

**AUTHORIZING APPROPRIATIONS FOR FY 2006
AND 2007 FOR THE TRAFFICKING VICTIMS
PROTECTION REAUTHORIZATION ACT OF 2000;
AND REMEMBERING THE VICTIMS OF THE
1994 RWANDA GENOCIDE, PLEDGING TO EN-
SURE SUCH AN ATROCITY DOES NOT REOCCUR**

MARKUP

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

H.R. 972 and H. Con. Res. 88

MARCH 10, 2005

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AND 2007 FOR THE TRAFFICKING VICTIMS
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THURSDAY, MARCH 10, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND
INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to call, at 1:07 p.m. in room 2255, Rayburn House Office Building, Hon. Christopher H. Smith [Chairman of the Subcommittee] presiding.

Mr. SMITH. Pursuant to notice, I call up the bill, H.R. 972, To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Reauthorization Act of 2000, for purposes of markup and move its favorable recommendation to the Full Committee.

[H.R. 972 follows:]

109TH CONGRESS
1ST SESSION

H. R. 972

To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. PAYNE, Mr. BLUNT, Mr. WOLF, Mr. CARDIN, Ms. ROS-LEHTINEN, Mr. PITTS, Mr. PENCE, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Armed Services, Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trafficking Victims Protection Reauthorization Act of
6 2005”.

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

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN
 PERSONS

Sec. 101. Prevention of trafficking in persons.
 Sec. 102. Protection of victims of trafficking in persons.
 Sec. 103. Enhancing prosecutions of trafficking offenses.
 Sec. 104. Enhancing United States efforts to combat trafficking in persons.
 Sec. 105. Additional activities to monitor and combat forced labor and child
 labor.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

Sec. 201. Prevention of domestic trafficking in persons.
 Sec. 202. Establishment of grant program to develop, expand, and strengthen
 victim service programs for victims of domestic trafficking.
 Sec. 203. Protection of victims of domestic trafficking in persons.
 Sec. 204. Investigation by Federal Bureau of Investigation of acts of domestic
 trafficking in persons.
 Sec. 205. Enhancing State and local efforts to combat trafficking in persons.
 Sec. 206. Definitions.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Authorizations of appropriations.
 Sec. 302. Investigations by Federal Bureau of Investigations.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) The United States has demonstrated inter-
 6 national leadership in combating human trafficking
 7 and slavery through the enactment of the Traf-
 8 ficking Victims Protection Act of 2000 (division A of
 9 Public Law 106–386; 22 U.S.C. 7101 et seq.) and
 10 the Trafficking Victims Protection Reauthorization
 11 Act of 2003 (Public Law 108–193).

12 (2) The United States Government currently
 13 estimates that 600,000 to 800,000 individuals are

1 trafficked across international borders each year and
2 exploited through forced labor and commercial sex
3 exploitation. An estimated 80 percent of such indi-
4 viduals are women and girls.

5 (3) Since the enactment of the Trafficking Vie-
6 tims Protection Act of 2000, United States efforts
7 to combat trafficking in persons have focused pri-
8 marily on the international trafficking in persons,
9 including the trafficking of foreign citizens into the
10 United States.

11 (4) Trafficking in persons also occurs within
12 the borders of a country, including the United
13 States.

14 (5) An estimated 100,000 to 300,000 children
15 in the United States are at risk for commercial sex-
16 ual exploitation in the United States, including traf-
17 ficking, at any given time.

18 (6) Runaway and homeless children in the
19 United States are highly susceptible to being domes-
20 tically trafficked for commercial sexual exploitation.
21 Every day in the United States, between 1,300,000
22 and 2,800,000 runaway and homeless youth live on
23 the streets. One out of every seven children will run
24 away from home before the age of 18.

1 (7) A comprehensive strategy is needed to pre-
2 vent the victimization of United States citizens and
3 nationals through domestic trafficking.

4 (8) A project by the United Nations Edu-
5 cational, Scientific and Cultural Organization
6 (UNESCO) in Southeast Asia has documented a
7 linkage between the spread of HIV/AIDS and traf-
8 ficking in women and girls. Scant other research or
9 statistical data exists regarding the interconnection
10 between trafficking in persons and HIV/AIDS. Fur-
11 ther research is needed to determine the extent to
12 which trafficking in persons contributes to the
13 spread of HIV/AIDS and to identify strategies to
14 combat this linkage.

15 (9) Following armed conflicts and during hu-
16 manitarian emergencies, indigenous populations face
17 increased security challenges and vulnerabilities
18 which result in myriad forms of violence, including
19 trafficking for sexual and labor exploitation. Foreign
20 policy and foreign aid professionals increasingly re-
21 cognize the increased activity of human traffickers in
22 post-conflict settings and during humanitarian emer-
23 gencies.

24 (10) There is a need to protect populations in
25 post-conflict settings and humanitarian emergencies

1 from being trafficked for sexual or labor exploi-
2 tation. The efforts of aid agencies to address the
3 protection needs of, among others, internally dis-
4 placed persons and refugees are useful in this re-
5 gard. Nonetheless, there remains a lack of institu-
6 tionalized programs and strategies at the United
7 States Agency for International Development, the
8 Department of State, and the Department of De-
9 fense to combat human trafficking, including
10 through protection and prevention methodologies, in
11 post-conflict environments and during humanitarian
12 emergencies.

13 (11) International and human rights organiza-
14 tions have documented a correlation between inter-
15 national deployments of military and civilian peace-
16 keepers and aid workers and a resulting increase in
17 the number of women and girls trafficked into pros-
18 titution in post-conflict regions.

19 (12) The involvement of employees and contrac-
20 tors of the United States Government and members
21 of the Armed Forces in trafficking in persons, facili-
22 tating the trafficking in persons, or exploiting the
23 victims of trafficking in persons is inconsistent with
24 United States laws and policies and undermines the

1 credibility and mission of United States Government
2 programs in post-conflict regions.

3 (13) Further measures are needed to ensure
4 that United States Government personnel and con-
5 tractors are held accountable for involvement with
6 acts of trafficking in persons, including by expand-
7 ing United States criminal jurisdiction to all United
8 States Government contractors abroad.

9 (14) Communities in the United States are not
10 fully informed about sex offenders who are residing
11 or working within those communities because offend-
12 ers who are convicted in a foreign court of a sexually
13 violent offense, or a criminal offense against a child
14 victim, are not currently encompassed by the Jacob
15 Wetterling Crimes Against Children and Sexually
16 Violent Offender Registration Program carried out
17 under section 170101 of the Violent Crime Control
18 and Law Enforcement Act of 1994 (42 U.S.C.
19 14701), as amended by Megan’s Law (Public Law
20 104–145;110 Stat. 1345).

1 **TITLE I—COMBATting INTER-**
2 **NATIONAL TRAFFICKING IN**
3 **PERSONS**

4 **SEC. 101. PREVENTION OF TRAFFICKING IN PERSONS.**

5 (a) PREVENTION OF TRAFFICKING IN CONJUNCTION
6 WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY
7 ASSISTANCE.—

8 (1) AMENDMENT.—Section 106 of the Traf-
9 ficking Victims Protection Act of 2000 (22 U.S.C.
10 7104) is amended by adding at the end the following
11 new subsection:

12 “(h) PREVENTION OF TRAFFICKING IN CONJUNC-
13 TION WITH POST-CONFLICT AND HUMANITARIAN EMER-
14 GENCY ASSISTANCE.—The United States Agency for
15 International Development, the Department of State, and
16 the Department of Defense shall incorporate anti-traf-
17 ficking and protection measures for vulnerable popu-
18 lations, particularly women and children, into their post-
19 conflict and humanitarian emergency assistance and pro-
20 gram activities.”.

21 (2) STUDY AND REPORT.—

22 (A) STUDY.—

23 (i) IN GENERAL.—The Secretary of
24 State and the Administrator of the United
25 States Agency for International Develop-

1 ment, in consultation with the Secretary of
2 Defense, shall conduct a study regarding
3 the threat and practice of trafficking in
4 persons generated by post-conflict and hu-
5 manitarian emergencies in foreign coun-
6 tries.

7 (ii) FACTORS.—In carrying out the
8 study, the Secretary of State and the Ad-
9 ministrators of the United States Agency
10 for International Development shall
11 examine—

12 (I) the vulnerabilities to human
13 trafficking of commonly affected pop-
14 ulations, particularly women and chil-
15 dren, generated by post-conflict and
16 humanitarian emergencies;

17 (II) the various forms of traf-
18 ficking in persons, both internal and
19 trans-border, including both sexual
20 and labor exploitation;

21 (III) a collection of best practices
22 implemented to date to combat human
23 trafficking in such areas; and

24 (IV) proposed recommendations
25 to better combat trafficking in per-

1 sons in conjunction with post-conflict
2 reconstruction and humanitarian
3 emergencies assistance.

4 (B) REPORT.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 Secretary of State and the Administrator of the
7 United States Agency for International Devel-
8 opment shall submit to the Committee on Inter-
9 national Relations of the House of Representa-
10 tives and the Committee on Foreign Relations
11 of the Senate a report that contains—

12 (i) the results of the study conducted
13 pursuant to subparagraph (A); and

14 (ii) specific recommendations to com-
15 bat trafficking in persons by departments
16 and agencies of the United States Govern-
17 ment that are responsible for post-conflict
18 and humanitarian emergency strategy and
19 assistance programs, including the Office
20 of Transition Initiatives and the Office of
21 Foreign Disaster Assistance of the United
22 States Agency for International Develop-
23 ment, the Office of the Coordinator for Re-
24 construction and Stabilization and the Bu-
25 reau of Population, Refugees, and Migra-

1 tion of the Department of State, and rel-
2 evant Department of Defense entities that
3 are carrying out or assisting in the conduct
4 of such programs.

5 (3) IMPLEMENTATION OF RECOMMENDA-
6 TIONS.—To the maximum extent practicable and in
7 consultation with the congressional committees spec-
8 ified in paragraph (2)(B), the Administrator of the
9 United States Agency for International Develop-
10 ment, the Secretary of State, the Secretary of De-
11 fense, and the heads of other relevant departments
12 and agencies of the United States Government shall
13 take such actions as are necessary to implement the
14 recommendations contained in the report under
15 paragraph (2)(B)(ii) as soon as practicable after the
16 date of the submission of the report.

17 (b) EXTENSION OF SEXUALLY VIOLENT OFFENDER
18 REGISTRATION PROGRAM TO FOREIGN OFFENSES.—

19 (1) IN GENERAL.—Subsection (b)(7) of section
20 170101 of the Violent Crime Control and Law En-
21 forcement Act of 1994 (42 U.S.C. 14071) is
22 amended—

23 (A) in the matter preceding subparagraph
24 (A) by striking “convicted in another State”

1 and inserting “convicted outside that State”;

2 and

3 (B) in subparagraph (A) by inserting after

4 “convicted in another State,” the following:

5 “convicted of a foreign offense.”.

6 (2) GUIDELINES; IMPLEMENTATION BY

7 STATES.—Not later than one year after the date of

8 the enactment of this Act, the Attorney General

9 shall issue revised guidelines to implement the

10 amendments made by paragraph (1). For purposes

11 of subsection (g) of such section 170101, a State

12 shall have until two years from the date on which

13 the Attorney General issues revised guidelines pursu-

14 ant to the preceding sentence to implement the

15 amendments made by paragraph (1).

16 **SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN**
17 **PERSONS.**

18 (a) ACCESS TO INFORMATION.—Section 107(c)(2) of

19 the Trafficking Victims Protection Act of 2000 (22 U.S.C.

20 7105(c)(2)) is amended by adding at the end the following

21 new sentence: “To the extent practicable, victims of severe

22 forms of trafficking shall have access to information about

23 federally funded or administered anti-trafficking programs

24 that provide services to victims of severe forms of traf-

25 ficking.”.

1 (b) ESTABLISHMENT OF GUARDIAN AD LITEM PRO-
2 GRAM.—Section 462(b) of the Homeland Security Act of
3 2002 (6 U.S.C. 279(b)) is amended by adding at the end
4 the following new paragraph:

5 “(4) APPOINTMENT OF GUARDIAN AD LITEM
6 FOR CHILD VICTIM OF TRAFFICKING.—

7 “(A) IN GENERAL.—If the Director of the
8 Office of Refugee Resettlement has reason to
9 believe that an unaccompanied alien child is a
10 victim of a severe form of trafficking in persons
11 (as defined in section 107(b)(1)(C)(ii)(I) of the
12 Trafficking Victims Protection Act of 2000 (22
13 U.S.C. 7105(b)(1)(C)(ii)(I))), the Director may
14 appoint a guardian ad litem who meets the
15 qualifications described in subparagraph (B) for
16 the child. The Director is encouraged, wherever
17 practicable, to arrange with a nongovernmental
18 organization for the selection of an individual to
19 be appointed as a guardian ad litem under this
20 paragraph.

21 “(B) QUALIFICATIONS OF GUARDIAN AD
22 LITEM.—No person shall serve as a guardian
23 ad litem under this paragraph unless the
24 person—

1 “(i) is a child welfare professional or
2 other individual who has received training
3 in child welfare matters; and

4 “(ii) has received training on the na-
5 ture of problems encountered by victims of
6 trafficking.

7 “(C) DUTIES.—The guardian ad litem
8 shall take such steps as may be necessary to in-
9 vestigate and report to the Director of the Of-
10 fice of Refugee Resettlement as to whether an
11 unaccompanied alien child is a victim of traf-
12 ficking. The guardian ad litem shall—

13 “(i) conduct interviews with the child
14 in a manner that is appropriate, taking
15 into account the child’s age;

16 “(ii) investigate the facts and cir-
17 cumstances relevant to such child’s pres-
18 ence in the United States, including facts
19 and circumstances arising in the country of
20 the child’s nationality or last habitual resi-
21 dence and facts and circumstances arising
22 subsequent to the child’s departure from
23 such country;

24 “(iii) work with counsel, if the child is
25 represented by counsel, to identify the

1 child’s eligibility for relief from removal or
2 voluntary departure by sharing with coun-
3 sel information collected under clause (ii);

4 “(iv) develop recommendations on
5 issues relative to the child’s custody, deten-
6 tion, release, and repatriation;

7 “(v) take reasonable steps to ensure
8 that the best interests of the child are pro-
9 moted while the child participates in, or is
10 subject to, proceedings or matters under
11 the Immigration and Nationality Act (8
12 U.S.C. 1101 et seq.); and

13 “(vi) take reasonable steps to ensure
14 that the child understands the nature of
15 the legal proceedings or matters and deter-
16 minations made by the court, and ensure
17 that all information is conveyed in an age-
18 appropriate manner.

19 “(D) DETERMINATION OF ELIGIBILITY
20 FOR BENEFITS AND SERVICES.—The Director
21 of the Office of Refugee Resettlement shall con-
22 sider the report provided by the guardian ad
23 litem in determining whether an alien child is
24 a victim of a severe form of trafficking in per-
25 sons eligible for services pursuant to section

1 107(b)(1)(A) of the Trafficking Victims Protec-
2 tion Act of 2000 (22 U.S.C. 7105(b)(1)(A)).

3 “(E) TERMINATION OF APPOINTMENT.—
4 The guardian ad litem shall carry out the du-
5 ties described in subparagraph (C) until one of
6 the following occurs:

7 “(i) Such duties are completed.

8 “(ii) The child departs the United
9 States.

10 “(iii) The child is granted permanent
11 resident status in the United States;

12 “(iv) The child attains the age of 18.

13 “(v) The child is placed in the custody
14 of a parent, legal guardian, or licensed
15 child welfare agency.

16 “(F) POWERS.—The guardian ad litem—

17 “(i) shall have reasonable access to
18 the child, including access while such child
19 is being held in detention, in the care of a
20 foster family, or in any other temporary
21 living arrangement;

22 “(ii) shall be permitted to review all
23 records and information relating to such
24 proceedings that are not deemed privileged
25 or classified;

1 “(iii) may seek independent evalua-
2 tions of the child;

3 “(iv) shall be notified in advance of all
4 hearings or interviews involving the child
5 that are held in connection with pro-
6 ceedings or matters under the Immigration
7 and Nationality Act (8 U.S.C. 1101 et
8 seq.) or in connection with the investiga-
9 tion or prosecution of a severe form of
10 trafficking in persons (as defined in section
11 103 of the Trafficking Victims Protection
12 Act of 2000 (22 U.S.C. 7103)), and shall
13 be given a reasonable opportunity to be
14 present at such hearings or interviews;

15 “(v) shall be permitted to consult with
16 the child during any hearing or interview
17 involving such child; and

18 “(vi) shall be provided at least 24
19 hours advance notice of a transfer of that
20 child to a different placement, absent com-
21 pelling and unusual circumstances war-
22 ranting the transfer of such child prior to
23 notification.

24 “(G) TRAINING.—The Director of the Of-
25 fice for Refugee Resettlement is authorized to

1 provide training for all persons serving as
2 guardians ad litem under this section in the cir-
3 cumstances and conditions that child victims of
4 trafficking face and immigration benefits or
5 other rights under the Trafficking Victims Pro-
6 tection Act of 2000 (22 U.S.C. 7101 et seq.)
7 for which such child might be eligible.

8 “(H) AUTHORIZATION OF APPROPRIA-
9 TIONS.—There are authorized to be appro-
10 priated to the Secretary of Health and Human
11 Services such sums as may be necessary to
12 carry out this paragraph. ”.

13 (c) ACCESS TO COUNSEL.—Section 107(c) of the
14 Trafficking Victims Protection Act of 2000 (22 U.S.C.
15 7105(c)) is amended by adding at the end the following
16 new paragraph:

17 “(5) ACCESS TO COUNSEL.—

18 “(A) ACCESS TO COUNSEL.—Victims of se-
19 vere forms of trafficking, while in the custody
20 of the Federal Government, shall not be denied
21 access to counsel in any proceeding or matter
22 relating to the investigation and prosecution of
23 the act of trafficking involved.

24 “(B) INFORMATION.—Victims of severe
25 forms of trafficking shall receive information

1 about their right to access to counsel under
2 subparagraph (A). To the maximum extent
3 practicable, victims of severe forms of traf-
4 ficking shall receive contact information for
5 nongovernmental organizations that receive
6 funding from the Federal Government to pro-
7 vide counsel or other assistance to victims of
8 trafficking.”.

9 (d) ESTABLISHMENT OF PILOT PROGRAM FOR RESI-
10 DENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF
11 TRAFFICKING.—

12 (1) STUDY.—

13 (A) IN GENERAL.—Not later than 180
14 days after the date of the enactment of this
15 Act, the Administrator of the United States
16 Agency for International Development shall
17 carry out a study to identify best practices for
18 the rehabilitation of victims of trafficking in
19 group residential facilities in foreign countries.

20 (B) FACTORS.—In carrying out the study
21 under subparagraph (A), the Administrator
22 shall—

23 (i) investigate factors relating to the
24 rehabilitation of victims of trafficking in
25 group residential facilities, such as the ap-

1 appropriate size of such facilities, services to
2 be provided, length of stay, and cost; and
3 (ii) give consideration to ensure the
4 safety and security of victims of traf-
5 ficking, provide alternative sources of in-
6 come for such victims, assess and provide
7 for the educational needs of such victims,
8 including literacy, and assess the psycho-
9 logical needs of such victims and provide
10 professional counseling, as appropriate.

11 (2) PILOT PROGRAM.—Upon completion of the
12 study carried out pursuant to paragraph (1), the
13 Administrator of the United States Agency for
14 International Development shall establish and carry
15 out a pilot program to establish residential treat-
16 ment facilities in foreign countries for victims of
17 trafficking based upon the best practices identified
18 in the study.

19 (3) PURPOSES.—The purposes of the pilot pro-
20 gram established pursuant to paragraph (2) are to—

21 (A) provide benefits and services to victims
22 of trafficking, including shelter, psychological
23 counseling, and assistance in developing inde-
24 pendent living skills;

1 (B) assess the benefits of providing resi-
2 dential treatment facilities for victims of traf-
3 ficking, as well as the most efficient and cost-
4 effective means of providing such facilities; and

5 (C) assess the need for and feasibility of
6 establishing additional residential treatment fa-
7 cilities for victims of trafficking.

8 (4) SELECTION OF SITES.—The Administrator
9 of the United States Agency for International Devel-
10 opment shall select 2 sites at which to operate the
11 pilot program established pursuant to paragraph (2).

12 (5) FORM OF ASSISTANCE.—In order to carry
13 out the responsibilities of this subsection, the Ad-
14 ministrator of the United States Agency for Inter-
15 national Development shall enter into contracts with,
16 or make grants to, nonprofit organizations with rel-
17 evant expertise in the delivery of services to victims
18 of trafficking.

19 (6) REPORT.—Not later than one year after the
20 date on which the first pilot program is established
21 pursuant to paragraph (2), the Administrator of the
22 United States Agency for International Development
23 shall submit to the Committee on International Re-
24 lations of the House of Representatives and the

1 Committee on Foreign Relations of the Senate a re-
2 port on the implementation of this subsection.

3 (7) AUTHORIZATION OF APPROPRIATIONS.—
4 There are authorized to be appropriated to the Ad-
5 ministrator of the United States Agency for Inter-
6 national Development to carry out this subsection
7 \$2,500,000 for each of the fiscal years 2006 and
8 2007.

9 **SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING**
10 **OFFENSES.**

11 (a) EXTRATERRITORIAL JURISDICTION OVER FED-
12 ERAL CONTRACTORS.—

13 (1) IN GENERAL.—Part II of title 18, United
14 States Code, is amended by inserting after chapter
15 212 the following new chapter:

16 **“CHAPTER 212A—EXTRATERRITORIAL JU-**
17 **RISDICTION OVER FEDERAL CON-**
18 **TRACTORS**

“Sec.

“3271. Criminal offenses committed by Federal contractors outside the United States.

“3272. Definition.

19 **“§ 3271. Criminal offenses committed by Federal con-**
20 **tractors outside the United States**

21 “(a) Whoever, while an extraterritorial Federal con-
22 tractor, engages in conduct outside the United States that
23 would constitute an offense punishable by imprisonment

1 for more than 1 year if the conduct had been engaged
 2 in within the special maritime and territorial jurisdiction
 3 of the United States shall be punished as provided for that
 4 offense.

5 “(b) No prosecution may be commenced against a
 6 person under this section if a foreign government, in ac-
 7 cordance with jurisdiction recognized by the United
 8 States, has prosecuted or is prosecuting such person for
 9 the conduct constituting such offense, except upon the ap-
 10 proval of the Attorney General or the Deputy Attorney
 11 General (or a person acting in either such capacity), which
 12 function of approval may not be delegated.

13 **“§ 3272. Definition**

14 “As used in this chapter, the term ‘extraterritorial
 15 Federal contractor’ means a person—

16 “(1) employed as a contractor (including a sub-
 17 contractor at any tier), or as an employee of a con-
 18 tractor (or subcontractor at any tier), of any Federal
 19 agency;

20 “(2) present or residing outside the United
 21 States in connection with such employment; and

22 “(3) not a national of or ordinarily resident in
 23 the host nation.”.

24 (2) CLERICAL AMENDMENT.—The table of
 25 chapters at the beginning of such part is amended

1 by inserting after the item relating to chapter 212
2 the following new item:

“212A. Extraterritorial jurisdiction over Federal contractors 3271”.

3 (b) NEW UCMJ OFFENSES.—

4 (1) IN GENERAL.—Subchapter X of chapter 47
5 of title 10, United States Code (the Uniform Code
6 of Military Justice), is amended by inserting after
7 section 920 (article 120) the following new sections:

8 **“§ 920a. Art. 120a. Sex trafficking**

9 “Any person subject to this chapter who knowingly
10 recruits, entices, harbors, transports, provides, or obtains
11 by any means a person, knowing that—

12 “(1) force, fraud, or coercion will be used to
13 cause that person to engage in a commercial sex act;
14 or

15 “(2) the person has not attained the age of
16 eighteen years and will be caused to engage in a
17 commercial sex act,

18 is guilty of sex trafficking and shall be punished as a
19 court-martial may direct.

20 **“§ 920b. Art. 120b. Trafficking for labor or services**

21 “Any person subject to this chapter who knowingly
22 recruits, harbors, transports, provides, or obtains by any
23 means a person for labor or services—

24 “(1) by threats of serious harm to, or physical
25 restraint against, that person or another person;

1 “(2) by means of any scheme, plan, or pattern
2 intended to cause the person to believe that, if the
3 person did not perform such labor or services, that
4 person or another person would suffer serious harm
5 or physical restraint; or

6 “(3) by means of the abuse or threatened abuse
7 of law or the legal process,
8 is guilty of trafficking for labor or services and shall be
9 punished as a court-martial may direct.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of such subchapter is amend-
12 ed by inserting after the item relating to section 920
13 (article 120) the following new items:

“920a. 120a. Sex trafficking.
“920b. 120b. Trafficking for labor or services.”.

14 (c) LAUNDERING OF MONETARY INSTRUMENTS.—
15 Section 1956(c)(7)(B) of title 18, United States Code, is
16 amended—

17 (1) in clause (v), by striking “or” at the end;
18 (2) in clause (vi), by adding “or” at the end;
19 and
20 (3) by adding at the end the following new
21 clause:

22 “(vii) trafficking in persons, selling or
23 buying of children, sexual exploitation of
24 children, or transporting, recruiting or har-

1 boring a person, including a child, for com-
2 mercial sex acts;”.

3 (d) TRANSPORTATION OF MINORS.—Section 2423 of
4 title 18, United States Code, is amended by adding at the
5 end the following new subsection:

6 “(h) ENFORCEMENT AGAINST UNITED STATES CITI-
7 ZENS IN FOREIGN PLACES.—If a United States Govern-
8 ment official attached to a United States Embassy in a
9 foreign place becomes aware of a United States citizen or
10 an alien admitted for permanent residence in the United
11 States who is located in such foreign place and who has
12 traveled in foreign commerce in violation of subsection (a),
13 (b), (c), (d), or (e), the United States Embassy shall notify
14 local law enforcement authorities and shall encourage the
15 prosecution of the individual under applicable local laws
16 or the extradition of the individual to the United States
17 for the purpose of prosecution under this section.”.

18 **SEC. 104. ENHANCING UNITED STATES EFFORTS TO COM-**
19 **BAT TRAFFICKING IN PERSONS.**

20 (a) APPOINTMENT TO INTERAGENCY TASK FORCE
21 TO MONITOR AND COMBAT TRAFFICKING.—Section
22 105(b) of the Trafficking Victims Protection Act of 2000
23 (22 U.S.C. 7103(b)) is amended—

1 (1) by striking “the Director of Central Intel-
2 ligence” and inserting “the Director of National In-
3 telligence”; and

4 (2) by inserting “, the Secretary of Defense, the
5 Secretary of Homeland Security” after “the Director
6 of National Intelligence” (as added by paragraph
7 (1)).

8 (b) REPORTING REQUIREMENT.—Section
9 105(d)(7)(D) of the Trafficking Victims Protection Act of
10 2000 (22 U.S.C. 7103(d)(7)(D)) is amended by adding
11 at the end before the semicolon the following: “, and with
12 respect to each case prosecuted under one or more of these
13 sections, the number of victims of trafficking identified in
14 each case and, of those victims, the number that have been
15 granted continued presence in the United States under
16 section 107(c)(3) or have been granted a visa under sec-
17 tion 101(a)(15)(T)(i) of the Immigration and Nationality
18 Act”.

19 (c) MINIMUM STANDARDS FOR THE ELIMINATION OF
20 TRAFFICKING.—Section 108(b) of the Trafficking Victims
21 Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

22 (1) in paragraph (3), by adding at the end be-
23 fore the period the following: “, measures to reduce
24 the demand for commercial sex acts and for partici-
25 pation in international sex tourism by nationals of

1 the country, measures to ensure that its nationals
2 who are deployed abroad as part of a peacekeeping
3 or other similar mission do not engage in or facili-
4 tate severe forms of trafficking in persons or exploit
5 victims of such trafficking, and measures to prevent
6 the use of forced labor or child labor in violation of
7 international standards”; and

8 (2) in the first sentence of paragraph (7), by
9 striking “persons,” and inserting “persons, including
10 nationals of the country who are deployed abroad as
11 part of a peacekeeping or other similar mission who
12 engage in or facilitate severe forms of trafficking in
13 persons or exploit victims of such trafficking.”

14 (d) RESEARCH.—Section 112A of the Trafficking
15 Victims Protection Act of 2000 (22 U.S.C. 7109a) is
16 amended—

17 (1) in the first sentence of the matter preceding
18 paragraph (1)—

19 (A) by striking “The President” and in-
20 sserting “(a) IN GENERAL.—The President”;
21 and

22 (B) by striking “the Director of Central
23 Intelligence” and inserting “the Director of Na-
24 tional Intelligence”;

1 (2) in paragraph (3), by adding at the end be-
2 fore the period the following: “, particularly HIV/
3 AIDS”;

4 (3) by adding at the end the following new
5 paragraphs:

6 “(4) Subject to subsection (b), the interrelation-
7 ship between trafficking in persons and terrorism,
8 including the use of profits from trafficking in per-
9 sons to finance terrorism.

10 “(5) An effective mechanism for quantifying the
11 number of victims of trafficking on a national, re-
12 gional, and international basis.

13 “(6) The abduction and enslavement of children
14 for use as soldiers, including steps taken to elimi-
15 nate the abduction and enslavement of children for
16 use as soldiers and recommendations for such fur-
17 ther steps as may be necessary to rapidly end the
18 abduction and enslavement of children for use as
19 soldiers.”; and

20 (4) by further adding at the end the following
21 new subsections:

22 “(b) ROLE OF HUMAN SMUGGLING AND TRAF-
23 FICKING CENTER.—The research initiatives described in
24 subsection (a)(4) shall be carried out by the Human
25 Smuggling and Trafficking Center (established pursuant

1 to section 7202 of the Intelligence Reform and Terrorism
2 Prevention Act of 2004 (Public Law 108–458)).

3 “(c) DEFINITIONS.—In this section:

4 “(1) AIDS.—The term ‘AIDS’ means the ac-
5 quired immune deficiency syndrome.

6 “(2) HIV.—The term ‘HIV’ means the human
7 immunodeficiency virus, the pathogen that causes
8 AIDS.

9 “(3) HIV/AIDS.—The term ‘HIV/AIDS’
10 means, with respect to an individual, an individual
11 who is infected with HIV or living with AIDS.”.

12 (e) FOREIGN SERVICE OFFICER TRAINING.—Section
13 708(a) of the Foreign Service Act of 1980 (22 U.S.C.
14 4028(a)) is amended—

15 (1) in the matter preceding paragraph (1), by
16 inserting “, the Director of the Office to Monitor
17 and Combat Trafficking,” after “the International
18 Religious Freedom Act of 1998”;

19 (2) in paragraph (1), by striking “and” at the
20 end;

21 (3) in paragraph (2), by striking the period at
22 the end and inserting “; and”; and

23 (4) by adding at the end the following:

24 “(3) instruction on international documents and
25 United States policy on trafficking in persons, in-

1 including provisions of the Trafficking Victims Protec-
2 tion Act of 2000 (division A of Public Law 106–386;
3 22 U.S.C. 7101 et seq.) which may affect the United
4 States bilateral relationships.”.

5 (f) PREVENTION OF TRAFFICKING BY PEACE-
6 KEEPERS.—

7 (1) INCLUSION IN TRAFFICKING IN PERSONS
8 REPORT.—Section 110(b)(1) of the Trafficking Vic-
9 tims Protection Act of 2000 (22 U.S.C. 7107(b)(1))
10 is amended—

11 (A) in subparagraph (B), by striking
12 “and” at the end;

13 (B) in subparagraph (C), by striking the
14 period at the end and inserting “; and”; and

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

17 “(D) information on the measures taken
18 by the United Nations, the Organization for Se-
19 curity and Cooperation in Europe, the North
20 Atlantic Treaty Organization and, as appro-
21 priate, other multilateral organizations in which
22 the United States participates, to prevent the
23 involvement of the organization’s employees,
24 contractor personnel, and peacekeeping forces

1 in trafficking in persons or the exploitation of
2 victims of trafficking.”.

3 (2) PREVENTION OF TRAFFICKING IN CONNEC-
4 TION WITH PEACEKEEPING OPERATIONS.—

5 (A) CERTIFICATION BY SECRETARY OF
6 STATE.—At least 15 days prior to voting for or
7 otherwise officially endorsing a new, reauthor-
8 ized, or expanded peacekeeping mission under
9 the auspices of the United Nations, the North
10 Atlantic Treaty Organization, or any other mul-
11 tilateral organization in which the United
12 States participates (or in the case of a peace-
13 keeping mission to respond to an emergency, as
14 far in advance as is practicable), the Secretary
15 of State shall submit to the Committee on
16 International Relations of the House of Rep-
17 resentatives, the Committee on Foreign Rela-
18 tions of the Senate, and any other appropriate
19 congressional committee a certification that
20 contains—

21 (i) a determination that the organiza-
22 tion has taken appropriate measures to
23 prevent the organization’s employees, con-
24 tractor personnel, and peacekeeping forces
25 serving in the peacekeeping mission from

1 trafficking in persons, exploiting victims of
2 trafficking, or committing acts of illegal
3 sexual exploitation and to hold accountable
4 any such individuals who engage in any
5 such acts while participating in the peace-
6 keeping mission; and

7 (ii) a detailed description of each of
8 the measures referred to in clause (i).

9 (B) PROVISION OF UNITED STATES
10 LOGISTICAL SUPPORT.—

11 (i) REQUIREMENT.—The United
12 States may provide logistical support for or
13 deploy personnel, including civilian police,
14 observers, or members of the United States
15 Armed Forces in support of a peace-
16 keeping mission under the auspices of the
17 United Nations, the North Atlantic Treaty
18 Organization, or any other multilateral or-
19 ganization in which the United States par-
20 ticipates only on or after the date on which
21 the Secretary of State submits to a Con-
22 gress a certification described in subpara-
23 graph (A).

24 (ii) EXCEPTION.—Notwithstanding
25 the failure of the Secretary of State to

1 submit a certification pursuant to subpara-
2 graph (A) with respect to a peacekeeping
3 mission described in such subparagraph,
4 support described in clause (i) may be
5 made available for the peacekeeping mis-
6 sion on or after the date on which the Sec-
7 retary of State submits to Congress a let-
8 ter that contains—

9 (I) an explanation as to why the
10 certification required by subparagraph
11 (A) has not been provided;

12 (II) a description of the steps
13 taken by the United States to encour-
14 age the organization to take the ap-
15 propriate measures described in sub-
16 paragraph (A); and

17 (III) a certification that, notwith-
18 standing the failure of the organiza-
19 tion to take the appropriate measures
20 described in subparagraph (A), the
21 Secretary of State has determined
22 that voting for or otherwise officially
23 endorsing the peacekeeping mission is
24 in the national interests of United
25 States.

1 (3) DEPARTMENT OF DEFENSE DIRECTOR OF
2 ANTI-TRAFFICKING POLICIES.—

3 (A) ESTABLISHMENT.—The Secretary of
4 Defense shall designate within the Office of the
5 Secretary of Defense a director of anti-traf-
6 ficking policies. The director shall be respon-
7 sible for overseeing the implementation within
8 the Department of Defense of policies relating
9 to trafficking in persons, including policies of
10 the Department and policies of the Federal
11 Government (including policies contained in Na-
12 tional Security Presidential Directive 22) as
13 they relate to the Department. The Secretary
14 may not assign to the director any responsibil-
15 ities not related to trafficking in persons.

16 (B) DUTIES.—The director designated
17 under subparagraph (A) shall, in consultation
18 with other relevant elements of the
19 Department—

20 (i) ensure that training materials and
21 instructional programs relating to traf-
22 ficking in persons are developed and used
23 by the military departments;

24 (ii) consult regularly with academi-
25 cians, faith-based organizations, multilat-

1 eral organizations, nongovernmental orga-
2 nizations, and others with expertise in
3 combating trafficking in persons, regarding
4 the Department's implementation of poli-
5 cies relating to trafficking in persons;

6 (iii) conduct surveys of members of
7 the Armed Forces and of employees of the
8 Department to assess attitudes and knowl-
9 edge regarding trafficking in persons and
10 use the results of those surveys to develop
11 training materials and instructional pro-
12 grams relating to trafficking in persons;

13 (iv) ensure that trafficking in persons
14 is included as an intelligence requirement
15 in peacekeeping missions that track orga-
16 nized crime;

17 (v) ensure the proper handling of
18 cases in which a member of the Armed
19 Forces or an employee or contractor of the
20 Department is alleged to have engaged in
21 or facilitated an act of trafficking in per-
22 sons and in such cases encourage, as ap-
23 propriate, implementation of chapter 212
24 of title 18, United States Code (commonly
25 referred to as the Military Extraterritorial

1 Jurisdiction Act of 2000) and the Traf-
2 ficking Victims Protection Act of 2000;

3 (vi) ensure that the Department im-
4 plements the commitments relating to traf-
5 ficking in persons agreed to by the United
6 States in the context of the North Atlantic
7 Treaty Organization, the United Nations,
8 and other multilateral organizations, as
9 those commitments relate to the Depart-
10 ment;

11 (vii) establish a mechanism to ensure
12 that neither the Department nor any con-
13 tractor (or subcontractor at any tier) of
14 the Department rehires an employee of
15 such a contractor (or subcontractor) who
16 engaged in a severe form of trafficking in
17 persons while the contract is in effect;

18 (viii) include the subject of trafficking
19 in persons in military-to-military contact
20 programs;

21 (ix) in consultation with the Office of
22 the Inspector General of the Department,
23 investigate links between trafficking in per-
24 sons and deployments of members of the

1 Armed Forces and contractors of the De-
2 partment;

3 (x) consult with contractors of the De-
4 partment on programs to prevent traf-
5 ficking in persons and on accountability
6 structures relating to trafficking in per-
7 sons; and

8 (xi) perform such other related duties
9 as the Secretary may require.

10 (C) RESOURCES.—The director designated
11 under subparagraph (A) shall have sufficient
12 staff and resources to carry out the responsibil-
13 ities and duties described in this paragraph.

14 (D) RANK.—The director designated under
15 subparagraph (A) shall have the rank of assist-
16 ant secretary.

17 (g) FBI INVESTIGATIONS.—From amounts made
18 available to carry out this subsection (including amounts
19 made available pursuant to the authorization of appropria-
20 tions in section 302), the Director of the Federal Bureau
21 of Investigation shall investigate acts of severe forms of
22 trafficking in persons other than domestic trafficking in
23 persons (as defined in section 206).

1 **SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COM-**
2 **BAT FORCED LABOR AND CHILD LABOR.**

3 (a) IN GENERAL.—The Secretary of Labor, acting
4 through the head of the Bureau of International Labor
5 Affairs of the Department of Labor, shall carry out addi-
6 tional activities to monitor and combat forced labor and
7 child labor in foreign countries as described in subsection
8 (b).

9 (b) ADDITIONAL ACTIVITIES DESCRIBED.—The addi-
10 tional activities referred to in subsection (a) are—

11 (1) to monitor the use of forced labor and child
12 labor in violation of international standards;

13 (2) to provide information regarding trafficking
14 in persons for the purpose of forced labor to the Of-
15 fice to Monitor and Combat Trafficking of the De-
16 partment of State for inclusion in trafficking in per-
17 sons report required by section 110(b) of the Traf-
18 ficking Victims Protection Act of 2000 (22 U.S.C.
19 7107(b));

20 (3) to develop and make available to the public
21 a list of goods from countries that the Bureau of
22 International Labor Affairs has reason to believe are
23 produced by forced labor or child labor in violation
24 of international standards;

25 (4) to work with persons who are involved in
26 the production of goods on the list described in para-

1 graph (3) to create a standard set of practices that
2 will reduce the likelihood that such persons will
3 produce goods using the labor described in such
4 paragraph; and

5 (5) to consult with other departments and agen-
6 cies of the United States Government to reduce
7 forced and child labor internationally and ensure
8 that products made by forced labor and child labor
9 in violation of international standards are not im-
10 ported into the United States.

11 **TITLE II—COMBATTING DOMES-**
12 **TIC TRAFFICKING IN PER-**
13 **SONS**

14 **SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN**
15 **PERSONS.**

16 (a) PROGRAM TO REDUCE DEMAND FOR COMMER-
17 CIAL SEX ACTS.—

18 (1) PROGRAM.—The Secretary of Health and
19 Human Services shall identify best practices to re-
20 duce the demand for commercial sex acts in the
21 United States and shall carry out a program to im-
22 plement such best practices.

23 (2) REPORT.—The Secretary shall prepare and
24 post on the Internet Web site of the Department of

1 Health and Human Services a report on the best
2 practices identified under paragraph (1).

3 (3) DEFINITIONS.—In this subsection, the term
4 “commercial sex act” has the meaning given the
5 term in section 103(3) of the Trafficking Victims
6 Protection Act of 2000 (22 U.S.C. 7102(3)).

7 (b) TERMINATION OF CERTAIN GRANTS, CON-
8 TRACTS, AND COOPERATIVE AGREEMENTS.—Section
9 106(g) of the Trafficking Victims Protection Act of 2000
10 (22 U.S.C. 7104) is amended—

11 (1) in paragraph (1), by striking “described in
12 paragraph (2)”; and

13 (2) by striking paragraph (2).

14 **SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DE-**
15 **VELOP, EXPAND, AND STRENGTHEN VICTIM**
16 **SERVICE PROGRAMS FOR VICTIMS OF DO-**
17 **MESTIC TRAFFICKING.**

18 (a) GRANT PROGRAM.—Subject to the availability of
19 appropriations, the Secretary of Health and Human Serv-
20 ices may make grants to States, Indian tribes, units of
21 local government, and nonprofit, nongovernmental victims’
22 service organizations to develop, expand, and strengthen
23 victim service programs for victims of domestic trafficking.

24 (b) SELECTION FACTOR.—In selecting among appli-
25 cants for grants under subsection (a), the Secretary shall

1 give priority to applicants with experience in the delivery
2 of services to runaway or homeless youth, including youth
3 who have been subjected to sexual abuse or commercial
4 sexual exploitation, and to applicants who would employ
5 survivors of commercial sexual exploitation as part of their
6 proposed project.

7 (c) LIMITATION ON FEDERAL SHARE.—The Federal
8 share of a grant made under this section may not exceed
9 75 percent of the total costs of the projects described in
10 the application submitted.

11 **SEC. 203. PROTECTION OF VICTIMS OF DOMESTIC TRAF-**
12 **FICKING IN PERSONS.**

13 (a) ESTABLISHMENT OF PILOT PROGRAM.—Not
14 later than 180 days after the date of the enactment of
15 this Act, the Secretary of Health and Human Services
16 shall establish and carry out a pilot program to establish
17 residential treatment facilities in the United States for
18 minor victims of domestic trafficking.

19 (b) PURPOSES.—The purposes of the pilot program
20 established pursuant to subsection (a) are to—

21 (1) provide benefits and services to minor vic-
22 tims of domestic trafficking, including shelter, psy-
23 chological counseling, and assistance in developing
24 independent living skills;

1 (2) assess the benefits of providing residential
2 treatment facilities for minor victims of domestic
3 trafficking, as well as the most efficient and cost-ef-
4 fective means of providing such facilities; and

5 (3) assess the need for and feasibility of estab-
6 lishing additional residential treatment facilities for
7 minor victims of domestic trafficking.

8 (c) SELECTION OF SITES.—The Secretary of Health
9 and Human Services shall select 3 sites at which to oper-
10 ate the pilot program established pursuant to subsection
11 (a).

12 (d) FORM OF ASSISTANCE.—In order to carry out the
13 responsibilities of this section, the Secretary of Health and
14 Human Services shall enter into contracts with, or make
15 grants to, nonprofit organizations with relevant expertise
16 in the delivery of services to runaway or homeless youth,
17 including youth who have been subjected to sexual abuse
18 or commercial sexual exploitation.

19 (e) REPORT.—Not later than one year after the date
20 on which the first pilot program is established pursuant
21 to subsection (a), the Secretary of Health and Human
22 Services shall submit to Congress a report on the imple-
23 mentation of this section.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary of

1 Health and Human Services to carry out this section
2 \$5,000,000 for each of the fiscal years 2006 and 2007.

3 **SEC. 204. INVESTIGATION BY FEDERAL BUREAU OF INVE-**
4 **TIGATION OF ACTS OF DOMESTIC TRAF-**
5 **FICKING IN PERSONS.**

6 From amounts made available to carry out this sec-
7 tion (including amounts made available pursuant to the
8 authorization of appropriations in section 302), the Direc-
9 tor of the Federal Bureau of Investigation shall inves-
10 tigate acts of domestic trafficking in persons.

11 **SEC. 205. ENHANCING STATE AND LOCAL EFFORTS TO**
12 **COMBAT TRAFFICKING IN PERSONS.**

13 (a) ESTABLISHMENT OF GRANT PROGRAM FOR LAW
14 ENFORCEMENT.—

15 (1) IN GENERAL.—Subject to the availability of
16 appropriations, the Attorney General may make
17 grants to States and local law enforcement agencies
18 to develop, expand, or strengthen programs to inves-
19 tigate and prosecute acts of domestic trafficking in
20 persons.

21 (2) MULTI-DISCIPLINARY APPROACH RE-
22 QUIRED.—Grants under paragraph (1) may be made
23 only for programs in which the State or local law en-
24 forcement agency works collaboratively with victim
25 service providers and other relevant nongovern-

1 mental organizations, including faith-based organiza-
2 tions and organizations with experience in the deliv-
3 ery of services to youth who have been subjected to
4 sexual abuse or commercial sexual exploitation.

5 (3) LIMITATION ON FEDERAL SHARE.—The
6 Federal share of a grant made under this subsection
7 may not exceed 75 percent of the total costs of the
8 projects described in the application submitted.

9 (b) IMPROVED INTERAGENCY COORDINATION TO
10 COMBAT DOMESTIC TRAFFICKING.—Section 206(a)(1) of
11 the Juvenile Justice and Delinquency Prevention Act of
12 1974 (42 U.S.C. 5616(a)(1)) is amended by inserting “,
13 the Director of the Office to Monitor and Combat Traf-
14 ficking of the Department of State” after “the Commis-
15 sioner of Immigration and Naturalization”.

16 **SEC. 206. DEFINITIONS.**

17 In this title:

18 (1) DOMESTIC TRAFFICKING IN PERSONS.—The
19 term “domestic trafficking in persons” means a se-
20 vere form of trafficking in persons as defined by sec-
21 tion 103(8) of the Trafficking Victims Protection
22 Act of 2000 (22 U.S.C. 7102(8)), which occurs
23 wholly within the territorial jurisdiction of the
24 United States.

1 (2) VICTIM OF DOMESTIC TRAFFICKING.—The
2 term “victim of domestic trafficking” means a per-
3 son subjected to an act or practice described in
4 paragraph (1).

5 (3) MINOR VICTIM OF DOMESTIC TRAF-
6 FICKING.—The term “minor victim of domestic traf-
7 ficking” means a person subjected to an act or prac-
8 tice described in paragraph (1) who has not attained
9 18 years of age at the time the person is identified
10 as a victim of domestic trafficking.

11 **TITLE III—AUTHORIZATIONS OF** 12 **APPROPRIATIONS**

13 **SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.**

14 Section 113 of the Trafficking Victims Protection Act
15 of 2000 (22 U.S.C. 7110) is amended—

16 (1) in subsection (a)—

17 (A) by striking “and \$5,000,000” and in-
18 serting “\$5,000,000”;

19 (B) by adding at the end before the period
20 the following: “, and \$5,500,000 for each of the
21 fiscal years 2006 and 2007”; and

22 (C) by further adding at the end the fol-
23 lowing new sentence: “In addition, there are au-
24 thorized to be appropriated to the Office to
25 Monitor and Combat Trafficking for official re-

1 ception and representation expenses \$3,000 for
2 each of the fiscal years 2006 and 2007.”;

3 (2) in subsection (b), by striking “2004 and
4 2005” and inserting “2004, 2005, 2006, and 2007”;

5 (3) in subsection (c)(1), by striking “2004 and
6 2005” each place it appears and inserting “2004,
7 2005, 2006, and 2007”;

8 (4) in subsection (d), by striking “2004 and
9 2005” each place it appears and inserting “2004,
10 2005, 2006, and 2007”;

11 (5) in subsection (e)—

12 (A) in paragraphs (1) and (2), by striking
13 “2003 through 2005” and inserting “2003
14 through 2007”; and

15 (B) in paragraph (3), by striking
16 “\$300,000 for fiscal year 2004 and \$300,000
17 for fiscal year 2005” and inserting “\$300,000
18 for each of the fiscal years 2004 through
19 2007”; and

20 (6) in subsection (f), by striking “2004 and
21 2005” and inserting “2004, 2005, 2006, and 2007”.

22 **SEC. 302. INVESTIGATIONS BY FEDERAL BUREAU OF INVES-**
23 **TIGATIONS.**

24 There are authorized to be appropriated to the Direc-
25 tor of the Federal Bureau of Investigation to carry out

48

47

1 sections 204 and 104(g) \$15,000,000 for fiscal year 2006,

2 to remain available until expended.

○

Mr. SMITH. Without objection, the bill will be considered as read and open for amendment at any point. I would just like to recognize myself for a very brief opening statement on the bill. We are considering the Trafficking Victims Protection Act of 2005. It is the third in a series of pieces of legislation that are designed to mitigate, and, hopefully, end the global scourge of slavery throughout the world. Parts of this bill, not germane to this Committee, will be taken up by other committees of the Congress that deal with the issue of domestic trafficking as well.

Yesterday, the Subcommittee heard compelling testimony about the continuing problem of human trafficking worldwide, which victimizes millions of women, children and men, who are trafficked internationally or internally within states each year and exploited through forced labor or sexual exploitation.

As Chairman of the Subcommittee on International Operations and Human Rights several years ago, a predecessor to this Subcommittee, I sponsored the Trafficking Victims Protection Act of 2000. It was a bipartisan bill. We had numerous Members from both sides of the isle supporting it, on both the House and the Senate side. I also sponsored the Reauthorization Act in 2003 that expanded upon our efforts to combat human trafficking.

As a result of those laws, our Government has been a leader in addressing this human rights violation and encouraging other governments to do the same. Today, governments around the world are enacting laws. Yesterday, we heard that the current numbers, about 40 new laws, had been enacted in the last couple of years to try to combat trafficking and also to protect the women from the horrific impact and consequences of being forced into sexual slavery.

H.R. 972 would reauthorize appropriations for anti-trafficking programs both here and abroad that are needed to support our Government's ongoing efforts. The bill also offers solutions to a number of specific scenarios in which trafficking is a problem, but which our experience has shown could benefit from additional initiatives, and that is what is contained in the bill.

Of relevance to this Subcommittee, H.R. 972 would: Reauthorize appropriations for anti-trafficking programs of the Department of State and U.S. Agency for International Development (USAID) for 2006 and 2007; direct the State Department and USAID, working with the Department of Defense, to incorporate trafficking prevention strategies into post-conflict and post-natural disaster relief programs.

It would direct USAID to establish a pilot program for residential rehabilitation facilities for trafficking victims in two locations abroad. It would require the State Department's annual *Trafficking in Persons Report* to include steps taken by the U.N., OSCE, NATO and other international organizations, to eliminate involvement of the organizations' personnel, contractors and peacekeepers in trafficking. It would require the Secretary of State to certify that safeguards are in place to prevent peacekeepers from engaging in trafficking, or committing acts of sexual exploitation, before the United States endorses, or provides logistical or other support for peacekeeping missions. A broadly written exception is also provided to this certification requirement, which ensures that the Administra-

tion's hands will not be unduly tied in the event that an emergency situation makes such a certification process unreasonable; where they would have to report to us by letter, so we would know why we didn't get those safeguard assurances.

It also would end the criteria by which countries are evaluated for the annual *Trafficking in Persons Report* by adding consideration of foreign governments' efforts to implement demand-reduction measures for commercial sex acts, which is linked to sex trafficking, to prevent its nationals from participating in sex tourism; and to ensure that its peacekeepers and peacekeeping troops do not engage in trafficking persons, or exploit women and victims; and to prevent the use of forced labor, or child labor, in violation of international standards.

I am very pleased that my good friend and colleague, Don Payne, was the original co-sponsor of this legislation, along with Tom Lantos, and many of the Committee Members, and I yield to Mr. Payne such time as he may consume on this bill.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

H.R. 972

The Subcommittee will now consider the Trafficking Victims Protection Reauthorization Act of 2005, H.R. 972, which I introduced along with this Subcommittee's Ranking Member, Rep. Donald Payne. I thank the other Subcommittee Members who have co-sponsored this bill since introduction.

Yesterday, the Subcommittee heard compelling testimony about the continuing problem of human trafficking worldwide which victimizes millions of women, children and men who are trafficked internationally or internally within states each year and exploited through forced labor or sexual exploitation.

As Chairman of the Subcommittee on International Operations and Human Rights, a predecessor to this Subcommittee, I sponsored the Trafficking Victims Protection Act of 2000 and a reauthorization of that Act in 2003, which created a framework for combating trafficking in persons. As a result of those laws, our government has been a leader in addressing this human rights violation and encouraging other governments to do the same. Today, governments around the world are enacting laws to combat trafficking, traffickers are increasingly likely to face prosecution and conviction, and governments, NGOs and faith communities have reached out to heal survivors of trafficking.

H.R. 972 would reauthorize appropriations for anti-trafficking programs here and abroad that are needed to support our government's ongoing efforts. The bill also offers solutions to a number of specific scenarios in which trafficking is a problem, but which our experience has shown could benefit from additional initiatives. Of relevance to this Subcommittee, H.R. 972 would

- Reauthorize appropriations for anti-trafficking programs of the Department of State and the U.S. Agency for International Development for fiscal years 2006 and 2007;
- Direct the State Department, USAID, working with DoD, to incorporate trafficking prevention strategies into post-conflict and post-natural disaster relief programs;
- Direct USAID to establish a pilot program for residential rehabilitation facilities for trafficking victims in two locations abroad;
- Require the State Department's annual *Trafficking in Persons Report* to include steps taken by the UN, OSCE, NATO and other international organizations, to eliminate involvement of the organization's personnel, contractors and peacekeepers in trafficking;
- Require the Secretary of State to certify that safeguards are in place to prevent peacekeepers from engaging in trafficking or committing acts of sexual exploitation before the United States endorses or provides logistical or other

support for a peacekeeping mission, a broadly written exception is also provided to this certification requirement which ensures that the Administration's hands will not be unduly tied in the event that an emergency situation makes such a certification process unreasonable; and

- Amend the criteria by which countries are evaluated for the annual *Trafficking in Persons Report* by adding consideration of foreign governments' efforts to implement demand reduction measures for commercial sex acts, which is linked to sex trafficking, to prevent its nationals from participating in sex tourism, to ensure that its peacekeeping troops do not engage in TIP or exploit TIP victims, and to prevent the use of forced labor or child labor in violation of international standards.

I urge my colleagues to support this bill in order to continue and enhance the good work underway to combat trafficking in persons.

Mr. PAYNE. Thank you very much, Mr. Chairman. Thank you for calling this markup of H.R. 972, the authorization of the Trafficking Victims Protection Act of 2000; and we have another one that we will talk about a little bit later.

Let me just say that with your work on raising awareness of the scourge of human trafficking—a global problem—both here in the Congress and abroad as Chairman of the Helsinki Commission, and your work with OSCE, the Organization for Security and Cooperation in Europe, you have been a real champion and have really moved some of the Europeans to more seriously consider this whole question of trafficking, which seemed to have been an issue on which people conveniently looked the other way.

Your commitment has engendered not only the first-ever law of Prevention of Trafficking and the protection of victims of trafficking, making the United States a leader on the issue, but it has also sparked international attention and action toward zero tolerance. Again, I commend you for calling yesterday's hearing of this Subcommittee on the issue. It is so important that we reauthorize H.R. 972 to ensure that the mechanisms we put in place have funding for the next 2 fiscal years to root out trafficking and modern form of slavery, and to protect some of the 600,000 to 800,000 men, women and children whose lives have been uprooted and forever changed by this harmful exploitation.

We have to get serious about the rights of women. We have to get serious about the rights of children. They are vulnerable and this legislation will go a long way toward highlighting the problems that they are confronted with. As I mentioned at yesterday's hearing, if we are serious about fighting trafficking conflicts, improving global health conditions, and developing economic programs to assist countries to deal with farm subsidies and dealing with other serious issues that face the developing worlds, in particular, we must find a way to fight poverty.

Poverty is the root cause of so many complex global problems. In fighting poverty, it is critical that we focus on women and children especially. We need to force the women's organization's activities to protect children for our future. That is why this bill is so important and I strongly support it.

Thank you, Mr. Chairman. I yield back.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY

H.R. 972—TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS 2006 AND 2007 FOR THE
TRAFFICKING VICTIMS PROTECTION ACT OF 2000, AND FOR OTHER PURPOSES

Mr. Chairman, I thank you for calling this markup of HR 972, the Reauthorization of the Trafficking Victims Protection Act of 2000 and H CON RES 88, remembering the victims of the genocide that occurred in 1994 in Rwanda and pledging to work to ensure that such an atrocity does not take place again.

Your work on raising awareness of the scourge of human trafficking—a global problem—both here in the Congress and abroad as chairman of the Helsinki Commission and your work with the OSCE (Organization for Security and Cooperation in Europe).

Your commitment has engendered not only the first ever law on the prevention of trafficking and the protection of victims of trafficking—making the U.S. a leader on the issue—but it has sparked international attention and action towards zero tolerance. And again, I commend you for calling yesterday's hearing of this subcommittee on the issue.

It is so important that we reauthorize HR 972 to ensure that the mechanisms we have put into place have funding for the next two fiscal years to root out trafficking and modern forms of slavery and to protect some of the 600–800 thousand men, women, and children whose lives have been uprooted and forever changed by this form of exploitation.

As I mentioned yesterday, if we are serious about fighting trafficking, conflict, improving global health conditions, and dealing with other such serious issues that face the developing world in particular, we must find ways to fight poverty. Poverty is the root cause of so many complex global problems. In fighting poverty, it is critical we focus on women and children especially. We need to foster women's organizational activities and protect children who are our future.

That is why this bill is so important and I strongly support it.

Mr. SMITH. I thank my friend for his good, strong statement and for his support of this legislation and in helping to draft it.

Would any of the other Members like to be heard?

Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman, I would. I want to commend you, along with the others that have done so, for your work in this area, not just on this legislation, but for all your prior work in this area. Yesterday's hearing was discouraging and encouraging. We heard about the many problems still existing but we also heard about some of the successes. Forty-two countries, if I am not mistaken, have now put in place some sort of law that is designed to prevent the kind of abuses that we know have been rampant throughout the world. That, I think, to a large measure is directly related to your efforts.

Seldom do we see such a direct relationship between the things we do in this Congress, bills we pass and individual effort, and some sort of positive response and positive development. But countries are learning to become aware of this particular issue; they are embarrassed by it, as well they should be. We should also be embarrassed to the extent that it still happens within the United States, that people come across our borders for the purpose of trafficking and we know that it happens. We, of course, take a much more aggressive attitude toward enforcement than most places but, nonetheless, it is gratifying to know that there are good things happening in the world as a result of the legislation we passed and, as a matter of fact, of your efforts.

I just wanted to acknowledge that sometimes the glass is half full.

Mr. SMITH. I want to thank my friend for his kind comments and for his leadership on this as well.

Would any other Member like to be heard?

[No response.]

Mr. SMITH. If not, I have two amendments at the desk, which, without objection, will be considered as read and considered en bloc. The clerk will designate the amendments.

Ms. HALLOCK. The amendments are offered en bloc to H.R. 972 by Mr. Smith of New Jersey.

[The en bloc amendments referred to follow:]

AMENDMENT TO H.R. 972

OFFERED BY MR. SMITH OF NEW JERSEY

Page 20, line 16, strike “nonprofit”.

Page 42, line 15, strike “nonprofit”.

AMENDMENT TO H. R. 972
OFFERED BY MR. SMITH OF NEW JERSEY

Page 25, strike line 3 and all that follows through
line 17.

Mr. SMITH. Without objection, I ask that the amendments be considered as read. This amendment very simply strikes “nonprofit” from sections 102(d)(5) and 203(d). These sections would establish pilot programs for residential rehabilitation facilities for trafficking victims overseas and at home.

Striking “nonprofit” would mean that any organization, nonprofit or for profit, with experience on the ground could implement the program. The USAID and State Department have raised a concern that the current language limits its implementation only to nonprofits, and Mr. Flake, a Member of this Committee, raised this issue as well. I think it is a good accommodation, so I would then move the amendment.

Would anybody like to be heard on the amendment?

[No response.]

Mr. SMITH. If not, the question occurs on the amendments en bloc.

All those in favor, say aye.

[Chorus of ayes.]

Mr. SMITH. Opposed, no.

[No response.]

Mr. SMITH. The ayes have it and the amendments are agreed to. Are there any further amendments?

[No response.]

Mr. SMITH. If not, the question occurs in the motion to report the bill, H.R. 972, favorably as amended. All in favor, say aye.

[Chorus of ayes.]

Mr. SMITH. Opposed, no.

[No response.]

Mr. SMITH. The motion is approved and without objection, the resolution will be reported favorably to the Full Committee in the form of a single amendment in the nature of a substitute, incorporating the amendments adopted here today. Without objection, the staff is directed to make any technical and conforming amendments to it.

The next item of business on the Subcommittee’s agenda is pursuant to notice. I call up the resolution, H. Con. Res. 88, Remembering the victims of the genocide that occurred in 1994 in Rwanda and pledging to work to ensure that such an atrocity does not take place again, for purposes of markup and move its recommendation to the Full Committee. Without objection, the resolution will be considered as read and open for amendment at any time.

[H. Con. Res. 88 follows:]

.....
(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. CON. RES. _____

Remembering the victims of the genocide that occurred in 1994 in Rwanda and pledging to work to ensure that such an atrocity does not take place again.

IN THE HOUSE OF REPRESENTATIVES

Mr. PAYNE submitted the following concurrent resolution; which was referred to the Committee on _____

CONCURRENT RESOLUTION

Remembering the victims of the genocide that occurred in 1994 in Rwanda and pledging to work to ensure that such an atrocity does not take place again.

Whereas in August 1993, the government of President Juvenal Habyarimana and the Rwandan Patriotic Front (RPF) signed a peace agreement, paving the way for a power-sharing arrangement and the return of Rwandan refugees to their country;

Whereas shortly after signing the peace agreement, President Habyarimana deliberately and systematically delayed the setting up of the coalition government as agreed to by

the parties, expanded the training of extremist groups, and intensified hate radio through Radio Mille Collines;

Whereas as part of the Arusha Accords the United Nations agreed to deploy 2,500 peacekeeping troops, known as the United Nations Mission in Rwanda (UNAMIR);

Whereas according to a UNAMIR report, on November 5, 1993, at a meeting chaired by President Habyarimana, the government decided to provide the Interhamwe and other youth militia weapons, including grenades and machetes with a directive to kill Tutsis, and according to the same report, distribution of the weapons began that same month;

Whereas on December 3, 1993, senior officers in the Rwandan Armed Forces warned General Romeo Dallaire, commander of United Nations forces in Rwanda, of increasing and systematic killings of civilians by the militia, and planned assassinations of senior officials in the coalition government, including the fact that President Habyarimana himself had authorized this bloody campaign;

Whereas throughout December 1993, a number of reports, including reports from the Ambassador of Belgium in Rwanda, UNAMIR officials, and human rights groups, confirmed widespread killings of civilians by pro-government militia and confirmed training of pro-government militia in government-run camps;

Whereas on January 6, 1994, General Dallaire reported to the United Nations that the killings of civilians by militia groups were well-organized and indicated that these killings would continue for the foreseeable future;

Whereas on January 10, 1994, UNAMIR officers met with an informant named Jean-Pierre, a commander in the Interhamwe militia, who told them of a large weapons cache intended for members of the Interhamwe militia;

Whereas on January 11, 1994, General Dallaire sent a confidential cable to United Nations headquarters informing United Nations officials about militia training and arms cache;

Whereas General Dallaire wrote to his superiors that the militias intended to kill a large number of Tutsi and moderate Hutu civilians, and he informed the United Nations peacekeeping department that he intended to seize the arms and asked for United Nations protection for the informant who provided the information;

Whereas on January 12, 1994, General Dallaire was told by United Nations headquarters that the United Nations mandate did not give him the authority to seize the arms cache and the United Nations would not provide protection to the informant, and instead, General Dallaire was ordered to provide the information to President Habyarimana and the ambassadors of Belgium, France, and the United States;

Whereas on February 21, 1994, extremists assassinated the Minister of Public Works, Felicien Gatabazi, and on February 20, 1994, Prime Minister-designate Twagiramungu escaped an assassination attempt;

Whereas the security situation in Rwanda deteriorated rapidly in late February 1994, with the slaughter of 70 civilians in Kigali, the capital of Rwanda;

Whereas on March 10, 1994, the National Republican Movement for Democracy (MRND) party leaders expressed

frustration and anger that President Habyarimana did not consult them before he left for a meeting with President Yoweri Museveni of Uganda and described his decision to go as “a serious political error”;

Whereas on April 6, 1994, the Presidents of Rwanda and Burundi, along with several senior government officials, were killed when their plane was shot down as it approached the capital of Rwanda;

Whereas on April 7, 1994, the Rwandan Armed Forces and the Interhamwe militia unleashed genocide against Tutsi civilians and moderate Hutu politicians when tens of thousands of innocent civilians, including women and children, were massacred;

Whereas ten Belgian peacekeeping troops assigned to protect the Rwandan Hutu Prime Minister were brutally murdered along with the Prime Minister;

Whereas on April 8, 1994, the Rwandan Patriotic Front launched an offensive to stop the ongoing genocide and to rescue 600 RPF troops trapped in Kigali, who were sent to protect RPF officials as agreed to in the Arusha Accords;

Whereas on April 8, 1994, France, Belgium, and the United States evacuated their citizens from Rwanda;

Whereas on April 11, 1994, an estimated 2,000 civilians were slaughtered at the Don Bosco school in Kigali where they sought shelter and briefly were protected by UNAMIR troops;

Whereas the civilians at the school were killed after the United Nations ordered UNAMIR troops to abandon the civilians and withdraw to the airport;

Whereas on April 14, 1994, Belgium withdrew its troops from Rwanda and a week later the United Nations Security Council voted unanimously to withdraw UNAMIR troops at the height of the Rwandan genocide;

Whereas almost a month into the Rwandan genocide, the Clinton Administration refused to use the word genocide with respect to the situation in Rwanda and on April 28, 1994, the United Nations Security Council deliberately omitted the word genocide from a Council resolution in order to avoid its legal and international obligations to intervene;

Whereas on May 13, 1994, the United Nations Security Council began deliberation on a resolution to authorize a robust peacekeeping force for Rwanda;

Whereas the United States ambassador to the United Nations, Ambassador Madeleine Albright, forced a delay on the United Nations Security Council vote because of funding issues;

Whereas on May 17, 1994, Ambassador Albright defended her position by saying “sending a U.N. force into a maelstrom in Rwanda without a sound plan of operations would be folly”;

Whereas on May 17, 1994, five weeks after the Rwandan genocide began, the United Nations Security Council authorized the deployment of 6,800 United Nations peacekeeping troops with a mandate to protect civilians;

Whereas the United Nations Security Council resolution authorizing such deployment stated that “acts of genocide may have been committed”;

Whereas on June 22, 1994, the United Nations Security Council authorized the deployment of French forces to

south-west Rwanda to create a “safe area” for fleeing civilians and subsequently fleeing militia and government leaders were given safe haven and protection by the French forces most of whom eventually fled to Zaire;

Whereas on July 4, 1994, the Rwandan Patriotic Front captured Kigali, the Hutu-led government fled to Zaire, the French ended their mission and were replaced by a United Nations peacekeeping force from Ethiopia, and the RPF formed an interim national unity government;

Whereas on August 17, 1994, Rwandan Defense Minister, Paul Kagame, warned the Government of Zaire not to allow members of the former Rwandan Armed Forces and the Interhamwe militia to train and launch attacks from Zaire;

Whereas in August 1994, the United States deployed troops to the Central Africa region to assist in the relief operation;

Whereas an estimated 2,000 United States troops participated in Operation Support Hope, however, the United States was criticized by some observers for not responding quickly to the Rwandan crisis and for its role in the United Nations Security Council;

Whereas, Rwanda having joined the United Nations Security Council in early 1994, the United Nations representative of the new Rwandan Government took his seat at the Security Council on September 1, 1994, after months of debate as to who should represent Rwanda in the United Nations;

Whereas on September 4, 1994, the commander of Ethiopia’s United Nations peacekeeping force in Rwanda stated that

French troops provided protection and allowed former soldiers of the Rwandan Government to flee to Zaire;

Whereas in a newspaper interview, the commander stated that he saw French troops transporting former soldiers to Zaire, although French officials had said earlier that officials of the former Rwandan government would not be allowed to enter the safety zone;

Whereas in 1996 most of the refugees who fled to Zaire returned home;

Whereas in November 1994, the United Nations Security Council established an international tribunal to prosecute major suspects in the Rwanda genocide;

Whereas the new Government of Rwanda voted against the resolution because the resolution did not allow the death penalty;

Whereas, despite Rwanda's objections to the exclusion of the death penalty, the international tribunal was established in Arusha, Tanzania, and took its first case against a genocide suspect on January 10, 1997, in which it prosecuted Jean Paul Akayesu, a local government official;

Whereas the Gacaca courts, a community-based system of participatory justice, were created in Rwanda to address lower level offenders who remained in custody in Rwandan jails without trial, and to alleviate the burden that was placed on the judiciary system in Rwanda as a result of the sheer number of persons accused of participating in the genocide;

Whereas in March 1998, during his first visit to Africa, President Clinton stated in Kigali that "the international community must bear its share of responsibility for this tragedy", and in a speech at the Kigali airport, President

Clinton stated that “[a]ll over the world there were people like me sitting in offices who did not fully appreciate the depth and the speed with which you were being engulfed by this unimaginable terror”; and

Whereas as of January 2004, 23 genocide suspects were on trial, eighteen senior officials were convicted, twenty suspects were awaiting trial, and six convicted officials were serving their sentences in Mali: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

3 (1) remembers the victims of the genocide that
4 occurred in 1994 in Rwanda and pledges to work to
5 ensure that such an atrocity does not take place
6 again;

7 (2) acknowledges that the international commu-
8 nity, including the United States Government, failed
9 the people of Rwanda and watched with indifference
10 while hundreds of thousands of innocent civilians
11 were being killed;

12 (3) strongly supports assistance to the survivors
13 of the Rwandan genocide;

14 (4) urges political and financial support for the
15 Gacaca courts;

16 (5) acknowledges the heroic work of many indi-
17 viduals and human rights organizations for their
18 campaign to help stop the genocide of Rwanda;

1 (6) expresses deep appreciation to General
2 Romeo Dallaire for his tireless efforts to stop the
3 genocide from occurring and for helping many
4 Rwandese civilians in their time of need;

5 (7) accepts the fact that General Dallaire
6 warned the United Nations on a number of occa-
7 sions of an impending genocide and was ordered by
8 his superiors not to take action;

9 (8) calls for an investigation of the role played
10 by the United States Government prior to and dur-
11 ing the Rwandan genocide, noting that the par-
12 liaments of Belgium and France both created com-
13 missions of inquiry to investigate the roles played by
14 their respective governments and issued their find-
15 ings; and

16 (9) strongly urges the creation of a bi-partisan
17 Commission of Inquiry for Rwanda to investigate all
18 aspects of the role played by the United States Gov-
19 ernment prior to and during the Rwandan genocide,
20 with a strong mandate and subpoena power to ac-
21 cess relevant documents and witnesses, a definite
22 end date for completion of its work, and sufficient
23 funding to cover necessary expenses.

Mr. SMITH. I would like to recognize, first and foremost, the Ranking Member and sponsor of this resolution for any opening statement that he would like to make.

Mr. Payne.

Mr. PAYNE. Thank you very much. Thank you, Mr. Chairman and let me express my appreciation for your bringing this resolution to the Floor. I appreciate the fact that we have in the past attempted and failed, but with your affirmative action, are now moving this resolution forward.

Some people may wonder why we are considering a resolution on the Rwanda genocide almost 11 years after that dreadful event in which more than one million people were brutally murdered. We are doing this today because we have not learned from our past mistakes. As I have indicated, we have tried to move this resolution before but were unable. We said: "Never again," after the Holocaust. And we repeated the same words in 1994. Unfortunately, once again, we are witnessing another genocide. This time in Darfur, Sudan. The resolution has two key objectives: First, to document what happened prior to, and during, the Rwanda genocide. Second, to mobilize support for the creation of a commission of inquiry that will examine the role of the United States, so that we can learn from our past mistakes.

The genocide in Rwanda was carried out by evil people. They are responsible for what happened in Rwanda. But the international community also shares some responsibility, including the United States Government. The Clinton Administration refused to even utter the word "genocide" and failed to respond effectively, which played a negative role in the United Nations when this was being discussed.

Some people have asked me: "Why do you want to investigate the role of a Democratic Administration, aren't you a Democrat?" And I say that this is not about party affiliation, or about loyalty to a political party. This is about justice and humanity. And until we start to see justice roll down like water in a mighty stream, we are going to continue to see nations look the other way when the most vulnerable are being exploited, whether they are women being trafficked, children or nations being exploited. Then we share the guilt of inaction.

Other countries, including France and Belgium, set up commissions of inquiry and issued reports of their findings. The United Nations did the same. As one of the key players, as the most powerful nation in the world on the international scene, we must do the same.

Mr. Chairman, although this is a non-binding resolution, I do agree with you that it is pivotal, that we draft resolutions and legislation to establish the commission of inquiry. With your support and the many original co-sponsors, including my friend Mr. Tom Tancredo, who has been a leading supporter on the issue of genocide in Darfur, I am sure that we will succeed.

I want to once again thank you for your determination to have this resolution placed on the agenda today.

Mr. SMITH. Thank you very much, Mr. Payne.

And I want to thank my good friend and colleague, Mr. Payne, for introducing this resolution. There is part of the liturgy in many

houses of worship and churches, in which we ask for forgiveness not only for the wrongs we have done but also for the things that were left undone. Most of the time, these sins of omission are too numerous to mention. But this does not mitigate the fact that we have a responsibility for them, and our failure to do what we should is of great concern.

The sad fact of the matter is that the United States did stand by while 800,000 Rwandans were killed in a 3-month period in 1994, victims of an organized campaign of genocide that targeted ethnic Tutsis and political moderates. The United Nations Assistance Mission for Rwanda was dramatically scaled back and the genocide occurred, and two million Rwandans became refugees and another one million were internally displaced. The genocide was a horrific stain on humanity even as the international community had pledged after the Holocaust: Never again.

And its effects are still being felt today, as the aftermath played a significant part in the destabilization of the entire Great Lakes region over the past decade. I would just point out that during that time, I remember working closely with Mr. Payne. We held a number of hearings, including one that I just brought down to the Subcommittee, in which we pointed out that there were warning signs.

General Valer was told, or had very good information, and sent a famous fax to the then Under Secretary for Peacekeeping, Kofi Annan, in which he described this ominous cloud that was forming in Rwanda, that it looked like there was massive killings and nothing was done. We held those hearings back then and Mr. Payne was very much a part of that, and I think trying to get the record to the point where we had everything on the table so that we do learn from those mistakes. What was it that Hitler said about the Armenian genocide: "Who remembers the Armenians?" Because if we do turn the page and don't have the accounting, mistakes will be lived again and again.

So, I again want to thank my friend for his authorship of this legislation.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

H. CON. RES. 88, RWANDA GENOCIDE RESOLUTION

The Subcommittee will now consider House Concurrent Resolution 88, a resolution to remember the victims of the genocide that occurred in 1994 in Rwanda, and a pledge to work to ensure that such an atrocity does not take place again.

I thank my good friend and colleague, and the Subcommittee's Ranking Member, Rep. Donald Payne, for introducing this resolution. There is a part of liturgy in many churches in which we ask God for forgiveness, not only for the wrongs we have done, but also for the things we have left undone. Most of the time, these sins of omission are too numerous to mention. But this does not mitigate the fact that we have a responsibility for them, and our failure to do them should cause us great concern.

The sad fact is that the United States stood by while 800,000 Rwandans were killed in a three-month period in 1994, victims of an organized campaign of genocide that targeted ethnic Tutsis and political moderates. The United Nations Assistance Mission for Rwanda was dramatically scaled back as the genocide occurred, and two million Rwandans became refugees, and another one million were internally displaced. The genocide was a horrific stain on humanity, even as the international community had pledged after the Nazi holocaust, "Never Again." And its effects are

still being felt today, as the aftermath played a significant part in the destabilization of the entire Great Lakes region over the last decade.

Even as our government, the American people, and the watching world have for a second time pledged to “Never Again” permit genocide, we would do well to examine more closely why our failure to act occurred. Why did the United States, even as it speaks loudly and often about its commitment for the protection and promotion of human rights and its respect for human life, fail to act to stop the killing? The answer that we were reluctant to engage in a difficult situation after leaving Somalia is not sufficient. This was not simply a foreign policy failure—it was genocide.

I believe a commission is needed to look into the facts of the matter more closely and ensure that we do not stand by and watch a genocide occur again. Like the 9/11 Commission, which was originally opposed by many of my colleagues but which all believed served to enhance our understanding of the facts of the terrorist attacks, a commission to investigate why the United States did not act in Rwanda will help us prevent such atrocities in the future.

I pledge to work with my colleagues to address their concerns and move this important legislation forward.

Mr. SMITH. Would anyone else on the Subcommittee like to be heard?

Yes, Ms. Lee.

Ms. LEE. Thank you very much, Mr. Chairman.

Let me just thank you and Mr. Payne for your bipartisan leadership on all of these issues which really affect humankind; affect the fact that oftentimes we don’t really come to grips with what is going on in sub-Saharan Africa. I think Rwanda was a clear example of us just turning our head to the massive genocide that was taking place.

This resolution and this commission is long overdue. I had the privilege to visit the Sudan recently with Congressman Royce and Congresswomen Watson and McCollum. Let me tell you what I saw in Chad and the Sudan, and in the refugee camps. First, it was mind boggling; second, it was a clear warning to me that another Rwanda was taking place. So we have got to not only compensate really for our lack of stopping this, the genocide that happened in Rwanda, but also be part of a quick solution to what is taking place in Darfur.

I want to commend you again, Mr. Payne, for your leadership and you, Mr. Chairman, for making sure that on these very critical humanitarian issues; the issues that relate to life and death, to children, to those who oftentimes are just faceless, they are voiceless, they are ignored by the world, you both have assured that this House of Representatives is on the right side of history, finally.

Thank you very much.

Mr. SMITH. Ms. Lee, thank you very much for your kind comments.

Mr. TANCREDO. Mr. Chairman, first of all, I was not in the Congress of the United States in 1992, of course. But I am here today and I can do only what I can do when any of us are charged with responsibility to address these issues as forthrightly as possible and, as you said, to ask for forgiveness, in a way, for a lack of response on the part of the world to what was happening in Rwanda in 1993.

This morning, I had the opportunity to view some slides and listen to an individual, a retired Marine, who had been part of the African Union Mission over in Darfur. And the horrific scenes that he brought back with him, pictorially and in his description of them, were unnerving and they were challenging to anyone in the

room in terms of what we were going to do about it. You cannot observe this; you cannot hear about it; you cannot see it without trying your best to think about how you, individually, can participate in some sort of solution, even if it is a very, very small participation.

So I am certainly pleased that my colleague has drawn this resolution. This is one way of saying that not only do we have to look into what happened then, but it is a way of reminding us all about what is happening today. Forcing us to come to grips with, and deal with, issues that are very difficult to actually get your mind around: The fact that there is the degree of inhumanity that is exhibited throughout the world in many places. And, of course, I am most familiar with what has been happening in this case, in Darfur.

So I just want to thank my colleague for introducing the resolution, and I want to thank the Chairman for putting it here.

Mr. SMITH. Would any other Member like to be heard on the resolution?

[No response.]

Mr. SMITH. If not, are there any amendments to the resolution, H. Con. Res. 88?

Mr. TANCREDO. Mr. Chairman, I have an amendment.

Mr. SMITH. The clerk will report the amendment and designate it.

Ms. HALLOCK. The amendment is offered to H. Con. Res. 88.

[The amendment referred to follows:]

AMENDMENT TO H. CON. RES. 88**OFFERED BY MR. TANCREDO**

After the 22nd clause of the preamble, insert the following:

Whereas hundreds of Rwandans, most of them Tutsi or Hutu threatened by Hutu Power supporters, took shelter at the Mille Collines, a luxury hotel in central Kigali owned by Sabena Airlines that was under the temporary management of Paul Rusesabagina;

Whereas Rusesabagina worked through diverse middlemen to keep the hotel cellars well stocked, and bribed military command officials with beer to keep them from killing the refugees under his roof;

Whereas Rusesabagina set out to defy the killers by appealing to their passion for power, acknowledging that they could choose not only to take life away but also to extend the gift of retaining it, and used his negotiating skills to persuade them to spare the lives of many;

Whereas none of the people who took shelter at the Mille Collines hotel was killed, beaten, or taken away during the genocide because of Rusesabagina's courage, bravery, cleverness, and willingness to negotiate to save everybody he could;

Page 8, after line 15, insert the following (and redesignate subsequent paragraphs accordingly):

1 (5) commends Paul Rusesabagina for his cour-
2 age and bravery exhibited through his efforts to save
3 scores of Tutsis and moderate Hutus in the Mille
4 Collines hotel, as Oskar Schindler saved scores of
5 European Jews during the Holocaust;

Mr. SMITH. That objection to the amendment will be considered as read and the gentleman from Colorado is recognized to speak in favor.

Mr. TANCREDO. Thank you, Mr. Chairman. I had originally developed this amendment as a stand-alone resolution, but became aware of the fact that my colleague was doing this with his. And he has been gracious enough to agree to allow us to amend at least a portion of it onto his resolution.

My resolution deals with the fact that the United States and, of course, the world stood by while this atrocity was happening, but one person didn't, one man. There are others perhaps, but we know Paul Rusesabagina was willing to stop and do what he could do. As we said earlier, we all look for what we can do, and wonder whether any of us would have had that courage, when you hear stories like Mr. Rusesabagina's and see the movie, *Hotel Rwanda*. Do we not, when we see things like this, always think to ourselves: What would I do under those circumstances? Would I have the courage to do what these people have done: To provide shelter, to hide and protect thousands of people from the savage brutality outside the hotel that he was running? He did save many, many lives, and he did so at the risk of his own life. For that, at least, I think we owe him some recognition, which is the purpose of my resolution.

Mr. Payne?

Mr. PAYNE. Let me thank the gentleman for a very timely resolution. I had the opportunity to meet Mr. Rusesabagina, the innkeeper, and Don Cheadle. He came to have lunch with us here on Capitol Hill before the showing of *Hotel Rwanda*, maybe 4 or 5 months ago. Chairman Royce, the Chairman of the Subcommittee at that time, and several of us met in the Rayburn Building and he talked about his interest in Darfur, primarily because of what he learned about Rwanda.

Later that evening, at the Holocaust Museum, there was a showing of *Hotel Rwanda*. This was, I would say, 4, 5, or 6 months before all the acclaim came out and Mr. Rusesabagina was there with the person who played his part. We had a discussion about what went on at the time and so forth. It really brought back some sad memories. I traveled to Rwanda during this period. I was there about a week after the two million people went to Lake Gorma.

At that time, the dysentery and the cholera had embraced the lake and they had to cleanse the whole lake because people were drinking the water and getting ill. We saw millions and millions of people just on this hillside. I went back to Rwanda when they found a way to get out, when Mr. Kabila started an insurgence, and a group called the Bangalanga people, who live on the border—they are ethnic Tutsis who have lived in the Congo for centuries, and were going to be expelled by then President Mobutu—were told that they just have to leave the Congo even though they had been there, as I mentioned, for generations. That is what started the conflict that led Kabila to ouster Mobutu. Then the dictator of Darfur, for decades, had robbed the country and was very brutal to the people.

I was there at the time that the Rwandans came back to Rwanda. I saw them walking back into the country. I have actually

stayed at the DesMilles Coilines, the hotel in the movie, *Hotel Rwanda*, maybe half a dozen times. Ted Dagne, who was in the audience from the Congressional Research Service, was on each of those trips with us. So when I saw *Hotel Rwanda*, it just brought back a lot of the memories of the hearings that then Chairman Lee Hamilton and the Africa Subcommittee Chairman at the time, Harry L. Johnston, held on Rwanda. We had representatives from the U.S. Government there who would never mention the word "genocide." Bad things were going on but we didn't know what to call it, what it was.

So I strongly support Mr. Tancredo's amendment and I would like once again to commend him for his deep interest.

We had a struggle to get the Senate to go along with our genocide resolution, you remember, and also the legislation that we finally passed near the end of the session, which was also a bipartisan effort by working closely together with Congressman Wolf, Congressman Smith, the Chairman of the Black Hawks at the time, Mr. Cummings, Ambassador Watson, Ms. Lee, and the others.

So I certainly support and urge the adoption of the amendment and the legislation.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Chairman, let me express my appreciation to you for setting up this mark up on the Rwanda resolution and the Trafficking in Person legislation, which I co-sponsored with you. Some of you may wonder why we are considering a resolution on the Rwandan genocide almost 11 years after that dreadful event in which more than one million people were brutally murdered.

We are doing this today because we have not learned from our past mistakes. We said NEVER AGAIN after the holocaust and we repeated the same words in 1994. Unfortunately, once again, we are witnessing another genocide. This time in Darfur, Sudan.

This resolution has two key objectives: First, to document what happened prior and during the Rwandan genocide. Second, to mobilize support for the creation of a Commission of Inquiry that will examine the role of the United States so that we can learn from our past mistakes.

The genocide in Rwanda was carried out by evil people. They are responsible for what happened in Rwanda. But the international community also shares some responsibility, including the United States government. The Clinton Administration refused to even utter the word Genocide, failed to respond effectively, and played a negative role in the United Nations.

Some people have said to me why do you want to investigate the role of a Democratic Administration? Aren't you a Democrat? To this, I say this is not about party affiliation or loyalty to a political party. This is about justice and humanity.

Other countries, including France and Belgium, did set up a Commission of Inquiry and issued reports of their findings. The United Nations did the same. We, as one of the key players in the international scene, must do the same.

Mr. Chairman, although this is a non-binding resolution, I do agree with you that it is pivotal that we draft legislation to establish the Commission of Inquiry. With your support and the many original co-sponsors, including my friend Tom Tancredo, I am sure we will succeed

Mr. SMITH. Ms. Watson.

Ms. WATSON. I want to thank the Chairman and I want to thank the author of the resolution.

I, too, traveled with Don Cheadle and Paul Rusesabagina. I was just amazed by Paul the whole time we were traveling because he had such an accommodating personality and seemed so well bal-

anced. I couldn't understand, with what he has seen and what he has gone through, how he could maintain that composure. I asked him how he managed that balance, and he said: "I live in Brussels now and I am away from it on a daily basis. But I have purchased a trucking company so that I can use my trucks to get supplies to the borderline where the refugees were."

So he is still working within Rwanda and in the neighboring countries. I found it quite interesting, I am sure that Representative Lee would agree with me, that when we went up to Algeria and met with the President for 3 hours, he denied that there was ethnic cleansing or genocide going on in Rwanda. What he said is that it was a struggle between the herders and the farmers because they are nomadic.

Well, I will never forget the face of one of the few men that was left right there at the border. They had closed the border, and he went to the part of it that was open. He was standing there circling his face and, of course, they wear the white robes and usually their heads are wrapped. He was saying: "They are killing people who look like me." Then we saw the pictures that the children had drawn of planes coming over dropping bombs, and their villages burning, and machetes hacking away.

We didn't take the President on, but we knew that the neighboring countries would say: "You know, we don't want to get into that." But we did ask the President if he would go to the President of Rwanda and try to broker some kind of peace. So I was just thinking that maybe we want to send some kind of an award, not only the resolution, but maybe bring Paul here and give him some kind of an award. I just want to throw that out as a thought.

Thank you very much, Mr. Chairman.

Mr. SMITH. Mr. Wolf was trying to see if we could get even a showing of the film with the principals. It may take some time to try to get them all together, but I think that would be something that we could show to the general staffers and people. I think it would certainly be something that we should strive toward.

Ms. Watson.

Ms. WATSON. Yes, I will be very brief, but I want to thank Mr. Tancredo for this amendment. As I said earlier, I had the privilege to be with Paul Rusesabagina in Chad and the Sudan, and just marveled at his courage and his willingness to put his life on the line. Oftentimes we hear: "What can one person do, what can an individual do?" Well, I think Paul is exemplary of what one person can do.

Paul was here very recently and actually visited my district and several cities around the country. I think it would be a very good idea to invite him back because the response all over the country was overwhelming. In fact, I think he watched the film at the White House with President Bush. And I think that he is helping to wake up America to what this genocide is about.

Mr. Chairman, I would just ask you if there is any way to add a perfecting amendment to this because his wife, I believe her name is Tatiana, was such an important part of this whole effort. She visited the United States with Paul, and if I could ask for unanimous consent to offer a perfecting amendment to add Tatiana's name to this resolution.

Mr. SMITH. If that is okay with the parliamentarian.

Ms. WATSON. Is that okay?

Mr. SMITH. If there is no objection.

Ms. WATSON. And I will get the spelling of her name. Thank you very much.

Mr. SMITH. Okay. Without objection, the amendment is agreed to; and the question now occurs on the amendment—would anyone else like to be heard before I move to—we do have a vote, yes.

Ms. MCCOLLUM. We have a vote, but I have some wonderful high school students with me and we are a nation of immigrants but we are also a nation of refugees. St. Paul is opening itself up to its students, its heart and its hands—as well as many cities in Wisconsin right now—to refugees coming from Rwanda, and this is the Committee, ladies, that makes that possible.

I am sorry. Being a high school teacher in social studies, as I am, I just wanted them to know that we have some future leaders who came here as refugees and as immigrants right here with me.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you. Just because of time, we will have to move on, but I am glad that you took the time to welcome your students.

The question now occurs on the amendment. All those in favor, say aye.

[Chorus of ayes.]

Mr. SMITH. Those opposed, no.

[No response.]

Mr. SMITH. The ayes have it and the amendment is agreed to.

The question occurs in the motion to report the resolution, H. Con. Res. 88, favorably as amended. All those in favor say aye.

[Chorus of ayes.]

Mr. SMITH. Those opposed, no.

[No response.]

Mr. SMITH. The ayes have it. The motion is approved and the resolution is reported favorably without objections. The resolution will be reported favorably to the Full Committee in the form of a single amendment in the nature of a substitute, incorporating the amendments adopted here today.

Without objection, the staff is directed to make any technical and conforming amendments. The markup is adjourned, and I thank all the Members of the Committee for being here.

[Whereupon, at 1:39 p.m. the Subcommittee was adjourned.]

