
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
Serial No. 109–5
Printed for the use of the Committee on International Relations

Available via the World Wide Web: http://www.house.gov/international_relations

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2005
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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:]
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. Faleomavaoga) 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.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2005.”
(b) Table of Contents.—The table of contents for this Act is as follows:

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

TITLE I—COMBATTING INTERNATIONAL 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.

SEC. 2. FINDINGS.

Congress finds the following:


(2) The United States Government currently estimates that 600,000 to 800,000 individuals are
trafficked across international borders each year and
exploited through forced labor and commercial sex
exploitation. An estimated 80 percent of such indi-
viduals are women and girls.

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

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

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

(6) Runaway and homeless children in the
United States are highly susceptible to being domes-
tically trafficked for commercial sexual exploitation.
Every day in the United States, between 1,300,000
and 2,800,000 runaway and homeless youth live on
the streets. One out of every seven children will run
away from home before the age of 18.
(7) A comprehensive strategy is needed to prevent the victimization of United States citizens and nationals through domestic trafficking.

(8) A project by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Southeast Asia has documented a linkage between the spread of HIV/AIDS and trafficking in women and girls. Scant other research or statistical data exists regarding the interconnection between trafficking in persons and HIV/AIDS. Further research is needed to determine the extent to which trafficking in persons contributes to the spread of HIV/AIDS and to identify strategies to combat this linkage.

(9) Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies.

(10) There is a need to protect populations in post-conflict settings and humanitarian emergencies
from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there remains a lack of institutionalized programs and strategies at the United States Agency for International Development, the Department of State, and the Department of Defense to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

(11) International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions.

(12) The involvement of employees and contractors of the United States Government and members of the Armed Forces in trafficking in persons, facilitating the trafficking in persons, or exploiting the victims of trafficking in persons is inconsistent with United States laws and policies and undermines the
credibility and mission of United States Government programs in post-conflict regions.

(13) Further measures are needed to ensure that United States Government personnel and contractors are held accountable for involvement with acts of trafficking in persons, including by expanding United States criminal jurisdiction to all United States Government contractors abroad.

(14) Communities in the United States are not fully informed about sex offenders who are residing or working within those communities because offenders who are convicted in a foreign court of a sexually violent offense, or a criminal offense against a child victim, are not currently encompassed by the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program carried out under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14701), as amended by Megan’s Law (Public Law 104–145;110 Stat. 1345).
TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. PREVENTION OF TRAFFICKING IN PERSONS.

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

(1) AMENDMENT.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

“(h) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.”.

(2) STUDY AND REPORT.—

(A) STUDY.—

(i) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Develop—
ment, in consultation with the Secretary of Defense, shall conduct a study regarding
the threat and practice of trafficking in persons generated by post-conflict and hu-
manitarian emergencies in foreign coun-
tries.

(ii) FACTORS.—In carrying out the
study, the Secretary of State and the Ad-
ministrator of the United States Agency
for International Development shall
examine—

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

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

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

(IV) proposed recommendations
to better combat trafficking in per-
sons in conjunction with post-conflict
reconstruction and humanitarian
emergencies assistance.

(B) REPORT.—Not later than 180 days
after the date of the enactment of this Act, the
Secretary of State and the Administrator of the
United States Agency for International Devel-
opment shall submit to the Committee on Intern-
ational Relations of the House of Representa-
tives and the Committee on Foreign Relations
of the Senate a report that contains—

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

(ii) specific recommendations to com-
bat trafficking in persons by departments
and agencies of the United States Govern-
ment that are responsible for post-conflict
and humanitarian emergency strategy and
assistance programs, including the Office
of Transition Initiatives and the Office of
Foreign Disaster Assistance of the United
States Agency for International Develop-
ment, the Office of the Coordinator for Re-
construction and Stabilization and the Bu-
reau of Population, Refugees, and Migra-
tion of the Department of State, and relevant Department of Defense entities that are carrying out or assisting in the conduct of such programs.

(3) Implementation of Recommendations.—To the maximum extent practicable and in consultation with the congressional committees specified in paragraph (2)(B), the Administrator of the United States Agency for International Development, the Secretary of State, the Secretary of Defense, and the heads of other relevant departments and agencies of the United States Government shall take such actions as are necessary to implement the recommendations contained in the report under paragraph (2)(B)(ii) as soon as practicable after the date of the submission of the report.

(b) Extension of Sexually Violent Offender Registration Program to Foreign Offenses.—

(1) In general.—Subsection (b)(7) of section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

(A) in the matter preceding subparagraph (A) by striking “convicted in another State”
and inserting "convicted outside that State";

and

(B) in subparagraph (A) by inserting after "convicted in another State," the following:

"convicted of a foreign offense,"

(2) GUIDELINES; IMPLEMENTATION BY STATES.—Not later than one year after the date of the enactment of this Act, the Attorney General shall issue revised guidelines to implement the amendments made by paragraph (1). For purposes of subsection (g) of such section 170101, a State shall have until two years from the date on which the Attorney General issues revised guidelines pursuant to the preceding sentence to implement the amendments made by paragraph (1).

SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS.

(a) ACCESS TO INFORMATION.—Section 107(c)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(2)) is amended by adding at the end the following new sentence: “To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.”.
(b) Establishment of Guardian Ad Litem Program.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following new paragraph:

"(4) Appointment of Guardian Ad Litem for Child Victim of Trafficking.—

"(A) In General.—If the Director of the Office of Refugee Resettlement has reason to believe that an unaccompanied alien child is a victim of a severe form of trafficking in persons (as defined in section 107(b)(1)(C)(ii)(I) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(C)(ii)(I))), the Director may appoint a guardian ad litem who meets the qualifications described in subparagraph (B) for the child. The Director is encouraged, wherever practicable, to arrange with a nongovernmental organization for the selection of an individual to be appointed as a guardian ad litem under this paragraph.

"(B) Qualifications of Guardian Ad Litem.—No person shall serve as a guardian ad litem under this paragraph unless the person—
“(i) is a child welfare professional or other individual who has received training in child welfare matters; and “(ii) has received training on the nature of problems encountered by victims of trafficking.

“(C) DUTIES.—The guardian ad litem shall take such steps as may be necessary to investigate and report to the Director of the Office of Refugee Resettlement as to whether an unaccompanied alien child is a victim of trafficking. The guardian ad litem shall—

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

“(ii) investigate the facts and circumstances relevant to such child’s presence in the United States, including facts and circumstances arising in the country of the child’s nationality or last habitual residence and facts and circumstances arising subsequent to the child’s departure from such country;

“(iii) work with counsel, if the child is represented by counsel, to identify the
child’s eligibility for relief from removal or voluntary departure by sharing with counsel information collected under clause (ii);

“(iv) develop recommendations on issues relative to the child’s custody, detention, release, and repatriation;

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

“(vi) take reasonable steps to ensure that the child understands the nature of the legal proceedings or matters and determinations made by the court, and ensure that all information is conveyed in an age-appropriate manner.

“(D) DETERMINATION OF ELIGIBILITY FOR BENEFITS AND SERVICES.—The Director of the Office of Refugee Resettlement shall consider the report provided by the guardian ad litem in determining whether an alien child is a victim of a severe form of trafficking in persons eligible for services pursuant to section
107(b)(1)(A) of the Trafficking Victims Protec-
tion Act of 2000 (22 U.S.C. 7105(b)(1)(A)).

“(E) TERMINATION OF APPOINTMENT.—

The guardian ad litem shall carry out the du-
ties described in subparagraph (C) until one of
the following occurs:

“(i) Such duties are completed.
“(ii) The child departs the United
States.
“(iii) The child is granted permanent
resident status in the United States;
“(iv) The child attains the age of 18.
“(v) The child is placed in the custody
of a parent, legal guardian, or licensed
child welfare agency.

“(F) POWERS.—The guardian ad litem—
“(i) shall have reasonable access to
the child, including access while such child
is being held in detention, in the care of a
foster family, or in any other temporary
living arrangement;
“(ii) shall be permitted to review all
records and information relating to such
proceedings that are not deemed privileged
or classified;
“(iii) may seek independent evaluations of the child;

“(iv) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or in connection with the investigation or prosecution of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103)), and shall be given a reasonable opportunity to be present at such hearings or interviews;

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

“(vi) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child prior to notification.

“(G) TRAINING.—The Director of the Office for Refugee Resettlement is authorized to
provide training for all persons serving as guardians ad litem under this section in the circumstances and conditions that child victims of trafficking face and immigration benefits or other rights under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) for which such child might be eligible.

"(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services such sums as may be necessary to carry out this paragraph.

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

"(5) ACCESS TO COUNSEL.—

"(A) ACCESS TO COUNSEL.—Victims of severe forms of trafficking, while in the custody of the Federal Government, shall not be denied access to counsel in any proceeding or matter relating to the investigation and prosecution of the act of trafficking involved.

"(B) INFORMATION.—Victims of severe forms of trafficking shall receive information
about their right to access to counsel under subparagraph (A). To the maximum extent practicable, victims of severe forms of trafficking shall receive contact information for nongovernmental organizations that receive funding from the Federal Government to provide counsel or other assistance to victims of trafficking.”.

(d) Establishment of Pilot Program for Residential Rehabilitative Facilities for Victims of Trafficking.—

(1) Study.—

(A) In general.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.

(B) Factors.—In carrying out the study under subparagraph (A), the Administrator shall—

(i) investigate factors relating to the rehabilitation of victims of trafficking in group residential facilities, such as the ap-
propriate size of such facilities, services to be provided, length of stay, and cost; and (ii) give consideration to ensure the safety and security of victims of trafficking, provide alternative sources of income for such victims, assess and provide for the educational needs of such victims, including literacy, and assess the psychological needs of such victims and provide professional counseling, as appropriate.

(2) PILOT PROGRAM.—Upon completion of the study carried out pursuant to paragraph (1), the Administrator of the United States Agency for International Development shall establish and carry out a pilot program to establish residential treatment facilities in foreign countries for victims of trafficking based upon the best practices identified in the study.

(3) PURPOSES.—The purposes of the pilot program established pursuant to paragraph (2) are to—

(A) provide benefits and services to victims of trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;
(B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(C) assess the need for and feasibility of establishing additional residential treatment facilities for victims of trafficking.

(4) **Selection of Sites.**—The Administrator of the United States Agency for International Development shall select 2 sites at which to operate the pilot program established pursuant to paragraph (2).

(5) **Form of Assistance.**—In order to carry out the responsibilities of this subsection, the Administrator of the United States Agency for International Development shall enter into contracts with, or make grants to, nonprofit organizations with relevant expertise in the delivery of services to victims of trafficking.

(6) **Report.**—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the Committee on International Relations of the House of Representatives and the
Committee on Foreign Relations of the Senate a report on the implementation of this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Administrator of the United States Agency for International Development to carry out this subsection $2,500,000 for each of the fiscal years 2006 and 2007.

SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING OFFENSES.

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS.—

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

CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS


"3272. Definition.

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

"(a) Whoever, while an extraterritorial Federal contractor, engages in conduct outside the United States that would constitute an offense punishable by imprisonment

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

“(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

“§ 3272. Definition

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

“(1) employed as a contractor (including a subcontractor at any tier), or as an employee of a contractor (or subcontractor at any tier), of any Federal agency;

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

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

(2) Clerical Amendment.—The table of chapters at the beginning of such part is amended
by inserting after the item relating to chapter 212
the following new item:

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

(b) NEW UCMJ OFFENSES.—

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

“§ 920a. Art. 120a. Sex trafficking

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

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

“(2) the person has not attained the age of
eighteen years and will be caused to engage in a
commercial sex act,
is guilty of sex trafficking and shall be punished as a
court-martial may direct.

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

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

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

“(3) by means of the abuse or threatened abuse of law or the legal process,

is guilty of trafficking for labor or services and shall be punished as a court-martial may direct.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 920 (article 120) the following new items:

“920a. 120a. Sex trafficking.

“920b. 120b. Trafficking for labor or services.”.

(c) LAUNDERING OF MONETARY INSTRUMENTS.—

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (v), by striking “or” at the end;

(2) in clause (vi), by adding “or” at the end;

and

(3) by adding at the end the following new clause:

“(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or har-
boring a person, including a child, for commercial sex acts;”.

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

“(h) ENFORCEMENT AGAINST UNITED STATES CITIZENS IN FOREIGN PLACES.—If a United States Government official attached to a United States Embassy in a foreign place becomes aware of a United States citizen or an alien admitted for permanent residence in the United States who is located in such foreign place and who has traveled in foreign commerce in violation of subsection (a), (b), (c), (d), or (e), the United States Embassy shall notify local law enforcement authorities and shall encourage the prosecution of the individual under applicable local laws or the extradition of the individual to the United States for the purpose of prosecution under this section.”.

SEC. 104. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) APPOINTMENT TO INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended—
(1) by striking “the Director of Central Intelligence” and inserting “the Director of National Intelligence”; and

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

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

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

(1) in paragraph (3), by adding at the end before the period the following: “, measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of
the country, measures to ensure that its nationals
who are deployed abroad as part of a peacekeeping
or other similar mission do not engage in or facili-
tate severe forms of trafficking in persons or exploit
victims of such trafficking, and measures to prevent
the use of forced labor or child labor in violation of
international standards”; and

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

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

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

(A) by striking “The President” and in-
serting “(a) IN GENERAL.—The President”; and

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

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

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

“(4) Subject to subsection (b), the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism.

“(5) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.

“(6) The abduction and enslavement of children for use as soldiers, including steps taken to eliminate the abduction and enslavement of children for use as soldiers and recommendations for such further steps as may be necessary to rapidly end the abduction and enslavement of children for use as soldiers.”; and

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

“(b) Role of Human Smuggling and Trafficking Center.—The research initiatives described in subsection (a)(4) shall be carried out by the Human Smuggling and Trafficking Center (established pursuant
to section 7202 of the Intelligence Reform and Terrorism
Prevention Act of 2004 (Public Law 108–458)).

“(c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

(4) by adding at the end the following:

“(3) instruction on international documents and
United States policy on trafficking in persons, in-
excluding provisions of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) which may affect the United States bilateral relationships.”.

(f) PREVENTION OF TRAFFICKING BY PEACEKEEPERS.—

(1) INCLUSION IN TRAFFICKING IN PERSONS REPORT.—Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—

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

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

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

“(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization’s employees, contractor personnel, and peacekeeping forces
in trafficking in persons or the exploitation of victims of trafficking.”.

(2) PREVENTION OF TRAFFICKING IN CONNECTION WITH PEACEKEEPING OPERATIONS.—

(A) CERTIFICATION BY SECRETARY OF STATE.—At least 15 days prior to voting for or otherwise officially endorsing a new, reauthorized, or expanded peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates (or in the case of a peacekeeping mission to respond to an emergency, as far in advance as is practical), the Secretary of State shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and any other appropriate congressional committee a certification that contains—

(i) a determination that the organization has taken appropriate measures to prevent the organization’s employees, contractor personnel, and peacekeeping forces serving in the peacekeeping mission from
trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation and to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and

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

(B) Provision of United States Logistical Support.—

(i) Requirement.—The United States may provide logistical support for or deploy personnel, including civilian police, observers, or members of the United States Armed Forces in support of a peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates only on or after the date on which the Secretary of State submits to Congress a certification described in subparagraph (A).

(ii) Exception.—Notwithstanding the failure of the Secretary of State to
submit a certification pursuant to subparagraph (A) with respect to a peacekeeping mission described in such subparagraph, support described in clause (i) may be made available for the peacekeeping mission on or after the date on which the Secretary of State submits to Congress a letter that contains—

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

(II) a description of the steps taken by the United States to encourage the organization to take the appropriate measures described in subparagraph (A); and

(III) a certification that, notwithstanding the failure of the organization to take the appropriate measures described in subparagraph (A), the Secretary of State has determined that voting for or otherwise officially endorsing the peacekeeping mission is in the national interests of United States.
(3) Department of Defense director of anti-trafficking policies.—

(A) Establishment.—The Secretary of Defense shall designate within the Office of the Secretary of Defense a director of anti-trafficking policies. The director shall be responsible for overseeing the implementation within the Department of Defense of policies relating to trafficking in persons, including policies of the Department and policies of the Federal Government (including policies contained in National Security Presidential Directive 22) as they relate to the Department. The Secretary may not assign to the director any responsibilities not related to trafficking in persons.

(B) Duties.—The director designated under subparagraph (A) shall, in consultation with other relevant elements of the Department—

(i) ensure that training materials and instructional programs relating to trafficking in persons are developed and used by the military departments;

(ii) consult regularly with academicians, faith-based organizations, multilateral-
eral organizations, nongovernmental organizations, and others with expertise in combating trafficking in persons, regarding the Department’s implementation of policies relating to trafficking in persons;

(iii) conduct surveys of members of the Armed Forces and of employees of the Department to assess attitudes and knowledge regarding trafficking in persons and use the results of those surveys to develop training materials and instructional programs relating to trafficking in persons;

(iv) ensure that trafficking in persons is included as an intelligence requirement in peacekeeping missions that track organized crime;

(v) ensure the proper handling of cases in which a member of the Armed Forces or an employee or contractor of the Department is alleged to have engaged in or facilitated an act of trafficking in persons and in such cases encourage, as appropriate, implementation of chapter 212 of title 18, United States Code (commonly referred to as the Military Extraterritorial
Jurisdiction Act of 2000) and the Trafficking Victims Protection Act of 2000;

(vi) ensure that the Department implements the commitments relating to trafficking in persons agreed to by the United States in the context of the North Atlantic Treaty Organization, the United Nations, and other multilateral organizations, as those commitments relate to the Department;

(vii) establish a mechanism to ensure that neither the Department nor any contractor (or subcontractor at any tier) of the Department rehires an employee of such a contractor (or subcontractor) who engaged in a severe form of trafficking in persons while the contract is in effect;

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

(ix) in consultation with the Office of the Inspector General of the Department, investigate links between trafficking in persons and deployments of members of the
Armed Forces and contractors of the Department;

(x) consult with contractors of the Department on programs to prevent trafficking in persons and on accountability structures relating to trafficking in persons; and

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

(C) RESOURCES.—The director designated under subparagraph (A) shall have sufficient staff and resources to carry out the responsibilities and duties described in this paragraph.

(D) RANK.—The director designated under subparagraph (A) shall have the rank of assistant secretary.

(g) FBI INVESTIGATIONS.—From amounts made available to carry out this subsection (including amounts made available pursuant to the authorization of appropriations in section 302), the Director of the Federal Bureau of Investigation shall investigate acts of severe forms of trafficking in persons other than domestic trafficking in persons (as defined in section 206).
SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.

(a) IN GENERAL.—The Secretary of Labor, acting through the head of the Bureau of International Labor Affairs of the Department of Labor, shall carry out additional activities to monitor and combat forced labor and child labor in foreign countries as described in subsection (b).

(b) ADDITIONAL ACTIVITIES DESCRIBED.—The additional activities referred to in subsection (a) are—

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

(2) to provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in trafficking in persons report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b));

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

(4) to work with persons who are involved in the production of goods on the list described in para-
graph (3) to create a standard set of practices that
will reduce the likelihood that such persons will
produce goods using the labor described in such
paragraph; and

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

TITLE II—COMBATTING DOMES-
TIC TRAFFICKING IN PER-
SONS

SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN
PERSONS.

(a) Program to Reduce Demand for Commer-
cial Sex Acts.—

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

(2) Report.—The Secretary shall prepare and
post on the Internet Web site of the Department of
Health and Human Services a report on the best practices identified under paragraph (1).

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

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

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

(2) by striking paragraph (2).

SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN VICTIM SERVICE PROGRAMS FOR VICTIMS OF DOMESTIC TRAFFICKING.

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

(b) SELECTION FACTOR.—In selecting among applicants for grants under subsection (a), the Secretary shall
give priority to applicants with experience in the delivery
of services to runaway or homeless youth, including youth
who have been subjected to sexual abuse or commercial
sexual exploitation, and to applicants who would employ
survivors of commercial sexual exploitation as part of their
proposed project.

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

SEC. 203. PROTECTION OF VICTIMS OF DOMESTIC TRAFFICKING IN PERSONS.

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

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

(1) provide benefits and services to minor vic-
tims of domestic trafficking, including shelter, psy-
chological counseling, and assistance in developing
independent living skills;
(2) assess the benefits of providing residential treatment facilities for minor victims of domestic trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(3) assess the need for and feasibility of establishing additional residential treatment facilities for minor victims of domestic trafficking.

(c) SELECTION OF SITES.—The Secretary of Health and Human Services shall select 3 sites at which to operate the pilot program established pursuant to subsection (a).

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of
44

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

SEC. 204. INVESTIGATION BY FEDERAL BUREAU OF INVESTIGATION OF ACTS OF DOMESTIC TRAFFICKING IN PERSONS.

From amounts made available to carry out this section (including amounts made available pursuant to the authorization of appropriations in section 302), the Director of the Federal Bureau of Investigation shall investigate acts of domestic trafficking in persons.

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

(a) Establishment of Grant Program for Law Enforcement.—

(1) In general.—Subject to the availability of appropriations, the Attorney General may make grants to States and local law enforcement agencies to develop, expand, or strengthen programs to investigate and prosecute acts of domestic trafficking in persons.

(2) Multi-disciplinary approach required.—Grants under paragraph (1) may be made only for programs in which the State or local law enforcement agency works collaboratively with victim service providers and other relevant nongovern-
mental organizations, including faith-based organizations and organizations with experience in the delivery of services to youth who have been subjected to sexual abuse or commercial sexual exploitation.

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

(b) IMPROVED INTERAGENCY COORDINATION TO COMBAT DOMESTIC TRAFFICKING.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by inserting “, the Director of the Office to Monitor and Combat Trafficking of the Department of State” after “the Commissioner of Immigration and Naturalization”.

SEC. 206. DEFINITIONS.

In this title:

(1) DOMESTIC TRAFFICKING IN PERSONS.—The term “domestic trafficking in persons” means a severe form of trafficking in persons as defined by section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)), which occurs wholly within the territorial jurisdiction of the United States.
(2) Victim of Domestic Trafficking.—The term “victim of domestic trafficking” means a person subjected to an act or practice described in paragraph (1).

(3) Minor Victim of Domestic Trafficking.—The term “minor victim of domestic trafficking” means a person subjected to an act or practice described in paragraph (1) who has not attained 18 years of age at the time the person is identified as a victim of domestic trafficking.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS. Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) by striking “and $5,000,000” and inserting “$5,000,000”;

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

(C) by further adding at the end the following new sentence: “In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking for official re-
ception and representation expenses $3,000 for each of the fiscal years 2006 and 2007.”;


(5) in subsection (e)—

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

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


SEC. 302. INVESTIGATIONS BY FEDERAL BUREAU OF INVESTIGATIONS.

There are authorized to be appropriated to the Director of the Federal Bureau of Investigation to carry out...
sections 204 and 104(g) $15,000,000 for fiscal year 2006, 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 pro-
vided 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; and
- Amend the criteria by which countries are evaluated for the annual Traf-
ficking in Persons Report by adding consideration of foreign governments' ef-
forts 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 Traf-
ficking 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 Co-
operation in Europe, you have been a real champion and have rea-
ly 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 traf-
ficking, making the United States a leader on the issue, but it has
also sparked international attention and action toward zero toler-
ance. 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 fund-
ing 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 hear-
ing, if we are serious about fighting trafficking conflicts, improving
global health conditions, and developing economic programs to as-
sist 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:]
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. 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. 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:]
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 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

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

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

(2) acknowledges that the international community, including the United States Government, failed the people of Rwanda and watched with indifference while hundreds of thousands of innocent civilians were being killed;

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

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

(5) acknowledges the heroic work of many individuals and human rights organizations for their campaign to help stop the genocide of Rwanda;
(6) expresses deep appreciation to General Romeo Dallaire for his tireless efforts to stop the genocide from occurring and for helping many Rwandese civilians in their time of need;

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

(8) calls for an investigation of the role played by the United States Government prior to and during the Rwandan genocide, noting that the parliaments of Belgium and France both created commissions of inquiry to investigate the roles played by their respective governments and issued their findings; and

(9) strongly urges the creation of a bi-partisan Commission of Inquiry for Rwanda to investigate all aspects of the role played by the United States Government prior to and during the Rwandan genocide, with a strong mandate and subpoena power to access relevant documents and witnesses, a definite end date for completion of its work, and sufficient 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 Untied 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 Untied States Government. The Clinton Administration refused to even utter the word “genocide” and failed to respond effectively, which played a negative role in the Untied 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, SUB-COMMITTEE 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):
(5) commends Paul Rusesabagina for his courage and bravery exhibited through his efforts to save scores of Tutsis and moderate Hutus in the Mille Collines hotel, as Oskar Schindler saved scores of 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 Goma.

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 insurgency, 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 Coilies, 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 markup on the Rwanda resolution and the Trafficking in Person legislation, which I cosponsored 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.]