Federal law now has taken away the opportunity for parole. So the sentences that are actually given out under the Federal sentencing guidelines—which provide for a lot of aggravating factors—add to the sentence that is actually imposed. And the sentence that is ultimately imposed is pretty much a real sentence. So when we see these people sentenced to 10 years, for example, 10-year sentences or sentences in that area, that is pretty close to being a real 10 years. That is not 10 years reduced by some significant factor.

So the short answer is, the statute has upped the sentencing provisions in a way that we think gives some meaningful clout to our efforts to deter traffickers.

Mr. FALEOMAVAEGA. I have my own personal opinion in terms of the penalty that ought to be heaped upon the traffickers, especially if the victims are children. As far as I am concerned, they should be sentenced to life without parole. We can invite capital punishment when it comes to the lives of innocent children. That is my personal opinion.

But I wanted to ask you, Mr. Boyd, if I am way off the track on this. Where I come from, we do it in a more effective way, rather

than just putting them in prison. But I just want to solicit your comment.

Mr. BOYD. Well, we are—our principal mission in the Department of Justice is a dual one; to protect people but uphold the primacy of the law. So we are going to work with what Congress has given us. But I will say that in the rubric of the Federal sentencing guidelines, some of the aggravating factors that you mentioned, the involvement of children and the brutalization of children and the deception and induction of children are factors that would properly add to the sentence under the Federal sentencing guidelines scheme.

Mr. FALEOMAVAEGA. Well, let me ask you this, Mr. Boyd. Would you accept a proposed amendment on my part that the penalty for traffickers that would do harm to children should be life imprisonment without parole, no ifs or buts.

Mr. BOYD. I would say that that would not offend me.

Mr. FALEOMAVAEGA. Would Attorney General Ashcroft have any problems with that?

Mr. BOYD. I can't speak for him. I haven't discussed the issue with him. But my sense is, and it is certainly not an official position, but my sense is that he would be sympathetic to what you have expressed.

Mr. FALEOMAVAEGA. I like your sense.

The T Visas. You say that it is in the process right now of being developed into regulations. Have there been an opportunity given for public comment?

Mr. BOYD. I believe we are in the public comment period—actually I am—

Mr. FALEOMAVAEGA. How many more days left?

Mr. BOYD. No is the answer.

Mr. FALEOMAVAEGA. It has gone past? Yes. I wish I would have known about it there. There is a concern, too, about the problems of, say, pretensions that these women that are brought into our country for purposes of employment, especially to serve as nannies, household girls, and in many, many instances, these poor women end up being abused. There are also instances of ads being put out that a man wants to look for a wife. Is that a legal transaction that you can purchase or make a contract, that I can buy a woman to become my wife in this country? Is there any laws that will be against that process?

Mr. BOYD. It certainly offends—I would say there would be a consensus in America that that offends our values. I would imagine that you could contract to—contract to purchase someone to be a wife, but I can't imagine there is any jurisdiction within these United States where that would be viewed as an enforceable contract.

Mr. FALEOMAVAEGA. I am curious because under the current trend now, it says that most marriages are under some sort of prenuptial arrangement. It is a contract. It is no longer until death we part or something to that extent. So what would be the difference if I wanted to do a contract with a beautiful woman from Scandinavia to become my wife, and I would pay her a certain amount of money for a certain amount of years. Is that considered legal in our country?

Mr. BOYD. I am not an expert in this area of the law, Congressman. But my sense is that that would be a difficult contract to enforce.

Mr. FALEOMAVAEGA. This leads me to my next question that Congressman Issa had raised earlier. And I think it is an interesting observation. At least I would like your comment, and certainly the other members of the panel are welcome to respond. I think what Congressman Issa was referring to is that we are putting the onus on these countries about forced prostitution, forced trafficking, employment, and this is not being derogatory against the State of Nevada for legalizing prostitution.

But it kind of puts a hedge on being somewhat hypocritical on our society to say that you can't do this, and I suppose the difference here is that there is a difference between voluntary prostitution and legalizing prostitution, and I think, as I understand, one very advanced European country legalizes prostitution.

Now, where does the law come into play in this, especially with the policy of the Administration, any form of prostitution is against the Administration's policy. I just—I wanted to get a response on that.

Mr. BOYD. This issue was raised earlier with respect to Nevada law. I guess I would say from the Department of Justice's perspective the following: That is that Nevada law, which allows brothels to operate under certain circumstances, certainly would not excuse cases of prostitution involving force, fraud or coercion.

And it certainly would not, in instances where children are involved.

Mr. FALEOMAVAEGA. Mr. Boyd, this raises a very interesting question. I would be importing women for purposes of prostitution as a contract, bring them to the State of Nevada just like they would in any other employment contract, as an engineer or lawyer, with some other firm. Where does our law stand in that kind of a situation where the State of Nevada totally recognizes, by Nevada law, that it is already legal to conduct prostitution.

Mr. BOYD. Well, let me say this. It is an interesting question. I would answer you in this way. That is, Department of Justice prosecutors historically have brought criminal charges under the Mann Act, which is 18 U.S. Code Section 2421. For those boxing fans, it was the statute under which I believe Jack Johnson was prosecuted. But in any event, that statute makes it illegal to transport interstate someone for the purpose of prostitution, and in fact, U.S. Attorneys' offices have prosecuted that very crime.

Mr. FALEOMAVAEGA. Okay. I can see that. Very interesting. What is the approximate total dollar value, Madam Ambassador, worldwide on the forced prostitution and forced trafficking employment that goes on? Has there been an estimate in the terms of the amount of billions of dollars that we are looking at.

Ms. RAPHEL. I don't think there is a figure. People talk in terms of billions of dollars; millions of dollars. But I don't think—it is almost impossible to come up with a figure, because it is very difficult to distinguish trafficking of persons from organized crime, from drug trafficking, they are all interconnected.

Mr. FALEOMAVAEGA. Well, I think under what we are looking at in terms of the law. I would think that some agency would have

some form of a study or review process in terms of what dollar value would be on this issue.

The question of American Samoa, as you had raised, happens to be in my district. I was very much directly involved in this case with these Vietnamese workers that were brought over.

The problem is that there is a very interesting situation. We have no Federal district court there. We have no U.S. Attorneys. We have no U.S. Marshals. And we have very limited resources. In fact, the U.S. Immigration laws do not even apply to this territory. A very, very unique situation. And if you want to make it even more dubious in terms of the legal aspect of this place, is that we are unincorporated and unorganized territory of the United States.

And many Americans I know do not know the fact that we have had over a 100-year political relationship with the United States. But given a very interesting situation with what the Department of Justice has done, and I want to commend the Department of Justice, also with an understanding that the resources, the capabilities of my district to bring up this kind of thing has really given us some real good hair raisers and to the point know that there is absolutely never to be any of this kind of activity to occur in my territory.

I am sure that you are very much aware of the ramifications of this. And I do appreciate what the Justice Department is doing with regard to this.

Not wanting to put the onus on any particular country, but maybe you can just tell me what region of the world, you are talking about Africa, Asia, Latin America. What region of the world tops the list as far as being the most active in conducting forced prostitution and forced labor activities? Madam Secretary or Madam Ambassador, do we have any figures on this?

Ms. RAPHEL. We have figures—it is very difficult because we are still looking and examining the issue. I mean southeast Asia is a major problem. The Balkan states are a major problem. The numbers of women who come out of the former Soviet Union is enormous. It is a worldwide problem.

Mr. FALEOMAVAEGA. I know it is a worldwide problem.

Ms. RAPHEL. I am not sure I can say one area of the world is worse than another. We know that Southeast Asia is one area certainly. And we know what is going on in the former Soviet Union. But that doesn't exclude Africa and Latin America.

Ms. Ballantyne.

Ms. BALLANTYNE. We have done some analysis on this. And Ambassador Raphel is absolutely correct, that this is a worldwide problem. What we have found is the Europe and Eurasia Bureau of AID contains probably the largest number of countries with very severe problems, followed by South Asia and Southeast Asia.

I would like to make one comment. We were talking earlier about the forced prostitution and voluntary prostitution. Voluntary prostitution, I think, is a luxury confined to a very few countries that are in what we call the developed world, where people make that choice that they are going to become a prostitute.

In the developing world, and the world in transition, this is not a choice that someone makes. This is a situation into which one is forced by lack of opportunities, by lack of education, by lack of any

sort of alternatives. One of the things that the Agency for International Development does is we try to create alternatives to the terrible lifestyle into which those forced prostitutes turn. Thank you.

Mr. FALCOMA. And one more question.

Mr. SMITH OF NEW JERSEY. Will the gentleman yield on that point? But I think that presumes too much. Even in the developing world, we have large pockets of poverty. Someone who may even have a great deal of this world's wealth may have been abused by her father, and may have experienced some other exploitations. So, I mean that was a big battle we went through last year. We wanted to make it absolutely clear that sex trafficking includes those who seemingly entered into this terrible profession as a volunteer which begs the question as to how do you define volunteer given the fact that there could have been a pathology that led to it.

I do hope you are not saying that—luxury was not—

Ms. BALLANTYNE. No. When I talk about luxury prostitution, I am talking about those few people who go on 60 Minutes and explain the lifestyle to which they are accustomed. The vast majority obviously are victims of poverty and ignorance, the same as they were in Albania or Kazakhstan.

Mr. FALCOMA. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. You have been very patient with your time. I would like to ask one other additional question. And that goes to the issue of the Tier 2 countries and the Tier 3 countries again.

As you know, we did define what significant efforts were in the statute, we didn't just leave it to ambiguity. And part of that definition includes the extent of noncompliance with the minimum standards by the government, and particularly the extent to which officials or employees of the government have participated in, facilitated, condoned or were otherwise complicit in severe forms of trafficking.

Mr. Haugen makes again a very pivotal point in his testimony about the police being at the core of the problem and trying to eradicate this terrible sex trafficking industry.

He makes a point to a person talking about the people who are on the side of the Angels in country that are offending. They will admit that nothing will happen in their country until the police are out of the business of sex trafficking and forced prostitution and the perpetrators are held accountable.

We had a situation with the Helsinki Commission a few years—not unlike your situation that you spoke about with that girl in St. Petersburg or was going to St. Petersburg. We had heard of a number of women who had been trafficked out of the Ukraine into Montenegro. LaStrada an NGO that does yeoman's work on behalf of women, had the names, knew where they were, contacted our Helsinki Commission. We wrote to the Prime Minister of Montenegro, Mr. Vujanovic, with the names and where they were and asked for his intercession. One month later they were out, 7 out of 8. The other one had been trafficked into another brothel.

The point that was made by the women was that they were fearful when the authorities came in, because the police themselves were customers and were apparently on the take and providing

protection. It seems to me that as we look at the Tier 2 countries and what is pointed out in testimony that we will receive later, is that one of those Tier 2 countries has an annual victimization number of 500,000. Obviously, that has got to be done with the complicity if not outright aiding and abetting of the police.

My point is, I would hope as we go into that next report, that the issue of the police will be looked at much more thoroughly, because I do think that is the crux. Perhaps the Department of Justice could speak to our law enforcement efforts, how are we—I mean, the person you collaborate with may also have on the side a brothel that he or she is making money hand over fist exploiting women. Is that something that we are sensitive to and will that be further looked at as we go into these reports? And also as well, look to issue interim reports?

Under Secretary Dobriensky mentioned we haven't issued any yet. It seems that there is a spate of information that needs to be looked at about how these police are a significant part of the problem in these countries.

Mr. BOYD. One of the things that we have to do, Congressman, is really get our coordination going in this area so that, particularly law enforcement, the law enforcement piece of this has real access to the kind of information, and one hand knows what the other is doing so that we can make the kind of assessments that you are talking about, which at the end of the day, will advance our prosecution ball significantly.

Mr. SMITH OF NEW JERSEY. I want to, unless—I want to thank our panel, our very distinguished panel, for your commitment, your good work and look forward to working with you as we go forward. And again, I would just say please help us in this final end game on the foreign operations appropriations. If the Administration were to weigh in and I think heavily, we would get the full 30 million. I guarantee you will find great ways to spend it. Thank you.

I would like to welcome our second panel of witnesses, again, thank you in advance for their patience. Mr. Gary Haugen who is the President of the International Justice Mission. He has worked in the Civil Rights Division of the U.S. Department of Justice and served as the officer in charge of the United Nations genocide investigation in Rwanda in 1994. Mr. Haugen also served on the Executive Committee of the National Initiative for Reconciliation in South Africa.

He is the author of numerous articles and books on foreign affairs, international law and human rights.

Ms. Jessica Neuwirth is the Co-founder and President of Equality Now. She has worked in international finance as an association at the law firm of Cleary, Gottlieb, Stein & Hamilton. Ms. Neuwirth also served in the Office of Legal Affairs of the United Nations and more recently as an expert consultant of the International Criminal Tribunal for Rwanda.

Our final two witnesses, who will testify under the names of Maria and Vi, are victims whose real identities must be concealed in order to protect their family members abroad. We would strongly request that no photographs be taken of these witnesses and that film or video cameras not be directed at their faces.

I would also wish to add that our final witness, Ms. Vi, is one of the victims in an ongoing Federal criminal prosecution regarding the happenings at a factory. This Committee has no intention of doing anything to interfere with that pending criminal prosecution. While it is important for us to help expose these abuses, we must respect the victim's status as a victim in the pending prosecution and we will try to ensure that all of our questioning does not, in any way, prejudice the pending prosecutions.

Thank you again for being here. And Ms. Neuwirth, if you would begin.

STATEMENT OF JESSICA NEUWIRTH, PRESIDENT, EQUALITY NOW

Ms. NEUWIRTH. Thank you. Upon behalf of Equality Now, I would like to thank Chairman Hyde, Congressman Smith, former Congressman Gejdenson, and Members of the Committee and their staff, particularly Joseph Reeves and David Abramowitz, for the Committee's ongoing concern over the growing international industry of human trafficking.

The passage last year of the Trafficking Victim Protection Act was a significant step forward in the battle against trafficking. Legislation strengthens our capacity to ensure the prosecution of traffickers as well as the protection of trafficking victims.

It is also helping us hold governments around the world accountable for their inaction which allows traffickers to operate with impunity. We were pleased to work in a broad-based coalition on this bipartisan initiative. Thank you for your exemplary leadership in this regard. We were also pleased that the legislation included measures supporting trafficking prevention and victim protection, as well as law enforcement reflecting Congressional understanding of the importance of addressing the problem comprehensively.

Just over a year after the legislation has entered into force, we welcomed the opening a few weeks ago of the office to monitor and combat trafficking, as Congressman Smith mentioned earlier. We are particularly encouraged by the appointment of Laura Lederer as Deputy Director of that office. Dr. Lederer's long-time commitment to this issue and instrumental role in the legislative process last year is well known, and gives us confidence that the work of this office will be effective.

We also welcome the appointment of Ambassador Raphel. We are concerned, however, by the delays in establishing this office as well as the task force provided for in the legislation. As mentioned earlier, this task force has yet to meet.

We are also concerned by the lack of prosecutions for trafficking. We know of only one successful prosecution under the new law. While understandably, resources have been diverted to ongoing efforts to combat terrorism since September 11th, trafficking of persons, especially women and girls, continues.

We hope that the new law will be used, and that it will facilitate and lead to a significant increase in prosecutions. Similarly the delay in issuing even interim procedures for T Visas, which were distributed to lawyers just a month ago, for a long time, denied victims of trafficking access to the Visa Protection Measure set forth in the legislation.

The interim regulations are good in providing for self-petition by victims of trafficking. It should be assured, however, that victims have full access to immigration relief and any forms of relief against removal, and that they should not have to jeopardize any other legal status that they have to get this access.

With regard to the reinstatement of removal, it is also important to ensure that past deportations do not jeopardize the ability of trafficking victims to seek the protection of the T Visa. We think it is also very important for trafficking victims to be able to get swift access to work authorizations and to be able to secure simultaneous relief for close family members abroad who may otherwise be subject to reprisals.

We note that the funding authorized by the bill has not yet been appropriated. We were very encouraged that the House of Representatives has approved an appropriation of 30 million by a vote of 427 to 0. We were pleased also that this funding was to be distributed evenly for law enforcement, victim services and prevention. We were disappointed that none of those provisions were in the bill passed by the Senate, and urge you to ensure that this funding is appropriated by Congress and allocated equally among the mutually reinforcing components of law enforcement, victim services and prevention as envisioned in the House bill.

The first report on trafficking mandated by the legislation has given us some sense of what the potential impact of its three-tiered system of classification to rank country compliance with what the minimum standards will be.

Equality Now notes that political allies of the United States were included in all tiers, an indication that the criteria are being applied objectively across the board.

Our preliminary impression is that the leverage provided by the legislation will have a positive effect in encouraging governments to take concrete steps to meet the minimum standards, or at least to prevent their classification as lowest-tier countries, and that the framework as a whole provides a very useful tool in getting the attention of governments focused on specific measures that will help eliminate or reduce trafficking.

Equality Now and the coalition it represented in the legislative process last year, which included the National Organization for Women, Gloria Steinem, the Feminist Majority, and others, worked with you to ensure that the definition of trafficking in this legislation was a comprehensive one. We were pleased that the bill was expanded to include labor trafficking.

But the legislation carefully distinguishes between sex trafficking and labor trafficking, a distinction of real importance as has been noted today. As defined in the bill, sex trafficking is the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act.

Sex trafficking that is induced by fraud, force or coercion or that involves victims under the age of 18 falls into the category of severe forms of trafficking in persons in which labor trafficking, which is inherently limited to these situations also falls. While the severe form of trafficking is the subject of most of the operative provisions of the legislation, the broader definition of sex traf-

ficking was consciously adopted by Congress in recognition of the inherently exploitative nature of the commercial sex industry.

Among the Congressional findings set forth in the Trafficking Victims Protection Act is the link between poverty and sexual exploitation. While many women and girls are trafficked by force, fraud or coercion into the international sex trade, others are lured by those who prey on the desperation of their poverty. These profiteers are traffickers, under the definition.

It is our hope that the legislation, as it relates to sex trafficking, will be implemented in the spirit of understanding with the commercial sex industry as a whole promotes trafficking. The legislative findings refer to prostitution, pornography, sex toys and other commercial sexual services, noting that the low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

While it makes sense to focus on the severe forms of trafficking as a matter of priority for action, we believe it is important in implementing the legislation to avoid supporting initiatives that may, in what is perceived to be the short-term interest of protecting women in prostitution, legitimize the commercial sex industry.

Initiatives designed to give women and girls real alternatives through education and employment and other initiatives that help women in prostitution get out of the industry are a better investment in the campaign to end trafficking, an effort that is undermined by attempts to make it a safe and legal industry. Such efforts ultimately support the industry that exploits women, not the women themselves.

Our staff expert on trafficking is currently in India where yesterday she went to visit a home for rescued girls, from 12 to 16 years old. She asked them what they thought should be done to end trafficking. Without missing a beat, one of the girls said, "shut down the brothels and punish the pimps, traffickers and madams." In this regard, Equality Now considers that the policy of the Administration on sex trafficking, as it relates to prostitution and the commercial sex industry as a whole, should be clarified.

My understanding of the current policy is that it is intended to reflect a position of so-called neutrality on the question of legalization of prostitution. This position is not consistent with the understanding expressed in the legislation of the growth of the sex industry as a whole is related to the growth of sex trafficking, all of which is related to poverty and the low status of women in the world.

For this reason, we believe the Administration should take a clear position against commercial sexual exploitation. The Under Secretary was very clear this morning, but what she said differs from what we have heard elsewhere. It would be helpful to get a formal articulation of the policy statement that would be distributed within the State Department, U.S. AID, and throughout our embassies around the world. We also believe the inclusion of information on the sex industry as a whole in countries around the world and the relevant legislation governing it would be a valuable addition to the trafficking report.

In closing, I would like to thank you again for the Trafficking Victim Protection Act. This act has given us new hope that one day

the forces that oppose the trafficking industry will be more powerful than the industry itself. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you very much for your testimony.

[The prepared statement of Ms. Neuwirth follows:]

PREPARED STATEMENT OF JESSICA NEUWIRTH, PRESIDENT, EQUALITY NOW

On behalf of Equality Now I would like to thank Chairman Hyde, Congressman Smith, former Congressman Gejdenson, Members of the Committee, and their staff, for the Committee's ongoing concern over the growing international industry of human trafficking. The passage last year of the Trafficking Victims Protection Act was a significant step forward in the battle against trafficking. The legislation strengthens our capacity to ensure the prosecution of traffickers, as well as the protection of trafficking victims. It is also helping us hold governments around the world accountable for their inaction, which allows traffickers to operate with impunity. We were pleased to work in a broad-based coalition on this bi-partisan initiative. Thank you for your exemplary leadership in this regard. We were also pleased that the legislation included measures supporting trafficking prevention and victim protection as well as law enforcement, reflecting congressional understanding of the importance of addressing the problem comprehensively.

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While this severe form of trafficking is the subject of most of the operative provisions of the legislation, the broader definition of sex trafficking was consciously adopted by Congress in recognition of the inherently exploitative nature of the commercial sex industry. Among the Congressional findings set forth in the Trafficking Victims Protection Act is the link between poverty and sexual exploitation. While many women and girls are trafficked by force, fraud or coercion into the international sex trade, others are lured by those who prey on the desperation of their poverty. These profiteers are traffickers under the definition.

It is our hope that the legislation, as it relates to sex trafficking, will be implemented in this spirit of understanding that the commercial sex industry as a whole promotes trafficking. The legislative findings refer to prostitution, pornography, sex tourism, and other commercial sexual services, noting that “the low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.” While it makes sense to focus on the severe forms of trafficking as a matter of priority for action, we believe it is important in implementing the legislation to avoid supporting initiatives that may, in what is perceived to be the short-term interest of protecting women in prostitution, legitimize the commercial sex industry. Initiatives designed to give women and girls real alternatives, through education and employment, and other initiatives that help women in prostitution get out of the industry are a better investment in the campaign to end trafficking—an effort that is undermined by attempts to make it a safe and legal industry. Such efforts ultimately support the industry that exploits the women, not the women themselves. Our staff expert on trafficking is currently in India, where yesterday she went to visit a home for rescued girls, from 12–16 years old. She asked them what they thought should be done to end trafficking. Without missing a beat, one of the girls said “shut down the brothels and punish the pimps, traffickers, and madams.”

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In closing I would like to thank you again for the Trafficking Victims Protection Act. This Act has given us new hope that one day the forces that oppose the trafficking industry will be more powerful than the industry itself.

Mr. SMITH OF NEW JERSEY. Mr. Haugen.

STATEMENT OF GARY HAUGEN, PRESIDENT, INTERNATIONAL JUSTICE MISSION

Mr. HAUGEN. Thank you, Mr. Vice Chairman. It is a great privilege to be back here, and I give you special thanks and to the Committee for inviting the International Justice Mission to participate. I remember being here in this room 2 years ago when we also brought one of the victims that we had rescued from forced prostitution.

And I think these follow-up hearings are very important as they will be for the victims that we hear from today, because we are, in a sense, accountable to them about whether or not the actions

we take actually prove to be helpful for those who are suffering under those circumstances.

As you know, Mr. Chairman, the International Justice Mission specializes in hands-on operational rescues of the victims of forced prostitution and sex trafficking. We send our criminal investigators to actually infiltrate the brothels to identify where the children are being held, to use surveillance technology to document that, and then we use our secure police contacts to do a raid, get the children out and get them to places of aftercare.

Now, as a result, we have rescued hundreds of children out of these situations. And we have spent thousands of hours infiltrating and investigating the sex trafficking world. And so what I am hoping to bring to you today is what we are learning about the impact of this legislation.

I am specifically going to address my comments, and of course I have submitted a written statement for the record. But I want to address specifically the State Department's report on the trafficking of persons. This is absolutely fundamental, I think, because the report addresses the most important thing in terms of the impact around the world. And that is the political will of the actual countries where the crime takes place.

If there is no top level political will to address this, all of the programs, all of the spending, all of the conferences, all the training won't matter. It depends on whether it is a political priority at the top level. That will depend on whether or not the government feels like it is under the gun in terms of its relationship with the United States.

So in that context, I want to examine with you the State Department's report on trafficking. And I believe the most interesting question for the Committee, and certainly for victims that we have been trying to help is, does the State Department's report actually make a difference for the victims of sex trafficking?

And our answer regrettably is that unless the basic approach of the report is changed, it simply won't be helpful to the vast number of victims it is designed to help.

Why is that? Two reasons. The report fails to measure, in any concrete way, the two most important and straightforward factors in the fight against sex trafficking. That is, within a given country, number 1, does anybody ever get in trouble for sex trafficking and forced prostitution?

Secondly, how much are government employees themselves actually involved in the sex trafficking business? This fundamental omission in the report leads to the second reason the report is not helpful for the victims it is meant to serve, namely the report gives a passing grade to a number of the worst offending countries.

What do I mean by that? Well, as you know the report breaks down the countries into 3 different tiers. Tier 1, tier 2 and tier 3. The report places countries that have a significant number of sex trafficking in one of these three tiers. Tier number 1 is a group of countries that have significant trafficking victims, but they are complying with minimum standards.

Tier 2, also significant trafficking victims, but not meeting minimum standards, but they are making, according to the State Department, significant efforts to meet the minimum standards. If

you are Tier 3, you are not meeting the minimum standards and you are not even making significant efforts to do so, therefore, you may be subject to certain sanctions, like the denial of nonhumanitarian aid or goodies from international financial institutions.

Accordingly, for these countries then, for the countries we are trying to influence, the battle lines are completely clear. You got to stay off Tier 3. Nothing bad happens to unless you fall into Tier 3. So you got to make sure you stay off Tier 3.

So the question is, did the State Department do a disservice to the victims of trafficking, and, I think, to the Congress by letting some of the worst offending countries stay safely on Tier 2 where they will have zero incentive to actually improve their conduct. And I am afraid the answer is that they did.

Now, for diplomats, there will be this feeling that a medal should be struck because any countries placed on Tier 3 at all, you can sort of understand that perspective. But it would be odd if Congress had passed this legislation saying there was a severe trafficking problem and there were no countries on Tier 3. It is like my children say, Dad, I cleaned up my room, I should get an award. No, that is fairly expected. You should do that. So we shouldn't be surprised that there are countries on Tier 3.

So with due regard to the State Department, the question is, did the State Department allow some of the worst offenders slip away to find shelter on Tier 2? And the answer is yes.

Well, under the standards of the legislation, how do you get to stay off of Tier 3? You can fail minimum standards and stay on Tier 2 if you are making significant efforts. And under the act, whether you are making significant efforts depends upon three things. One, the extent of victimization; two, the extent of official complicity in sex trafficking; and three, whether or not you are taking the reasonable steps that you could.

Well, let's look at these one at a time in countries in Tier 2. It is not my desire today to embarrass specific countries in this public setting, or compromise the IJM's sources and methods on those specific countries. So I will speak generally here, but will be glad to meet with your staff or members of the State Department to provide country details. But if we look first at just significant efforts criteria number 1, which is the extent of victimizations, in that regard, I can tell you that according to numbers that the State Department itself relies upon, I can pick just three countries off of the Tier 2 countries. They have more victimizations of sex trafficking than all of the countries presently on the Tier 3 list combined.

Next let's look at criteria number 2, the extent of official complicity in sex trafficking. Well, we can take these same three countries that are on Tier 2, and yet nevertheless have more victims than all of the countries combined on Tier 3 and we can look at them. And if you turn to those specific country narratives in the country report, the State Department itself says that—about those countries, that payoffs to government officials utterly undermine attempts to get anyone in trouble for sex trafficking in these countries.

Well, what does there actually look like in these countries? Well, attached to my written statement is just a number of scenarios that we have been able to document ourselves. The first one is an

open market for girls from the ages of 8 to 13 where our investigators were purchasing girls for \$1 for sex, \$5 for the night, or \$30 to buy the girls outright. This was not hard to find. And yet we presented this information to the Minister of Justice three times with all of the video over 6 months. No effort at all to shut down the brothels that are open to the public and clearly available for prosecution. Apparently, the police official owns a series of brothels in this area, including this one.

Case 2, we were able to easily demonstrate a police officer buying—selling his services to protect children who were being offered for sex tours of U.S. businessmen. This was a simple thing to be able to videotape.

Case 3 was a raid that I actually participated in myself where I was able to talk to the girl, and she was afraid to come out because part of the police raid party, one of the members of the police raid party had been a customer that previous day in the brothel, and had received money from the brothel owner.

Case 4 is another police owner of a brothel who explained that he can procure underage girls, and he will actually come to the airport in police cars and pick up our American businessmen so they can participate in having sex provided by the sex trafficking victims.

Again, another case from a country in which we identified under videotape 3 boys, ages 6, 7 and 10 were being offered for sex by adults. Ages 6, 7 and 10 for sex. Videotaped it all. Gave it to authorities that are actually being funded by U.S. State Department for trafficking purposes, and over all these months, no action has been taken.

And then finally, case 6 is just a case where we did do a successful raid and found a pile of all of the bank books. Then when we asked a few weeks later of the prosecutor where all of the bank books identifying where all of the money goes, we were told that is all lost. We found that is a brothel being run by police.

What do we understand from all of this? All of these stories are from Tier 2 countries, not Tier 3 countries. And I can assure you that they are not isolated examples. I would offer any Member of this Committee to come with us to one of those countries, and within 72 hours, we will find blatant evidence of police complicity in sex trafficking.

Finally let's look at criteria number 3, which simply asks, is the country taking reasonable steps? We don't want to, after all, make unreasonable demands on these countries. One reasonable step might be that you can catch some of bad guys and get them in trouble. Unfortunately, for the worst offending countries left safely on Tier 2, the State Department simply doesn't tell us whether the government actually prosecuted anyone for sex trafficking and forced prostitution. I can tell you that for the country that has the largest number of victimizations, there have been no successful prosecutions for children in forced prostitution.

But in any case, the State Department should simply report in an objective way in the country, what is the number of victimizations we think are taking place and what is the number of prosecutions that are either in progress or have been successful.

You will note here that when the Committee was asking the United States about what it was doing about sex trafficking, it was asking the prosecutor about how many people were going to jail. What is the number of victimizations, how many people are going to jail, Mr. Attorney General?

That is the question we simply should be asking of those countries but we are not. Another perfectly reasonable step that any country could take would be to fire or discipline any officials who are financially involved or profiting from sex trafficking. Does the State Department report, even ask how many such actions have been taken by the worst offending countries on Tier 2? That is to say, look at Tier 2 and ask: How many police officers have ever been disciplined for involvement in sex trafficking?

No, they never ask the question. Is this too much to ask of those developing countries to actually fire the police who are involved in sex trafficking? Well, are such corrupt officials hard to find? No. They are hard not to find, frankly.

And financially, it costs nothing for a poor country to fire or discipline them. That doesn't cost anything. So the idea, oh, these are poor impoverished countries and they can't really take it seriously, there is no financial bar to firing those involved in forced prostitution.

And you only have to do this actually a few times to be able to change the entire police force, perception of what they can get away with.

In sum, Mr. Chairman, the preparation of this report gives the State Department, as the Congress intended, a very powerful tool to start to change the behavior of friendly countries who are tolerating the mass rape and sexual abuse of women and children.

But nothing will change for most of them if the worst offending countries are given a safe harbor. And in its next report, the State Department has a tremendous opportunity to change that.

I give you great thanks, Mr. Vice Chairman, and to the Committee for giving us the opportunity to testify and be with you today.

[The prepared statement of Mr. Haugen follows:]

PREPARED STATEMENT OF GARY HAUGEN, PRESIDENT, INTERNATIONAL JUSTICE MISSION

INTRODUCTION

My name is Gary Haugen and I serve as President and CEO of the International Justice Mission (IJM). I would like to extend my sincere thanks to Chairman Henry Hyde for convening this hearing and for inviting me to participate. I am grateful for the opportunity to present the perspective of the International Justice Mission to you on the progress that has been made since the enactment of the Trafficking Victims Protection Act of 2000, and for the invitation to make suggestions as to how we can accelerate our progress towards eliminating the trafficking of human beings around the world.

The International Justice Mission is an international human rights agency that provides a hands-on, operational field response to cases of human rights abuse referred to us from faith-based ministries serving around the world. Frequently these workers observe severe human rights abuses in the communities where they serve. These workers refer these cases to us, and then we conduct a professional investigation to document the abuses and mobilize intervention on behalf of the victims.

Many of the cases referred to us involve children trafficked into forced prostitution. Accordingly, we deploy criminal investigators to infiltrate the brothels, use surveillance technology to document where the children are being held, and then iden-

tify secure police contacts who will conduct extraction actions with us to get the children out. We then coordinate the referral of these children to appropriate aftercare.

IJM CASEWORK IS HELPFUL TO UNDERSTANDING PROGRESS UNDER THE VTPA

Through its casework, IJM law enforcement professionals and attorneys have interviewed numerous victims of sex trafficking and forced prostitution in South Asia and Southeast Asia. Additionally, the evidence gathered through these victim interviews has produced numerous encounters with local police officials and prosecutors. The body of evidence collected through casework reveals a picture of what is happening at the brothel and point-of-sale level in a particular country. My testimony today is about the evidence we have gathered and about whether the efforts of the U.S. government have had any helpful impact on what is actually happening to victims of trafficking and forced prostitution. I propose that by comparing actual casework evidence with the efforts undertaken by the U.S. government, you will have a useful tool to determine whether the executive branch is conducting its programmatic efforts in the manner that Congress intended.

BACKGROUND PRINCIPLES IN SEX TRAFFICKING

The following basic principles form an important background for any discussion of sex trafficking and form the foundation from which we at the International Justice Mission evaluate particular evidence in our work to rescue victims of sex trafficking.

1. International sexual trafficking is driven by what is tolerated in the country of final sale—the country where the customer actually purchases sex for money. In other words, it is the country that effectively tolerates forced prostitution at the point of final sale that empowers the market demand for international sexual trafficking.
2. Whether forced prostitution is effectively tolerated is determined by the quality and vigor of local, street level, law enforcement.
3. The quality and vigor of local law enforcement's response to forced prostitution is driven by 1) the priorities of senior level political authorities, 2) the clarity and comprehensiveness of the criminal law, and 3) the quality of resources and training provided to local law enforcement.
4. All efforts to combat international trafficking are impacted by the victim's eagerness to seek help and to cooperate in prosecution, and the greatest obstacles to such cooperation are the immigration laws and authorities that treat the victims as criminals.

These four principles are reflections of an overriding characteristic of sex trafficking: it is a market-driven industry in which a disruption of the market forces is an effective means of preventing the transaction from taking place. This economic observation may sound cold, detached, and calloused to us—and in the discomfort we feel when we think about sex trafficking as a market transaction, we see more clearly its fundamental evil: the commodity bought and sold is a human being. We are not talking about farm products, electronics, or even narcotics—we are talking about a little girl, a little boy, a young woman. But to those who buy and sell human beings, these victims are only a commodity. In order to bring effective help to the human person victimized, we must apply pressure to the market that drives these transactions. The force of the law, when properly applied, can add sufficient risk of criminal sanctions to the traffickers' and brothel keepers' cost calculation, so that the market transaction is no longer worth the threat it represents to their property and liberty. Epidemic levels of sex trafficking do not occur everywhere in the world. It does not even occur in every poor country in the world. It occurs exclusively in those places where the sex trafficking industry is allowed to flourish without anyone ever paying a meaningful cost in the form of criminal penalties.

COMPARISON OF CASEWORK EVIDENCE WITH PROGRESS UNDER THE VTPA

These foundational principles have formed the basis for two important conclusions that parallel the "Significant Efforts" criteria found in Section 110 (3) of the Act. Through numerous investigations, brothel rescues, police contacts and interviews with victims, the IJM has learned two important facts about particular countries currently found within Tier 2 of the first State Department Report:

- (1) A significant percentage of brothel owners and agents are government employees, usually policemen; and,

- (2) The vast number of victimizations is dramatically disproportionate to prosecutions of traffickers and brothel owners.

Under the VTPA, countries that do not meet minimum standards or are not making significant progress toward compliance with minimum standards are subject to a conclusion that they violate U.S. policy and are subject to withholding of non-humanitarian foreign aid.

The VTPA measures "significant efforts" by (A) the extent of victimization; (B) the extent of official complicity; and (C) whether reasonable steps are taken. When the State Department has found "non-compliance", those countries have been reported as "Tier Three" countries while countries making "significant efforts" are placed into "Tier Two".

The State Department Report and these statutory standards serve three important purposes. They inform Congress about whether its intent is being successfully carried out. They provide a basis for recommendations made by the Secretary of State for Presidential decision making. And not least, they should provide to countries that are out of compliance a transparent and useful guide to rationally undertake steps to be in compliance. The following discussion compares what IJM has learned on the ground to the State Department ranking of important Southeast Asian and South Asian countries in Tier Two.

CASEWORK EVIDENCE FROM THREE TIER TWO COUNTRIES

Case 1—Open market for final sale of prepubescent girls

Total victims observed: 90 to 120.

These young girls were offered for sale to IJM investigators for \$1 for sex, \$5 for the night and \$30 to own outright. The oldest girl is 13; the youngest is 8. After completing this investigation, IJM presented an evidentiary package to the Minister of Justice on three separate occasions over a period of six months. No effort was made to rescue the girls or hold the owners of this market accountable. IJM has learned that a police official owns the series of brothels where these girls are sold.



CASEWORK EVIDENCE FROM THREE TIER TWO COUNTRIES

Case 2—Police officer offers to escort and provide protection to U.S. businessmen while they have sex with underage girls

An IJM investigator posed as a sex tourist and completed a deal with pimp and police official to provide underage girls for U.S. businessmen. Victim was trafficked from a foreign country and is underage.



CASEWORK EVIDENCE FROM THREE TIER TWO COUNTRIES

Case 3—Underage trafficking victim explains her fear during rescue

The victim on the far left explained that she was afraid to come out of the brothel because one of the police on the intervention raid was a customer the previous day and received money from the brothel owner.



CASEWORK EVIDENCE FROM THREE TIER TWO COUNTRIES

Case 4—Police owner of brothel explains that he can procure underage girls and provide protection

An IJM investigator posed as a sex tourist and received assurance that underage girls and protection can be provided to U.S. businessmen. During negotiations, the police official offered to pick up his “clients” at the airport in police vehicles. Later during negotiations, pictures of numerous underage girls were provided, some from foreign countries.



CASEWORK EVIDENCE FROM THREE TIER TWO COUNTRIES

Case 5—Three boys offered to U.S. pedophiles, case not acted on by government for 8 months

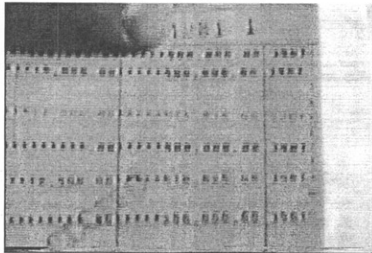
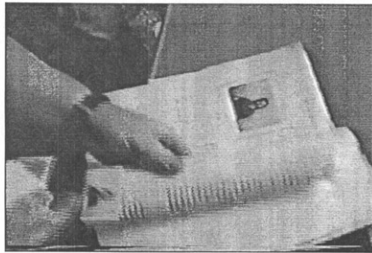
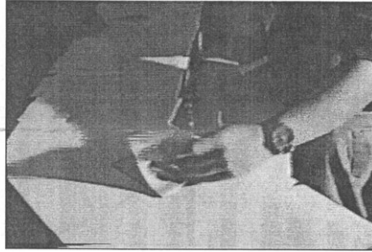
IJM investigators posed as procurers for U.S. pedophiles and were offered these three boys, ages 6, 7 and 10, for sex. IJM produced a comprehensive report and filed it with the appropriate government officials in January 2001. The government unit, funded by the U.S. State Department, has failed to act to assist these boys or prosecute their uncle and father who offered them for sale. After repeated inquiries and assistance from helpful government officials, police have still not taken any action.



CASEWORK EVIDENCE FROM THREE TIER TWO COUNTRIES

Case 6—Lost evidence of ownership and bank account

Important evidence filmed during a brothel intervention of ownership of a brothel and the bank passbook for the brothel account were “lost” by the police. This was discovered when IJM lawyers met with the prosecutor to discuss case progress and the prosecutor explained that he cannot determine brothel ownership. IJM later learned that the brothel is police owned.



CASEWORK EXAMPLES RAISE SERIOUS QUESTIONS ABOUT TIER TWO STATUS

These casework examples present evidence of the level of government involvement in sex trafficking and the non-cooperation of government officials in additional cases. Let's place this picture alongside these countries' statistics on the numbers of victimizations. In each of these Tier Two countries, the number of annual victimizations is 500,000, 200,000 and 50,000. Yet the State Department Report provides no examples of prosecutions for traffickers or brothel owners in any of these three countries. In fact, language from the 2001 Report describes these governments' complicity as "corruption is pervasive," "pervasive corruption," and "local corruption render most prosecutorial efforts ineffective". Yet the Report places these countries in Tier Two on the basis that there are some people of goodwill who have formed efforts to combat trafficking. I have met many of these people and they are heroes who are making a great effort. But to a person they will admit that nothing will happen in their country until the police are out of the business of sex trafficking and forced prostitution and the perpetrators are held accountable.

I would submit that the State Department Report has disserved and even undermined the people of goodwill in these countries by awarding a passing grade without addressing the real problem. Why would police generals and prosecutors have to do anything now?

We propose that the grading system follow the statutory criteria in Section 108 and particularly in Section 110 and ask:

- 1) Has the government taken actions to hold its own employees accountable for trafficking offenses?; and,
- 2) How many actual prosecutions as a ratio to the number of victimizations has the government undertaken?

For countries with limited resources, we can ask how much it costs to adopt a zero tolerance policy for criminal conduct by government officials and then discipline, fire, or prosecute violators. The answer is simple—it costs nothing. Second, the State Department Report should simply list the extent of the victimizations within a country and then list that country's prosecutions for the reporting year. If a country has 50 thousand or 100 thousand or half a million victimizations and it reports zero prosecutions or two prosecutions, the Report should say so.

This would be a simple, transparent and helpful service for the State Department Report. Such an objective approach would give countries notice about the coming Report and avoid the kind of surprise that happened the first year. It would also help the State Department and others to target their resources and funding for training.

I would like also to provide our suggestions for action by other U.S. government agencies.

SUGGESTIONS FOR GOVERNMENT INITIATIVE

- 1) FBI academies in Quantico, Bangkok, and Budapest should include training on sex trafficking and forced prostitution. If police in a particular locality are to be effective in applying the law to the illegal market in women and girls, then they must be trained, both in the technical skills necessary to infiltrate the secrecy and deception in which these transactions take place, and also to maintain the professionalism necessary to control and ultimately eradicate corruption. The United States, with its vast human and technical resources in the field of law enforcement, is uniquely capable of offering such training to foreign police departments. But focused effort must be placed on mobilizing these resources to build up law enforcement professionals overseas.
- 2) Police executives should receive training in management methods and practices to eliminate corruption in their own ranks.
- 3) U.S. Attorneys and Federal law enforcement officials should obtain intelligence from trafficking victims in this country about how they were trafficked, from what city and by what means. This intelligence should be regularly forwarded to the law enforcement desk at U.S. embassies and could then be made available as appropriate to law enforcement authorities of source countries. This would make it possible to interdict trafficking within the source country. This practical step would accelerate our progress toward disrupting the illegal market in human persons. The perpetrator of a crime of human trafficking who is identified and prosecuted in the U.S. is part of a global chain of illegal transactions that brought the perpetrator and victim into the U.S. And similar to the drug trafficker caught within the borders of the U.S., the sex trafficker is part of a series of transactions which include players in each country of origin,

transit, and final destination. In order to effectively disrupt the market, intelligence must be transferred back through this chain of players—from the dealer in the U.S. to his transportation network to his overseas supplier.

- 4) We commend the State Department's Bureau for International Narcotics and Law Enforcement Affairs for its funding and monitoring of the Anti-Trafficking in Persons Unit in the Royal Thai Police. The benefits of creating a police task force in a particular country or community are several. First, a task force can readily be held accountable for the trafficking cases they do or do not do. Second, designating a team to focus on trafficking cases allows personnel to develop expertise and successful methodologies for identifying and investigating such cases. Third, a task force creates a model that is duplicable throughout a country or region. Fourth, designating a task force prevents trafficking cases from being pushed further down the list of assignment priorities as other cases are brought to the attention of law enforcement. Additional such task forces should be funded.
- 5) An additional step is, of course, to establish a similar task force of prosecutors, so that cases that are investigated end in successful prosecutions of the traffickers.

CONCLUSION

Although the Act is still new, the one early correction is the reporting criteria and the objectifying of Tier Two and Tier Three standards. The Report should not be seen as an end in itself but as a means to encourage improved performance by countries with serious trafficking problems. Without these corrections, the Report is too inconclusive to be a tool to encourage countries to improve their performance. The overly generous rating of many Tier Two countries will not provide much incentive for improvement unless new criteria are identified and the Tier Two status for many countries is called into question.

Mr. SMITH OF NEW JERSEY. I want to thank you both for outstanding testimony. And again, you were stakeholders, both of you, in helping to write this legislation. And to get your feedback on the implementation is extremely important. And I know that the State Department and the people from the newly-created office, some of whom are still here, are taking notes, because I think both of you made excellent points.

And I thank you, sincerely. I would like to take you up on that idea of a trip. And I think your point about finding them would be no difficulty, what a sad commentary on the status of the police and the officials in many of these countries. Thank you.

I would like to ask now our two very brave victims, witnesses here today who have come forward who want to speak out. And I thank you for having the courage to be here. And, Maria, if you wouldn't mind beginning.

STATEMENT OF "MARIA," TRAFFICKING VICTIM FROM MEXICO

[The following was delivered through an interpreter.]

MARIA. Good afternoon. I would like to thank the House Committee on International Relations for the opportunity to speak on behalf of trafficking survivors.

My name is Maria. I am in disguise today because I am in fear that my captors will recognize me and place my life and that of my family in danger. My story begins in May 1997 in Vera Cruz, Mexico, when I was approached by an acquaintance about some jobs in the United States. She told me that there were jobs available in restaurants and that I will earn enough money to support my daughter and my parents in Mexico.

I accepted the offer and a coyote brought me to Texas. I was transported to Florida, and there one of the bosses told me I would be working at a brothel as a prostitute. I told him he was mis-

taken, and that I was going to be working in a restaurant, not a brothel. He said I owed him a smuggling debt and the sooner I paid it off, the sooner I could leave. I was 18 years old and I had never been far from home. I had no money or way to get back.

I was constantly guarded and abused. If anyone refused to be with a customer we were beaten. If we adamantly refused the bosses would show us a lesson by raping us brutally. We worked 6 days a week, 12 hours a day. Our bodies were sore and swollen. If anyone became pregnant we were forced to have abortions. And the cost of the abortion was added to the smuggling debt.

The bosses carry weapons. They scare me. I never knew where I was. We were transported every 15 days to different cities. I knew if I tried to escape I would not get far because everything was unfamiliar. The bosses said that if we escaped, they would get the money from our families.

I was enslaved for several months. Other women were enslaved for up to a year. My enslavement finally ended when the INS, FBI and local law enforcement raided the brothel and rescued us. From the moment I arrived in the United States, I have gone through so much.

After I was released from my captors, I cooperated with the government to send them to jail. Some of them are serving sentences in the United States, but unfortunately, others are free in Mexico threatening our families. Meanwhile, I continue to wait for my S Visa and one for my daughter. She will be 6 years old.

I have not seen her since I left my country when she was only a year and a half. I never thought this process could take so long. Seven of our captors were successfully prosecuted in 1999.

Two thousand and one is coming to its end and we are all waiting for a status that would allow us to remain safe in the United States and also to give us the opportunity to reunite with our loved ones. My desire to see my daughter and the chance to give her a better life keeps me going. But how long do we have to wait? If I would have had the opportunity to apply for a T Visa, I understand that the transition to the life I lead now in this country would have been significantly less burdensome.

Once INS gave me work authorization, I went out looking for employment without following the city, without speaking the language, without any guidance. My goal was to obtain honest employment immediately, to send money to my parents for my daughter's upbringing. From that day I have not stopped. I continue to work for the same company that hired me when I was most desperate.

I am learning English and I hold a position with much responsibility. But my story is not the story of most of the women and girls that were enslaved by the Cadena family. Most of the women are struggling to rebuild their lives. Some are mothers but do not count with any form of assistance with daycare because of their present immigration status and that of their children.

They do not have any special training that would help them obtain employment, employment that would provide for day care. Our temporary status needs to be renewed yearly. Most of us have not been able to reunite with our loved ones and worry for their safety.

I did not come to the United States to be a prostitute, I came to find a better future for my family. No women or child would want to be a sex slave and endure the evil that I have gone through.

The men we helped in jail harmed us and possibly many others before us. Please help us and do not let this happen to anyone else. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you for very much, Maria, for being here and for providing the Committee with that insight and that information.

[The prepared statement of Maria follows:]

PREPARED STATEMENT OF "MARIA," TRAFFICKING VICTIM FROM MEXICO

(Prepared and translated by Maria Jose T. Fletcher, Florida Immigrant Advocacy Center)

Good afternoon. I would like to thank the House Committee on International Relations for the opportunity to speak on behalf of trafficking survivors. My name is "Maria." I am in disguise today because I am in fear that my captors would recognize me and place my life and that of my family in danger.

My story begins in May of 1997 in Veracruz, Mexico when I was approached by an acquaintance about some jobs in the United States. She told me that there were jobs available in restaurants and that I would earn enough money to support my daughter and my parents in Mexico. I accepted the offer and a coyote brought me to Texas.

I was transported to Florida and there, one of the bosses told me I would be working at a brothel as a prostitute. I told him he was mistaken and that I was going to be working in a restaurant not a brothel. He said I owed him a smuggling debt and the sooner I paid it off the sooner I could leave. I was eighteen years old and had never been far from home and had no money or way to get home.

I was constantly guarded and abused. If anyone refused to be with a customer, we were beaten. If we adamantly refused, the bosses would show us a lesson by raping us brutally. We worked six days a week, twelve hours a day. Our bodies were sore and swollen. If anyone became pregnant we were forced to have abortions. The cost of the abortion was added to the smuggling debt.

The bosses carried weapons. They scared me. I never knew where I was. We were transported every fifteen days to different cities. I knew if I tried to escape I would not get far because everything was unfamiliar. The bosses said that if we escaped they would get their money from our families.

I was enslaved for several months, other women were enslaved for up to a year. Our enslavement finally ended when the INS, FBI, and local law enforcement raided the brothels and rescued us. From the moment I arrived to the United States I have gone through so much. After I was released from my captors, I cooperated with the government to send them to jail. Some of them are serving sentences in the United States but unfortunately others are free in Mexico threatening our families.

Meanwhile I continue to wait for my "S" visa and the one for my daughter. She will be six years old. I have not seen her since I left my country when she was only a year and half. I never thought this process would take so long. Seven of our captors were successfully prosecuted in 1999. 2001 is coming to its end and we are all waiting for a status that would allow us to remain safe in the United States and also to give us the opportunity to reunite with our love ones. My desire to see my daughter and the chance to give her a better life keep me going. But how long do we have to wait?

If I would have had the opportunity to apply for a "T" visa, I understand that the transition to the life I lead now in this country would have been significantly less burdensome. Once INS gave me work authorization, I went out looking for employment, without knowing the city, without speaking the language, without any guidance. My goal was to obtain honest employment immediately to send money to my parents for my daughter's upbringing. From that day I have not stopped. I continue to work for the same company that hired me when I was most desperate. I am learning English and I hold a position that demands responsibility.

But my story is not the story of most of the women and girls that were enslaved by the Cadena family. Most of the women are struggling to rebuild their lives. Some are mothers that do not count with any form of assistance with day care because of their present immigration status and that of their children. They do not have any

special training that would help them obtain employment, employment that would be provided for day care. Our temporary status needs to be renewed yearly. Most of us have not been able to reunite with our loved ones and worry for their safety.

I did not come to the United States to be a prostitute. I came to find a better future for my family. No woman or child would want to be a sex slave and endure the evil that I have gone through. The men we helped put in jail harmed us and possibly many others before us. Please help us and do not let this happen to anyone else. Thank you.

Mr. SMITH OF NEW JERSEY. Vi, if you continue.

STATEMENT OF "VI," TRAFFICKING VICTIM FROM VIETNAM

[The following was delivered through an interpreter.]

Vi. My name is Vi. And I am 28 years old. I arrived in American Samoa on July 22nd, 1999. Two other groups of Vietnamese workers had been brought to this island before us. When I signed the contract to a Company 12, they told me that I would go to the U.S. And its Deputy Director promised that I would get paid \$408 a month. I had to borrow \$4,000 to pay to Company 12 and another \$2,000 to pay the company official in charge of recruitment.

We were taken to American Samoa and not the U.S. As soon as we landed our passports were confiscated. At a Daewoosa shop, I had to work from 7 a.m. to 2 a.m. and sometimes to 7 a.m. the next day, and also on Saturdays and Sunday without being paid. We had no money to buy food, amenities or soap. We had to pay \$200 for room and board, which they said that they would provide according to the contract.

Meals at Daewoosa consisted of a few cabbage leaves, potatoes cooked with a lot of water. Those who were at the head of the line could get some cabbage and potato, later comers got only water. Hungry, we planted some vegetables to supplement our meals, but Mr. Lee, President of Daewoosa, destroyed our garden. Undernourished, I lost 35 pounds within 1 year.

Working and living conditions at Daewoosa were very suffocating. There was no air ventilation. Workers slept right next to each other. The temperature in the rooms sometime went up to over 100 degrees. We were not allowed to step out for fresh air. The supervisor even kept count on how many times we went to the toilet.

We lived 36 people in one room. Another worker and I share one tiny bed. We can only sleep on our side, we can't—if we lay on our back, we would pile on top of each other.

Most of us were women. At night Mr. Lee often came into our room and lay next to whoever he liked. Once he forced me to give him a massage right in our bedroom.

He called pretty ones into his office and forced them to have sex with him. Three women have publicly denounced him for that. Once, several of his customers arrived in American Samoa. Mr. Lee pressed several female workers to sleep with them. They resisted.

At the workplace, he regularly groped and kissed female workers in front of everyone.

There were three among us who were pregnant women. Mr. Lee demanded that they have an abortion. He fired them when they refused. Evicted from Daewoosa, they had to seek refuge at a local church.

Movement at Daewoosa was very restricted. Everyone leaving the compound was searched by American Samoan guards. Female workers were groped all over their bodies. Those who protested were strip-searched. Those coming back from the compound after 9 p.m. were beaten up. I was once slapped.

Mr. Lee used big American Samoan guards to terrorize us. Once several workers staged a strike because they were not paid. He threatened that he would send these guards to short-circuit electric cables and cause a fire to kill us all. Everyone was fearful because two female workers, Nga and Dung, involved in the lawsuits against Mr. Lee had just disappeared.

On November 23 of last year, there was a dispute between the supervisor and a female worker. Mr. Lee ordered the supervisor: "If you beat her to death, I will take the blame." The supervisor dragged the female worker by the chest. Other workers came to her rescue. The American Samoan guards, already holding sticks and scissors, jumped in and beat them. Everyone was so frightened. We ran for our lives. Mr. Lee ran after to beat the fleeing workers. We were terrorized for days after that.

The guards paid special attention to the five or six workers known to have supported the lawsuit against Mr. Lee. They beat them the hardest. Ms. Quyen, the key witness in this lawsuit, was held by her arms on two sides by two guards. A third guard thrust a pointed stick into her eyes. As a result, she lost sight of one eye.

A guard beat a male worker with a stick, breaking his front teeth and bleeding his mouth.

Another male worker was pinned down to the floor and repeatedly beaten at his temple. His blood was spilling all over the floor. The next day, the FBI agent took pictures of the bloodstains.

During the assault, Daewoosa's lawyer and the police were there but did nothing. Only when the lawyer representing the workers showed up did the guards stop the beating.

From 1999 to the above incident, Tour Company 12 and the international manpower supply, another Vietnamese company hiring workers for Daewoosa, forced us to continue working without pay and threatened to send us back to Vietnam if we disobeyed. Everyone was deeply in debt. If we got sent back, how could we pay our debt?

Since my arrival to the U.S., I have sent every dollar earned back to Vietnam to pay my debt. However, this has barely made a dent because the interest rate is so high, 50 percent. My parents in Vietnam are very worried. Their hair turned all gray. They told me that it is fortunate that I have come to the U.S.; otherwise, we would be in a hopeless situation.

If sent back, it would be hard for me to find employment. My previous workplace will not take me back. Because of my involvement in the prosecution of Mr. Lee, I am afraid of running into trouble with the government if repatriated to Vietnam.

I am getting used to life in the U.S. Here I am free to choose where I want to work. If dissatisfied with one workplace, I can always go to another one.

I have been thoroughly helped in my first step toward a normal life, and I find everyone to be very kind. I now live with a Viet-

namese family without having to pay rent. That family offers me employment. They take care of my food, transportation and other things. They also give me a phone card to call my family in Vietnam once a week.

Staying with me are six female workers from American Samoa. Two of them are here today.

I have received a certification letter from the Department of Health and Human Services for public benefits. I have a temporary visa which will expire on October 30, 2002, and a work permit. I work at a nail salon in DC to pay my debts. If allowed to remain in the U.S., I would like to go back to school because in Vietnam I had to stop schooling at 7th grade. I also wish to be reunited with my child left behind in Vietnam.

I am thankful to everyone who has helped me get out of American Samoa and everyone who has assisted me in this new life in the U.S.

Thank you.

[The prepared statement of Vi follows:]

PREPARED STATEMENT OF "VI," TRAFFICKING VICTIM FROM VIETNAM

I arrived in American Samoa on July 22, 1999. Two other groups of Vietnamese workers had been brought to this island before us.

When I signed the contract, Tour Company 12 (TC12) told me that I would go to the U.S. and its Deputy Director promised that I would be paid \$408 a month. I had to borrow 4 thousand dollars to pay TC12 and another 2 thousand to pay the company official in charge of recruitment.

We were taken to American Samoa, not the U.S. As soon as we landed, our passports were confiscated.

At Daewoosa I had to work from 7 a.m. often to 2 a.m. and sometimes to 7 a.m. the following day and also on Saturdays and Sundays, without pay. We had no money to buy soap, amenities, or food.

We had to pay about \$200 per month for meals, which Daewoosa should have provided according to the contract.

Meals at Daewoosa consisted of a few cabbage leaves and potatoes cooked with a lot of water. Those who were at the head of the line could get some cabbage and potato; latecomers got only water. Hungry, we planted some vegetables to supplement our meager diet but Mr. Lee, President of Daewoosa, destroyed our garden. Undernourished, I lost 35 lbs and weighed only 78 lbs.

Working and living conditions at Daewoosa were very suffocating. There was no ventilation. Workers sat next to each other. It was very hot. We were not allowed to step out for fresh air. The supervisor even kept count of how many times we went to the toilet.

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I have received the certification letter from the Department of Health and Human Services for public benefits. I have a temporary visa which will expire on October 30, 2002 and a work permit. I work at a nail salon in DC to pay my debt. If allowed to remain in the U.S., I would like to go back to school because in Vietnam I had to stop schooling at 7th grade. I also wish to be reunited with my child left behind in Vietnam.

I am thankful to everyone who has helped get me out of American Samoa and everyone who has assisted me in my new life in the U.S.

Mr. SMITH OF NEW JERSEY. Ms. Vi, thank you very much, and Maria. Thank you both. And I want to note that, as painful as it obviously is to recount these terrible details of cruelty that you have suffered, it does spur us to action. It was hearing the sordid details of other trafficking victims as well that gave all of us the tools that we needed to convince a great number of indifferent people that the legislation and the initiative and the money, because money is policy, needed to be used and directed on behalf of trafficked persons. So I thank you for your bravery in coming forward.

And I want to just to make note that the sooner we get the visa situation resolved, the T Visas, the sooner your situation with your child can be made hopefully whole in terms of an end, Maria, that would go for you as well. So all the more reason why OMB and the Department of Justice needs to move as expeditiously as possible, two more reasons, if you will, to get that resolved and to implement the law effectively.

Let me say to our two witnesses, Ms. Neuwirth and Mr. Haugen, and I would ask you to respond to this. It has been my experience

as a Member of Congress for the last 21 years, and I do travel quite extensively on human rights issues, that with some notable exceptions human rights in general are often relegated to obligatory talking points and delegated to junior Foreign Service officers in many of the countries. Trade suffers no such shyness. Everyone is on board when they are talking about trade and more trade.

What has been your experience in dealing with our missions abroad? I know you do travel extensively. I am sure you routinely talk to our Ambassadors and our DCMs. Are they sensitized to this issue? Do they have a sense that this is a war that they need to prosecute? Everyone is talking terrorism now, and that certainly is a very important part of the portfolio, but what about the traffic victims? Ms. Neuwirth and Mr. Haugen?

Ms. NEUWIRTH. Just briefly, I think everything you said about human rights would be even more applicable to women's rights. Even though there is a section in the Human Rights Report in the State Department on women's rights, it does tend to get relegated to, as you said, lower level officials and it doesn't often get relegated to the high level, often very closed discussions.

To the extent that we have women Ambassadors, often that we see that that makes a tremendous difference. Trafficking, among the issues that we work on, has gotten I think some more attention than others, but it needs much, much more.

Mr. SMITH OF NEW JERSEY. Mr. Haugen.

Mr. HAUGEN. Mr. Vice Chairman, I would say it is the difference between what is a good idea and an urgent priority. There are a lot of good ideas that the State Department is supposed to be implementing, but you get time and resources and energy and political will behind the things that they understand to be the urgent priorities. Little girls and little boys and impoverished women who are being trafficked by the hundreds of thousands—who could repeat these stories again and again before this Committee days on end—do not have a substantial political constituency. No one loses tremendously if hundreds of thousands of children are trafficked into forced prostitution unless somebody steps up and makes it a political priority, and I would say my assessment thus far is that it is a good idea, not an urgent priority.

Mr. SMITH OF NEW JERSEY. In the three countries that IJM visited that you characterize as Tier 3 countries, and I think your point that you add them to victimizations, it exceeds the number of all the Tier 3 countries combined—that is quite a telling remark.

Mr. HAUGEN. Correct.

Mr. SMITH OF NEW JERSEY. What was the response of our own embassy personnel to this information?

Mr. HAUGEN. We have had, like what you had, constructive dialogue with embassies about these things. I think they are growing in their sense of priority. Certainly the passage of the legislation has been very important for them to get a sense that this is an important priority, but now they are going to look at what can we get by with, because we have to understand there is an institutional bias against getting into a confrontational position with the host government, especially with the host government's police. That is no fun for the State Department at all.

So what other ways—if you look at the narratives from each of the countries in the report—and they come from the embassies, they tend to read like a lawyer—and I have done this, what are all the things I can admit without having to actually admit the things that will get me in trouble? So you can start to read it as, okay, we agree we are not doing so great on this, but here are the few things that are being done which should get us out of Tier 3 and on to Tier 2.

We need to understand there will be a bias on the part of the embassies to keep their country off of Tier 3, and there will be a political will and priority in the U.S. Government, the Congress and the Executive, to make sure that that priority is articulated clearly and acted upon with consequence.

Mr. SMITH OF NEW JERSEY. Let me just note the report, which all of us have read, pointed out by the State Department as required by law is one of the things that I hope to do and, I am sure other Members of the Committee will want to do, would be to look more in depth as to how they came to those conclusions. This is basically a summary sheet. I think it was well-intentioned and it was put together in goodwill, but there are a number of things, and you pointed out some yourself—pervasive corruption and those kinds of words used—but still they remain on Tier 2. I think we want to look at more of the source documentation that led to that final outcome and final ranking as we go forward. When we do have further hearings on this especially as it relates to the report, I know that my questions will go to the heart of how did you get there and my hope is this is a work in progress and it will be a much better product going forward.

Mr. HAUGEN. If I may, just to make clear, the International Justice Mission doesn't say this is not a serious effort, but it is a first effort. The task force and the office would benefit greatly from seeing how this could be done better. So there are huge embarrassing omissions at the end of the day.

Mr. SMITH OF NEW JERSEY. One thing, Ms. Neuwirth, I think you may have been here when I asked—and Mr. Pitts had a similar line of questioning to Under Secretary Dobriansky with regards to neutrality—and you said this in your testimony with regards to prostitution and the commercial sex industry, as to the Administration's position, were you satisfied with their answer?

Ms. NEUWIRTH. We were very pleased with the answer. I think the challenge, though, is to get that answer from everyone in the State Department and everyone in the embassies. That is why we would really like to see some kind of formal policy articulated.

Mr. SMITH OF NEW JERSEY. Thank you.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, our colleague has got another commitment, so I am going to let her ask questions before me.

Ms. WATSON. I appreciate that, and I am sitting here seething with anger, so thank you for letting me spout.

First, I want to say to Maria and Vi, it takes a great amount of courage to come before this body and before the public and state your circumstances. I commend you. I am someone that absolutely, positively will work as hard as I can to see that we move every

country off of Tier 3, Tier 2 and Tier 1 and to protect the rights of women and girls and young boys. It is absolutely horrendous to me that this is going on anywhere in the world, and I am shocked to think that American Samoa is carrying this on as well.

Now, my question to any of the panelists that would like to respond is, how do we get away with it? As we sit here this afternoon and we talk about protecting women, children from trafficking and sex, we, the United States, condemning these other countries and put them in a status—and this is going on in American Samoa? And then I also am further appalled to think that the State Department is not cooperating to give these victims status immediately so they could assume some kind of normalcy, these young women can have some kind of young life and take care of their children and their families and pay off this debt.

So we are sitting here in judgment, but what are we doing particularly in American Samoa, whoever would like to respond?

Ms. NEUWIRTH. Unfortunately, I don't think it is just American Samoa.

Ms. WATSON. The reason I mentioned it is because it is America.

Ms. NEUWIRTH. In even in the United States you have given us this great tool which is the law, and I think a concern that we have, which I mentioned, is that it is not being used very aggressively. Maybe that is just a function of start-up delay, but, in general, I think one of the reasons that we wanted this law was so we would see more prosecutions everywhere in the United States because trafficking is coming into the United States in many different places in great volume. So I think that is an important question for the Justice Department.

Ms. WATSON. I would hope, Mr. Chairman and Members, that we could get down to some of the fundamental factors in giving you this new tool, because I see a problem with the State Department. And I know as an Ambassador, and I wish I had been in some of those places, we stepped up to the base and did some things that weren't quite in agreement with law enforcement and the country in which I was hosted. But we were the United States, we were there officially, and we had certain things to do.

What I cannot understand is why the State Department is dragging its feet. I know how they place priorities. I have been a victim of that myself. But we have got to make the case—if I don't do anything else while I am here as a Congressperson—I will be making the case to the State Department that they have to think outside the box. If we as a Congress passed this law to protect young women and young boys and all that we need to start with ourselves, too.

Mr. Chairman, I wish all of you would join me in the anger that I am feeling right now that how dare us start to strategize other countries and we have got lots to do right here on our own. So all these organization representatives that are here, I hope you will continue to work with us as we try to implement this law, as we try to save these young lives. There is not any more greater offense and horrendous offense as to use a person's body against their will and for sex and particularly a young person. We must start with ourselves and clean it out wherever it is, here in territorial or in

continental United States and territorial United States and our different agencies.

I want to say to the Chair and the Members that I pledge my assistance to you, and I commend you for starting this, and I am just appalled that we haven't gotten any further than this.

Mr. HAUGEN. Mr. Vice Chairman, can I respond very briefly? I think the key element in terms of our own domestic enforcement is clearly the way we deal with the victims, that cooperation of victims in law enforcement is the most basic principle of effective investigation and prosecution. If we make them feel further threatened by that process we won't succeed the way we would like to.

In regard to the State Department and this notion of not applying principles we do here at home to things abroad, the one thing I think we have failed to do at the State Department is to not apply our prosecutorial vigor. The question, well, how many bad guys are getting in trouble which we easily ask about our own home situation because we hear those stories and say, for heaven's sake, someone should go to jail for that, we don't ask that same question about those other countries overseas.

The State Department, it seems from this report, is simple too loathe to ask, is anybody going to jail? Is anybody getting fired from the police force because of that? When that shift of thinking happens, I believe you will see a dramatic change of sex trafficking in these countries.

Ms. NEUWIRTH. If I could add one other point that came up about what can we do here that will help us in our case abroad, the United States invested very much in the negotiation of the protocol on trafficking, and I think the question was raised earlier about the ratification process. We should ratify that protocol as quickly as possible, and then we will be in a much better position to urge other countries to ratify. There are only a handful so far. So the protocol hasn't yet come into force, and that is another powerful tool on the international level that needs to be activated.

Ms. WATSON. If I might respond, and this will be the last comment, that the question was raised on how rapidly we could do it. So we are going to continue after the Justice Department to see that they then review so we can pass those provisions on to the Senate, and what I would like to do is untie the hands of those that will implement so that we can really show our commitment behind this law, this act that we did pass. So, working together, I think we might be able to make a difference and move this along. I would hesitate to condemn these other countries while we still have these issues pending and we haven't been able to expedite them.

So we have got some steps to take before we can move out into the world and—

Mr. SMITH OF NEW JERSEY. Would the gentlelady yield on that point?

I agree, and one of the aspects that we tried to incorporate into this bill was the idea that if we do not have adequate and very strong law enforcement—and that is to say 20-year sentences rather than the previous 10 which often meant a 2-year or slap on the wrist for those who engage in these practices—while simultaneously protecting the victim. We want to put anyone who is part of that spectrum—whether they be harboring, transporting,

seducing by way of providing or using coercion or lies or deception and then to go to the end game exploiter, that is to say the escort service or whatever—and throwing the full book at them.

That is why the question to Mr. Boyd earlier about prosecutions and the U.S. Attorneys—there is prosecutorial, as we all know, discretion. If our U.S. Attorneys have it on this low end of the totem pole, this kind of exploitation continues unabated. That is why these hearings and making sure every tool is out there—but also, as Mr. Haugen has said, it all comes down to our political will. It is all in place. Now just do it. And we have to make sure we have enough money there.

One of the other aspects about this law was that during the conference we melded in the Violence Against Women Act and other important protections for women, especially for immigrant women who could be battered, and then you hear the batterer or the person raping her say I will just turn you in to INS and you will be out of here in a minute. So domestic help or so-called domestic help were further exploited.

So we have got tools. We just want to make sure this Administration does not fall down on the job, and we look forward to working with you on that. We are right at a point, and I ask your help with this, with Nita Lowey and with the Foreign Operations Appropriations staff, Mr. Lantos, all of us have signed letters that they go with the full \$30 million.

That ball is in our court now. Shame on us if we come up with something less than the \$30 million to implement this legislation. So thank you for your help.

Mr. FALCOMA. Mr. Chairman, thank you.

First, I want to compliment Ms. Neuwirth and Mr. Haugen for their excellent presentations and certainly commend both of you for the outstanding work and the services that you have rendered for all these past years in addressing this very serious issue. I thought your analysis, Mr. Haugen, of the current law was excellent.

As my colleague from California said, category three—I would like to see category ten to really put real teeth in their problems. The Chairman, of which I am always appreciative of, is always seeking improvements in the current law. Like you said, we can put it in the books and the law, but if any Administration is given discretionary authority whether to put it in a high or low priority, then nothing gets done. That is something we have to be very watchful for.

I certainly want to associate myself with the remarks and concerns expressed by my colleague from California, especially for Maria and also for Ms. Vi. I would like to ask unanimous consent—Mr. Chairman, I would like the translator for Ms. Vi to say it in Vietnamese—at least for the benefit of our Vietnamese community, so I can explain other aspects of the situation that affected the life of Ms. Vi. In order to give at least some understanding also of what happened there in American Samoa.

First of all, I served as a veteran in Vietnam and I have nothing but the greatest fondness and affection for the Vietnamese people. I would never know whether I was going to be among the 58,000 body bags that were going to be coming back, and by the grace of God I am here, but this has never changed my mind. What this

country went through was a very divisive time period in our history. I still carry that very strong bitterness in terms of our national policies, what we did, our failure to do what we should have done or we could have done. But, beside all of that, I want Ms. Vi to know, if it is any consolation to her, I was directly involved in trying to work the solution to the problems that affected not only her but the Vietnamese women and men who were employed there by that company.

Could you translate? You can say it loudly on the mike, please, for purpose of reception.

[Interpreter speaking in Vietnamese.]

Mr. FALEOMAVAEGA. What had happened here was that Company 12—which is a Vietnamese—which is a semi-independent agency run by the government Vietnam. They contracted this employment system with the Vietnamese workers, with this Korean gentleman Kil Soo Lee who is from South Korea, and that contractual relationship brought the Vietnamese workers over to American Samoa with the promises that Ms. Vi had stated earlier.

I want her to know that, because of the current enforcement of the law, that with the investigations conducted by the Federal Bureau of Investigation, Mr. Kil Soo Lee is now in jail. Pending his prosecution or trial, that will be coming up in the months ahead, probably sometime in the first part of next year. What happened here was that there was a failure on the part of the Immigration Board on the government of American Samoa to enforce the laws that pertains to protection of the rights of workers that were working there in the territory.

While recovering from an operation in the hospital, I had a 3-hour meeting with Mr. Kil Soo Lee and also the Chairman of Company 12. They came from Vietnam in trying to diffuse the situation of these contractual problems affecting the rights of the Vietnamese workers with those of Daewoosa Company. And whatever the situation now, the court, pending the prosecution trial of Mr. Kil Soo Lee as well as to the rights that were given to the Vietnamese workers who were brought here under the T Visa basis, this is all part of the Federal law that is now being implemented.

Because a lot of our people did not understand what was going on in the vicinity of where the Vietnamese workers were being employed—I hope Ms. Vi will understand also that there were many of our church leaders, community people who extended their home and also helping them when they were in this kind of a situation—and the situation that I felt very resentful was that there were some inaccurate reports given to the media suggesting that Samoans are very violent people. They may be big, but they are not necessarily violent. It is true we love to play rugby, we love to play football. Just don't provoke us.

VI. I didn't think Samoans were mean people. They were just following orders of Mr. Lee to beat the workers, that is all.

Mr. FALEOMAVAEGA. I appreciate that very much, Ms. Vi; and I do want to say that, with the help of the Chairman, of the Members of this Committee, this tape is going to be rebroadcast in American Samoa so that the people there will know what is going on. Like I said, this gentleman is in jail right now pending his

prosecution and the court trial that is now pending in Federal district court.

So, again, I want to offer my most profound apologies to Ms. Vi and the members of the Vietnamese community that were affected by this unfortunate situation under the management of Mr. Kil Soo Lee, and I promise, Ms. Vi, this will never happen again.

VI. Thank you.

Mr. SMITH OF NEW JERSEY. The Chair recognizes General Counsel Joseph Rees.

Mr. REES. Thank you, Mr. Chairman. I just wanted to add to what Congressman Faleomavaega said.

I went to American Samoa in January to investigate this situation on behalf of the Committee, and I lived in American Samoa for 5 years earlier, as I think Congressman Faleomavaega mentioned earlier.

First of all, this was not a case of American Samoa against the Vietnamese workers. Many of the Samoan people opened their homes and hearts to the workers as soon as they began to find out all the terrible things that were being done to them. And also the good news is that the case is being prosecuted. That is the difference between something like this happening under the American flag and happening somewhere else is that, in fact, people are going to jail, the victims are being protected. It hasn't all happened as quickly or as seamlessly as we would like, but it is happening.

Even before the Federal Government got involved the American Samoa legal system was acting to protect the rights of some of the workers. They had brought a civil suit, and so things weren't working perfectly. We all wish this hadn't happened, but, in fact, it has been to some extent a success story, and I wanted to second the remarks that Congressman Faleomavaega made.

Mr. FALEOMAVAEGA. Would the Chairman yield?

We talk about forced prostitution and forced employment and problems we have with drug trafficking. I recall the words by the former President of Colombia, the Republic of Colombia, why we have such a serious problem of drug trafficking in our country. The response of the President was, well, if there wasn't so much a demand by Americans, maybe we wouldn't grow as much of the drugs or produce as much of the drugs to supply them for their consumption demand for this.

But, ultimately, my opinion, Mr. Chairman, is that more than anything it is the traffickers, and if anything—if the law—if it is ever to become meaningful, it is the traffickers. They are the ones we should really be focusing on, not only as a national policy but the commitment of the agencies responsible for implementing the provisions of the law. And I have always held that belief. It is not the victims. It is the traffickers and the brokers and the middle guys here in our own country who are responsible for this kind of activity. I just wanted to share that with the Committee.

Thank you, Mr. Chairman, and thank you, members of our panel, for their testimony.

Mr. SMITH OF NEW JERSEY. I would just add the legislation makes it very clear that the traffickers will—if there is a political will and the prosecution strategy is in place—they will be held accountable. They will go to jail, hopefully for at least 20 years or up

to life imprisonment, in some instances. But we also need to hold to account the customers, and that is certainly where the demand aspect of this is so apparent, and so we will continue to work on that as well.

Would any of you like to add anything? We are near the end of this hearing.

Mr. HAUGEN. I will just add a brief thought on the demand question. The demand certainly comes from those who visit the brothels for sex, but the brothel keeper can meet that demand through two different labor sources. They can entice with money or they can enslave with force, and to enslave with force is cheaper. So as long as they have a viable option of using a slave labor force, they will choose to do that. But in order to do that, it will have to have the complicity of the police to do it, because it requires major felonies to be committed and to be committed continuously in openness to the public because they want the public to come to the place to purchase the sex.

So it is not something hard to find. It is not something hard to fight. But someone has to have the political will to make it a priority.

Mr. SMITH OF NEW JERSEY. Thank you.

Ms. Neuwirth.

Ms. NEUWIRTH. Yes. But I guess I would add that this question of demand should be dealt with in a holistic way. You mentioned, and I think, the law also envisions room for additional activities that could be undertaken to try to address problems like sex tourism, the mail order bride industry, and all of these other areas that may not be immediately addressed in the law and yet are feeding into the industry—which is then resulting in an increase in trafficking.

Mr. HAUGEN. Just to follow up, I would definitely affirm that certainly the places we visit, that western customers are no strangers to these places, and they are part of the demand problem.

Part of our emphasis is also to point out, if you shut down the brothel, the brothel is the place that creates the demand for the trafficker. The trafficker has no place to bring their merchandise if they don't have a reliable market to go to. So if you do something to constrain the reliable market, the traffickers will have to find something else to do business with because there won't be a market for the merchandise they are trying to bring. So it is a strategy that is indispensable.

Mr. SMITH OF NEW JERSEY. I want to thank our witnesses for—did you want to add something?

VI. I would like to add something. I wanted to thank—

Mr. SMITH OF NEW JERSEY. I can't hear you.

VI. I would like to say something. I want to thank the panel for giving me a chance to speak up today. I am relieved that Mr. Lee is in jail. I just hope that none of this situation would happen to anybody else in the future.

Mr. SMITH OF NEW JERSEY. Thank you, and again we want to thank you for your courage. It will help in mitigating and hopefully ending this egregious practice by your being here and further sensitizing us and giving us further insight into just how bad it is.

I would like to thank our panelists. This has been a very enlightening hearing, and it will not be the last. We will have more. And as you come forward or have additional legislative ideas as well as funding ideas, don't be a stranger, as I know you will not be.

Thank you very much.

Mr. HAUGEN. Thank you, sir.

[Whereupon, at 3:17 p.m., the Committee was adjourned.]

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