TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS 2012 AND 2013 FOR THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000, AND FOR OTHER PURPOSES; AND TO PROHIBIT FUNDING TO THE UNITED NATIONS POPULATION FUND

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

ON

H.R. 2830 and H.R. 2059

OCTOBER 5, 2011

Serial No. 112–118

Printed for the use of the Committee on Foreign Affairs

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

U.S. GOVERNMENT PRINTING OFFICE

70–662PDF WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
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TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS 2012 AND 2013 FOR THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000, AND FOR OTHER PURPOSES; AND TO PROHIBIT FUNDING TO THE UNITED NATIONS POPULATION FUND

WEDNESDAY, OCTOBER 5, 2011

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will come to order.

Before we move to today's business, I would like to take a minute to welcome our newest member, Representative Bob Turner, who was appointed to the committee just this week. He is a lifelong resident of the neighborhoods of New York's Ninth District that he now represents.

Congressman Turner won the special election in that district just over 3 weeks ago. He is known to many for his successful career as an executive and an entrepreneur in media and television industries.

But I suspect that what he is most known for is his role as husband to Peggy for 46 years now. And she is a dedicated foster care nurse. He is a father to their five children and a grandfather to their 13 grandchildren.

And we are glad that he has joined us. He is known for his charity work on behalf of adoption services in his area.

We look forward to his valuable contributions to the important foreign policy work of the Committee on Foreign Affairs in the weeks and the months ahead.

So please join me in welcoming Congressman Turner with a brief round of applause.

[Applause.]

Mr. TURNER. Thank you and thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you, Mr. Turner.

Next time you speak when I yield you the time. [Laughter.] Or this thing gets flung over there.

Mr. Berman, I do not know if you want to make any opening remarks.

Mr. BERMAN. Just join the chairman in welcoming you. And look forward to working with you in what I sometime refer to as—it is like going to graduate school where you do not have to take any tests or get any grades.

Chairman ROS-LEHTINEN. Well, thank you.

Well, today we will have a pop quiz because we are going to proceed on to today's business. At the outset, without objection, let me note that all members may have 5 legislative days to submit remarks on either of today's bills for the record.

Pursuant to notice, I call up the bill H.R. 2830, the Trafficking Victims Protection Reauthorization Act of 2011.

Ms. CARROLL. H.R. 2830, to authorize appropriations for Fiscal Years 2012 and 2013 for the Trafficking Victims Protection Act——

Chairman ROS-LEHTINEN. Without objection, the bill is considered as read and open for amendment at any point.

[H.R. 2830 follows:]

I

112TH CONGRESS
1ST SESSION

H. R. 2830

To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 30, 2011

Mr. SMITH of New Jersey (for himself and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Armed Services, Ways and Means, 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

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A BILL

To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes.

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trafficking Victims Protection Reauthorization Act of 2011".

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

Sec. 1. Short title and table of contents.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Authority to restrict passports.
Sec. 102. Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking.
Sec. 103. Prevention of trafficking.
Sec. 104. Reports to Congress.
Sec. 105. Temporary increase in fee for certain consular services.
Sec. 106. Additional activities to monitor and combat forced labor and child labor.
Sec. 107. Enhancing protection for children exploited abroad by United States citizens and permanent resident aliens.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Amendments to the Trafficking Victims Protection Act of 2000

Sec. 201. Interagency Task Force To Monitor and Combat Trafficking.
Sec. 202. Department of Defense Director of Anti-Trafficking Policies.
Sec. 203. Assistance for victims of trafficking.
Sec. 204. Ensuring timely response to requests for continued presence.
Sec. 205. Report to Congress.

Subtitle B—Amendments to Title 18, United States Code

Sec. 211. Renaming of basic Federal trafficking statute.
Sec. 212. Clarifying trafficking definitions and prosecution.
Sec. 213. Fighting sex tourism.
Sec. 214. Identification documents.
Sec. 215. Fraud in foreign labor contracting as a Rico Predicate.

Subtitle C—Amendments to the Immigration and Nationality Act

Sec. 221. Harmonization of T and U visa standards.

Subtitle D—Amendments to Other Laws

Sec. 231. Enhancing efforts to combat the trafficking of children.
Sec. 232. Improving local efforts to combat trafficking and sexual exploitation of children.
Sec. 233. Efforts to publicize the National Human Trafficking Resource Center hotline.
Sec. 234. Prevention of trafficking in persons involving workers recruited abroad.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Trafficking Victims Protection Act of 2000.
Sec. 302. Trafficking Victims Protection Reauthorization Act of 2005.
Sec. 303. Reporting requirement.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. AUTHORITY TO RESTRICT PASSPORTS.

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) limit to 1 year or such period of time as the Secretary of State shall determine appropriate the period of validity of a passport issued to a sex offender; and

(2) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense.

(b) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a), in no case shall a United States citizen convicted by a court of competent jurisdiction in a foreign country of a sex offense be precluded from entering the United States due to a passport revocation under such subsection.

(c) REAPPLICATION.—An individual whose passport or passport card was revoked pursuant to subsection (a)(2) may reapply for a passport or passport card at any time after such individual has returned to the United States.

(d) DEFINITIONS.—For purposes of this section:

(1) SEX OFFENDER.—The term "sex offender" means an individual who is listed on the National Sex Offender Registry established pursuant to section 119 of the Sex Offender Registration and Notification Act (42 U.S.C. 16915).

(2) SEX OFFENSE.—The term "sex offense" means a sex offense as defined in section 111(5) of the Sex Offender Registration and Notification Act (42 U.S.C. 16915).

SEC. 102. OFFICE TO MONITOR AND COMBAT MODERN SLAVERY AND OTHER FORMS OF HUMAN TRAFFICKING.

(a) IN GENERAL.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is amended—

(1) in the heading, by striking "OFFICE TO MONITOR AND COMBAT TRAFFICKING" and inserting "OFFICE TO MONITOR AND COMBAT MODERN SLAVERY AND OTHER FORMS OF HUMAN TRAFFICKING";

(2) in paragraph (1), in the first sentence, by striking "Office to Monitor and Combat Trafficking" and inserting "Office To Monitor and Com-

bat Modern Slavery and Other Forms of Human Trafficking"; and

(3) in paragraph (2)(B), by striking "Office to Monitor and Combat Trafficking" each place it appears and inserting "Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking".

(b) CONFORMING AMENDMENTS.—Any reference in the Trafficking Victims Protection Act of 2000 or in any other Act to the Office to Monitor and Combat Trafficking or to the Director of the Office to Monitor and Combat Trafficking shall be deemed to be a reference to the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking or to the Director of the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking, respectively.

SEC. 103. PREVENTION OF TRAFFICKING.

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—Section 106(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)) is amended—

(1) by striking "The President" and inserting the following:

"(1) IN GENERAL.—The President";

(2) in paragraph (1) (as redesignated), by inserting "targeted" after "carry out";

(3) by striking "Such initiatives" and inserting the following:

"(2) INITIATIVES.—Such initiatives".

(4) by redesignating paragraphs (1) through (5) that follow paragraph (2) (as redesignated) as subparagraphs (A) through (E), respectively, and indenting each such subparagraph (as redesignated) four ems from the left margin;

(5) in paragraph (2) (as redesignated)—

(A) in subparagraph (A) (as redesignated), by inserting "and micro-enterprise" after "microcredit";

(B) in subparagraph (D) (as redesignated), by striking "and" at the end;

(C) in subparagraph (E) (as redesignated), by striking the period at the end and inserting "; and" ; and

(D) by adding at the end the following:

"(F) public-private partnerships to generate youth employment opportunities."; and

(6) by adding at the end the following:

"(3) PRIORITY FOR POTENTIAL VICTIMS OF TRAFFICKING.—In carrying out such initiatives, the

President may give priority to the following persons who are potential victims of trafficking:

"(A) Stateless persons.

"(B) Refugees and internally displaced persons.

"(C) Persons who lack access to legal representation or are otherwise marginalized.

"(D) Persons from regions of limited social protections or educational or economic options for women, particularly persons who are victims of sexual abuse or exploitation.

"(E) Persons from regions of high undocumented migration or displacement resulting from violent conflict or natural disasters.

"(F) Persons from regions with high rates of child labor, child abandonment, or child sex tourism.

"(G) Persons who meet one or more of the criteria in subparagraphs (A) through (F).".

(b) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—Section 106(h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(h)) is amended—

(1) by striking "The" and inserting the following:

"(1) INCORPORATION OF MEASURES INTO EXISTING PROGRAMS.—The"; and

(2) by adding at the end the following:

"(2) AUTHORIZATION OF ASSISTANCE TO SPECIFICALLY ADDRESS POST-CONFLICT AND HUMANITARIAN EMERGENCIES.—The Secretary of State, acting through the Director of the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking, is authorized to provide assistance on an urgent basis for vulnerable populations at risk of severe forms of trafficking in persons in conjunction with post-conflict situations and humanitarian emergencies.".

SEC. 104. REPORTS TO CONGRESS.

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

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", acting through the Director of the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking," after "Secretary of State";

(B) in subparagraph (E), by striking "and" at the end;

(C) by redesignating subparagraph (F) as subparagraph (I); and

(D) by inserting after subparagraph (E) the following:

"(F) a section entitled 'Best Practices in Slavery Eradication' to highlight innovations in prevention, protection, and prosecution of the perpetrators of trafficking , as well as public-private partnerships;

"(G) a section entitled 'Refugee-Trafficking Connection' to highlight the vulnerability of refugee populations to human trafficking and to make recommendations for the prevention of refugee trafficking;

"(H) an assessment of the actions taken by the Department of State and the Department of Justice to investigate allegations of trafficking or abuse of nonimmigrants holding an A–3 visa or a G–5 visa (as such terms are defined in section 203(f) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008), results of such investigations; and"; and

(2) in paragraph (2), by inserting ", acting through the Director of the Office To Monitor and

1 Combat Modern Slavery and Other Forms of
2 Human Trafficking," after "Secretary of State".

3 **SEC. 105. TEMPORARY INCREASE IN FEE FOR CERTAIN**
4 **CONSULAR SERVICES.**

5 Section 239(c) of the William Wilberforce Trafficking
6 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
7 1351 note) is amended by striking "the date that is 3
8 years after the first date on which such increased fee is
9 collected" and inserting "September 30, 2013".

10 **SEC. 106. ADDITIONAL ACTIVITIES TO MONITOR AND COM-**
11 **BAT FORCED LABOR AND CHILD LABOR.**

12 Section 105(b) of the Trafficking Victims Protection
13 Reauthorization Act of 2005 (22 U.S.C. 7112(b)) is
14 amended—

15 (1) in paragraph (1), by inserting "and the
16 United States" after "foreign countries";

17 (2) in paragraph (2)(C)—

18 (A) by inserting "and Congress" after
19 "public";

20 (B) by inserting ", including the United
21 States," after "countries"; and

22 (C) by adding at the end before the semi-
23 colon the following: ", including goods that are
24 produced with inputs that are produced with
25 forced labor or child labor, and, to the extent

practicable, to identify persons or businesses that produce such goods"; and

(3) by adding at the end the following:

"(3) LIST OF GOODS AND IDENTIFICATION OF PERSONS OR BUSINESSES.—The list of goods and identification of persons or businesses that produce such goods described in paragraph (2)(C) shall be made available to the public and provided to Congress not later than April 1, 2012, and updated not less than every two years thereafter.".

SEC. 107. ENHANCING PROTECTION FOR CHILDREN EXPLOITED ABROAD BY UNITED STATES CITIZENS AND PERMANENT RESIDENT ALIENS.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting "or engages in travel affecting" before "foreign commerce"; and

(B) by inserting "(even if residing, whether temporarily or permanently, in a foreign jurisdiction)" after "foreign commerce"; and

(2) by inserting after subsection (g) the following:

"(h) NON-DEFENSES.—It is not a defense to a prosecution under subsection (c), based on illicit sexual con-

duct, that the defendant is not criminally liable or is subject to reduced criminal liability due to the de jure or de facto acceptance of the illicit conduct in the foreign jurisdiction in which the defendant travels or resides.".

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Amendments to the Trafficking Victims Protection Act of 2000

SEC. 201. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) APPOINTMENT.—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting after "Education," the following: "the Director of the Peace Corps,".

(b) REPORT ON ACTIVITIES OF GOVERNMENT CONTRACTORS AND SUBCONTRACTORS.—Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (H)(iii), by striking the semicolon at the end and inserting the following: ", including whether—

"(I) employee handbooks or handbook equivalents of such govern-

1 ment contractors and subcontractors
2 describe the United States Govern-
3 ment's zero-tolerance policy regarding
4 trafficking in persons and the actions,
5 up to and including termination, that
6 the employer will take against its em-
7 ployees for violations of the zero-toler-
8 ance policy; and
9 "(II) any employees of such gov-
10 ernment contractors or subcontractors
11 have been disciplined or terminated or
12 prosecuted for violation of the zero-
13 tolerance policy;"; and
14 (2) in subparagraph (I)(i), by adding at the end
15 before the semicolon the following: ", including the
16 extent to which Federal departments and agencies
17 have terminated any contracts of United States Gov-
18 ernment's contractors or subcontractors based on a
19 trafficking in persons offense and whether any em-
20 ployees of any United States Government's con-
21 tractor or subcontractor have been disciplined, ter-
22 minated, or prosecuted for violation of the zero-toler-
23 ance policy".
24 (c) REPORT ON ACTIVITIES OF BUREAU OF JUSTICE
25 ASSISTANCE.—Section 105(d)(7) of the Trafficking Vic-

1 tims Protection Act of 2000 (22 U.S.C. 7103(d)(7)), as
2 amended by subsection (b) of this section, is further
3 amended—
4 (1) in subparagraph (I), by striking "and" at
5 the end;
6 (2) in subparagraph (J), by striking the period
7 at the end and inserting "; and"; and
8 (3) by adding the following:
9 "(K) with regard to grant activities of the
10 Bureau of Justice Assistance—
11 "(i) for each human trafficking
12 taskforce whose operations are supported
13 by grants from the Department of Justice,
14 the number of reports of trafficking, inves-
15 tigations of trafficking, T- and U-visa cer-
16 tifications requested and granted in con-
17 nection with instances of trafficking, re-
18 quests for continuation of presence under
19 107(c)(A)(iii) and grants of the same;
20 "(ii) a description of the data de-
21 scribed in clause (i) classified by certain
22 identifying information of each trafficking
23 victim including sex, age, citizenship, and
24 whether that individual was the victim of

1 trafficking for purposes of labor or for
2 commercial sex; and
3 "(iii) an outline of the content of any
4 existing protocols of the human trafficking
5 taskforce for reporting trafficking and
6 points of entry into the criminal investiga-
7 tion and service provision collaboration.".

8 **SEC. 202. DEPARTMENT OF DEFENSE DIRECTOR OF ANTI-**
9 **TRAFFICKING POLICIES.**

10 Section 105 of the Trafficking Victims Protection Act
11 of 2000 (22 U.S.C. 7103) is amended by adding at the
12 end the following:

13 "(g) DEPARTMENT OF DEFENSE DIRECTOR OF
14 ANTI-TRAFFICKING POLICIES.—

15 "(1) ESTABLISHMENT.—The Secretary of De-
16 fense shall designate within the Office of the Sec-
17 retary of Defense a Director of Anti-Trafficking
18 Policies (hereinafter in this subsection referred to as
19 the 'Director').

20 "(2) GENERAL DUTIES.—The Director shall be
21 responsible for overseeing the implementation within
22 the Department of Defense of policies relating to
23 trafficking in persons, including policies of the De-
24 partment and policies of the Federal Government
25 (including policies contained in National Security

1 Presidential Directive 22) as they relate to the De-
2 partment. The Secretary may not assign to the Di-
3 rector any responsibilities not related to trafficking
4 in persons.

5 "(3) SPECIFIC DUTIES.—The Director shall, in
6 consultation with other relevant elements of the De-
7 partment of Defense—

8 "(A)(i) ensure the proper handling of
9 cases, including disciplinary action, prosecution
10 and contract termination, where a member of
11 the Armed Forces or an employee or contractor
12 of the Department is alleged to have engaged in
13 or facilitated an act of trafficking in persons
14 and in such cases encourage, as appropriate,
15 implementation of chapter 212 of title 18,
16 United States Code (commonly referred to as
17 the Military Extraterritorial Jurisdiction Act of
18 2000) and this Act;

19 "(ii) oversee the enforcement of—

20 "(I) Defense Federal Acquisition In-
21 struction 952.222–0001 ('Prohibition
22 Against Human Trafficking, Inhumane
23 Living Conditions, and Withholding of Em-
24 ployees Passports') (July 2010),

"(II) Defense Federal Acquisition Instruction 952.225–0004 ('Compliance with Laws and Regulations') (July 2010), and

"(III) Defense Federal Acquisition Instruction 252.225–7997 ('Additional Requirements and Responsibilities Relating to Alleged Crimes by or Against Contractor Personnel in Iraq or Afghanistan')(Deviation 2010–O0014) (August 2010),

each as in effect on July 31, 2011; and

"(iii) maintain a database of those cases determined to be in violation of the statutes referenced in clause (i) and regulations referenced in clause (ii);

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

"(C) consult regularly with academicians, faith-based organizations, multilateral organizations, nongovernmental organizations, and others with expertise in combating trafficking in persons, regarding the Department's implemen-

1 tation of policies relating to trafficking in per-
2 sons;
3 "(D) conduct surveys of members of the
4 Armed Forces and of employees of the Depart-
5 ment to assess attitudes and knowledge regard-
6 ing trafficking in persons and use the results of
7 those surveys to develop training materials and
8 instructional programs relating to trafficking in
9 persons;
10 "(E) ensure that trafficking in persons is
11 included as an intelligence requirement in
12 peacekeeping missions that track organized
13 crime;
14 "(F) establish a mechanism to ensure that
15 neither the Department nor any contractor (or
16 subcontractor at any tier) of the Department
17 rehires an employee of such a contractor (or
18 subcontractor) who engaged in a severe form of
19 trafficking in persons while the contract is in
20 effect;
21 "(G) include the subject of trafficking in
22 persons in military-to-military contact pro-
23 grams;
24 "(H) in consultation with the Office of the
25 Inspector General of the Department, inves-

tigate links between trafficking in persons and deployments of members of the Armed Forces and contractors of the Department;

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

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

"(4) RESOURCES.—The Secretary of Defense shall ensure the Director has sufficient staff and resources to carry out the general and specific duties described in this subsection.

"(5) RANK.—The Director shall have the rank of Assistant Secretary.".

SEC. 203. ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) BENEFITS AND SERVICES.—Section 107(b)(1)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(B)) is amended—

(1) by inserting "an alien classified as a nonimmigrant under section 101(a)(15)(U)(i) of the Immigration and Nationality Act by reason of criminal activity that is trafficking" before ", and aliens classified as a nonimmigrant under section 101(a)(15)(T)(ii)"; and

(2) by inserting after "and aliens classified as a nonimmigrant under section 101(a)(15)(T)(ii)" the following: "of the Immigration and Nationality Act".

(b) CONFORMING AMENDMENT.—Section 107(b)(1)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(A)) is amended—

(1) by inserting "an alien classified as a nonimmigrant under section 101(a)(15)(U)(i) of the Immigration and Nationality Act by reason of criminal activity that is trafficking" before ", or an alien classified as a nonimmigrant under section 101(a)(15(T)(ii)"; and

(2) by inserting after "an alien classified as a nonimmigrant under section 101(a)(15(T)(ii)" the following: "of the Immigration and Nationality Act".

SEC. 204. ENSURING TIMELY RESPONSE TO REQUESTS FOR CONTINUED PRESENCE.

Section 107(c)(3)(A)(i) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105 (c)(3)(A)(i)) is amended—

(1) by inserting "or may be a victim of a severe form of trafficking" before "and may be a potential witness"; and

1 (2) by adding after the period at the end the
2 following: "If a request for continued presence is
3 made to a Federal law enforcement official, such of-
4 ficial shall respond to the request not later than 15
5 days after the date on which such request was made,
6 stating whether the official has filed the application
7 for continued presence with the Secretary of Home-
8 land Security and, if not, whether the official expects
9 to do so. Not later than one month after the date
10 on which such an application is filed, the Secretary
11 of Homeland Security shall approve or deny that ap-
12 plication.".

13 **SEC. 205. REPORT TO CONGRESS.**

14 Section 110(b) of the Trafficking Victims Protection
15 Act of 2000 (7107(b)) is amended by adding at the end
16 the following:

17 "(5) ADDITIONAL REPORTING REQUIREMENT.—
18 In addition to the information required in the an-
19 nual report under paragraph (1) and the interim re-
20 port under paragraph (2), the Secretary of State
21 shall include in each such report a description of ef-
22 forts of the United States to comply with minimum
23 standards for the elimination of trafficking.".

Subtitle B—Amendments to Title 18, United States Code

SEC. 211. RENAMING OF BASIC FEDERAL TRAFFICKING STATUTE.

(a) IN GENERAL.—The section heading for section 2422 of title 18, United States Code, is amended by striking "**Coercion and enticement**" and inserting "**Sex trafficking and related offenses**".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended so that the item relating to section 2422 reads as follows:

"2422. Sex trafficking and related offenses.".

SEC. 212. CLARIFYING TRAFFICKING DEFINITIONS AND PROSECUTION.

(a) IN GENERAL.—The section heading for section 1591 of title 18, United States Code, is amended in the section heading, by striking "**Sex trafficking of children or by force, fraud, or coercion**" and inserting "**Severe forms of trafficking in persons**".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended so that the item relating to section 1591 reads as follows:

"1591. Severe forms of trafficking in persons.".

SEC. 213. FIGHTING SEX TOURISM.

The heading for subsection (d) of section 2423 of title 18, United States Code, is amended by striking "**Ancillary offenses**" and inserting "**Child sex tourism**".

SEC. 214. IDENTIFICATION DOCUMENTS.

(a) IN GENERAL.—Chapter 77 of title 18, United State Code, is amended by adding at the end the following:

"SEC. 1597. UNLAWFUL CONDUCT WITH RESPECT TO IMMIGRATION DOCUMENTS.

"(a) DESTRUCTION, CONCEALMENT, REMOVAL, CONFISCATION, OR POSSESSION OF IMMIGRATION DOCUMENTS.—It shall be unlawful for any person to knowingly destroy, or, for a period of more than 48 hours, conceal, remove, confiscate, or possess, an actual or purported passport, other immigration, or personal identification document of another individual—

"(1) in the course of a violation of section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324);

"(2) with intent to violate section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

"(3) in order to, without lawful authority, maintain, prevent, or restrict the labor of services of the individual.

"(b) PENALTY.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

"(c) OBSTRUCTION.—Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (b).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended by adding at the end the following:

"1597. Unlawful conduct with respect to immigration documents.".

SEC. 215. FRAUD IN FOREIGN LABOR CONTRACTING AS A RICO PREDICATE.

Section 1961 of title 18, United States Code, is amended in paragraph (1)(B) by inserting "section 1351 (fraud in foreign labor contracting)," after "section 1344 (relating to financial institution fraud),".

Subtitle C—Amendments to the Immigration and Nationality Act

SEC. 221. HARMONIZATION OF T AND U VISA STANDARDS.

(a) INADMISSIBILITY.—Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(1) in subparagraph (A), by adding at the end the following: "The Secretary of Homeland Security, in the Secretary's discretion, may waive the applica-

tion of subsection (a) (other than paragraph (3), (4), (10)(C), and (10)(E) of such subsection) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Secretary of Homeland Security considers it to be in the public or national interest to do so.";

(2) by striking "(13)(A) The Secretary" and inserting "(13) The Secretary"; and

(3) by striking subparagraph (B).

(b) ADJUSTMENT OF STATUS.—Section 245(l)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(l)(2)(B)) is amended by striking ", if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I)".

Subtitle D—Amendments to Other Laws

SEC. 231. ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.

(a) COMBATING CHILD TRAFFICKING AT THE BORDER AND PORTS OF ENTRY OF THE UNITED STATES.—

(1) Section 235(a)(2)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(2)(A)) is amended—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) the return of such child to the child's country of nationality or of last habitual residence would not endanger the life or safety of such child.".

(2) Section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4)) is amended—

(A) by inserting "To the extent feasible, unaccompanied alien children should be housed and screened by an immigration officer with expertise in child welfare in separate child-friendly facilities conducive to disclosing information related to human trafficking or exploitation." before "If the child does not meet such criteria"; and

(B) by adding at the end the following: "In the course of building or remodeling existing immigration facilities, consideration should be given to including separate child-friendly space

1 conducive to disclosing information relating to
2 human trafficking or exploitation.".
3 (3) Section 235(a)(5) of the William Wilber-
4 force Trafficking Victims Protection Reauthorization
5 Act of 2008 (8 U.S.C. 1232(a)(5)) is amended by
6 adding at the end the following:
7 "(E) REPORT TO CONGRESS.—Not later
8 than 180 days after the date of enactment of
9 the Trafficking Victims Protection Reauthoriza-
10 tion Act of 2011, and annually thereafter, the
11 Secretary of Homeland Security, in consultation
12 with the Secretary of Health and Human Serv-
13 ices and Secretary of State, shall report to Con-
14 gress the following:
15 "(i) The number of alien children en-
16 countered by U.S. Customs and Border
17 Protection.
18 "(ii) The number of alien children
19 screened for severe forms of human traf-
20 ficking.
21 "(iii) Whether the screening was con-
22 ducted by an individual with expertise in
23 child welfare.

"(iv) How many of these children were repatriated and how many were diverted into services.".

(b) COMBATING CHILD TRAFFICKING AND EXPLOITATION IN THE UNITED STATES.—Section 235(b)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)(2)) is amended by striking "within 48 hours" and inserting "within 24 hours".

(c) PROVIDING SAFE AND SECURE PLACEMENTS FOR CHILDREN.—

(1) Section 235(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by adding at the end the following: "The Secretary of Homeland Security shall either release, pursuant to the Secretary's sole discretion, or place in the least restrictive setting an alien who—"

"(A) has been placed under this paragraph as a child;

"(B) has demonstrated that he or she is not a danger to the community or a flight risk; and

"(C) has become ineligible, by reason of age, for placement as a child.".

(2) Section 235(c)(3)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)(B)) is amended as follows:

(A) After "is first necessary." insert the following: "If the sponsor is a parent, a home study shall be conducted where there are allegations of current or past abuse or neglect of the child by the parent or where, based on all available objective evidence, the parent clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child.".

(B) Strike "A home study" and insert the following: "If the sponsor is anyone other than the parent, a home study".

(C) Strike "shall conduct follow-up services" and all that follows through "for whom a home study was conducted" and insert the following: "shall provide at least 1 visit for follow-up services on all children not later than 45 days after placement,".

(3) Section 235(c)(6) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(6)) is amended as follows:

1 (A) Strike "The Secretary" and insert the
2 following:
3 "(A) APPOINTMENT.—The Secretary".
4 (B) Insert after subparagraph (A) the fol-
5 lowing:
6 "(B) PILOT PROGRAM.—Not later than 1
7 year after the date of enactment of the Traf-
8 ficking Victims Protection Reauthorization Act
9 of 2011, the Secretary shall establish pilot pro-
10 grams in 3 States to provide the services of
11 independent child advocates for child trafficking
12 victims and other vulnerable unaccompanied
13 alien children.
14 "(C) REPORT.—Not later than 1 year
15 after the date of enactment of the Trafficking
16 Victims Protection Reauthorization Act of 2011
17 and annually thereafter, the Secretary shall
18 submit a report to the Committee on the Judi-
19 ciary of the Senate and the Committee on the
20 Judiciary of the House of Representatives de-
21 scribing the activities undertaken by the Sec-
22 retary to appoint independent child advocates
23 for vulnerable unaccompanied alien children.".
24 (d) PERMANENT PROTECTION FOR CERTAIN AT-
25 RISK CHILDREN.—Section 235(d)(4) of the William Wil-

berforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(d)(4)) is amended as follows:

(1) In subparagraph (A)—

(A) by inserting "has been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) or who" before "has been granted"; and

(B) by inserting "to the same extent as an alien admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157)" before "until the earlier of".

(2) In subparagraph (B)—

(A) by inserting "who has been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) or who" before "has been granted"; and

(B) by striking "Subject to the availability of appropriations, if" and inserting "If".

SEC. 232. IMPROVING LOCAL EFFORTS TO COMBAT TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

1 (1) in paragraph (32), by striking "and" at the
2 end;
3 (2) in paragraph (33), by striking the period at
4 the end and inserting "; and"; and
5 (3) by adding at the end the following:
6 "(34) not later than January 1, 2013, describes
7 State child welfare existing practice and future plans
8 regarding prevention measures and victim assistance
9 related to the human trafficking and commercial
10 sexual exploitation of foreign, United States citizen
11 and legal resident children including—
12 "(A) collaborations with local and State
13 agencies and non-profit organizations to iden-
14 tify and care for children believed or confirmed
15 to be, or at-risk of becoming victims of a severe
16 form of human trafficking;
17 "(B) training for the child welfare employ-
18 ees who are likely to come into contact with
19 child victims of human trafficking;
20 "(C) jurisdictional limits and other issues
21 that hinder State child welfare response to aid
22 child victims of human trafficking;
23 "(D) data collection regarding children
24 identified by child welfare services as victims of

1 trafficking and, if known, relationship to ex-
2 ploiter; and
3 "(E) prevention education to families and
4 at-risk children, including runaway and home-
5 less youth, regarding human trafficking and
6 commercial sexual exploitation.".

7 **SEC. 233. EFFORTS TO PUBLICIZE THE NATIONAL HUMAN**
8 **TRAFFICKING RESOURCE CENTER HOTLINE.**

9 (a) GRANTEE HOTLINE INFORMATION.—The Attor-
10 ney General shall consult with the Secretary of Health and
11 Human Services to make reasonable efforts to distribute
12 information to enable grantees under section 107(b) of the
13 Trafficking Victims Protection Act of 2000 to publicize
14 the National Human Trafficking Resource Center hotline
15 on their Web sites, within the program's headquarters as
16 well as field offices across the United States.

17 (b) HOTLINE INFORMATION.—

18 (1) IN GENERAL.—The Secretary of Health and
19 Human Services, in coordination with the Attorney
20 General, shall make reasonable efforts to encourage
21 States to adopt legislation to raise public awareness
22 of the National Human Trafficking Resource Center
23 hotline in every mandated establishment where vic-
24 tims of human trafficking may possibly work or
25 visit.

1 (2) POSTING OF MODEL HOTLINE INFORMA-
2 TION.—The legislation described in paragraph (1)
3 should include a requirement that information relat-
4 ing to the National Human Trafficking Resource
5 Center hotline be posted in accordance with the fol-
6 lowing specifications:
7 (A) POSTER LOCATION.—The poster
8 should be publicly displayed in a conspicuous
9 place near the entrance of mandated establish-
10 ments or where such posters and notices are
11 customarily posted in such establishments.
12 (B) POSTER SPECIFICATIONS.—The poster
13 should be no smaller than 8½ by 11 inches in
14 size and state the following: "If you or someone
15 you know is being forced to engage in any activ-
16 ity and cannot leave—whether it is commercial
17 sex, housework, farm work, or any other activ-
18 ity—call the National Human Trafficking Re-
19 source Center Hotline at 1–888–373–7888 to
20 access help and services. Victims of human traf-
21 ficking are protected under United States and
22 State law. The Hotline is: Available 24 hours a
23 day, 7 days a week. Toll-free. Operated by a
24 non-profit, nongovernmental organization.
25 Anonymous & Confidential. Accessible in 170

1 languages. Able to provide help, referral to serv-
2 ices, training, and general information.''.
3 (C) LANGUAGES.—The poster should be
4 printed in English, Spanish, and any other lan-
5 guages required by the Voting Rights Act in the
6 county in which the poster will be posted.
7 (D) NOTICE.—The licensing authority
8 should provide each mandated establishment
9 with notice of this section and with the required
10 poster upon licensing and should place the post-
11 er on its public Web site for mandated estab-
12 lishments to print as needed.
13 (3) DEFINITION OF MANDATED ESTABLISH-
14 MENT.—For purposes of this section, a ''mandated
15 establishment'' means—
16 (A) a massage parlor, spa, or other similar
17 establishment;
18 (B) an establishment that receives a liquor
19 license;
20 (C) a strip club or other sexually oriented
21 business;
22 (D) a restaurant;
23 (E) an airport;
24 (F) a train station;
25 (G) a bus station;

1 (H) a highway truck stop;
2 (I) a highway rest stop;
3 (J) a hospital, HMO, or urgent care cen-
4 ter;
5 (K) a farm;
6 (L) a high school; or
7 (M) a job recruitment center.

8 **SEC. 234. PREVENTION OF TRAFFICKING IN PERSONS IN-**
9 **VOLVING WORKERS RECRUITED ABROAD.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:
12 (1) Foreign labor contractors are increasingly
13 relied upon to facilitate the movement of labor from
14 one country to another.
15 (2) While many foreign labor contractors be-
16 have ethically and are engaged in lawful conduct,
17 certain foreign labor contractors are often complicit
18 with or directly involved in trafficking of workers.
19 (3) Some contractors charge exorbitant fees for
20 their services, force workers into debt bondage, fal-
21 sify documents, and deceive workers about their
22 terms and conditions of work, increasing workers'
23 vulnerability to human trafficking.
24 (4) Stricter regulation of labor recruiters is
25 needed to protect workers entering the United

1 States from human trafficking and other abuses.
2 Stronger legal frameworks will ensure the integrity
3 of the American economy, which is undermined when
4 unregulated actors conspire to fraudulently deceive
5 workers about the terms and conditions of work.
6 (b) DEFINITIONS.—In this section:
7 (1) FOREIGN LABOR CONTRACTOR.—The term
8 "foreign labor contractor" means any person who
9 performs any foreign labor contracting activity, in-
10 cluding any person who performs foreign labor con-
11 tracting activity wholly outside of the United States,
12 except that the term does not include a United
13 States governmental entity of the United States
14 Government.
15 (2) FOREIGN LABOR CONTRACTING ACTIVITY.—
16 The term "foreign labor contracting activity" means
17 recruiting, soliciting, hiring, employing, managing,
18 or furnishing, processing visa applications for, trans-
19 porting, or housing an individual who resides outside
20 of the United States to be employed in the United
21 States, including when such activity occurs wholly
22 outside of the United States.
23 (3) PERSON.—The term "person" means any
24 natural person or any corporation, company, firm,
25 partnership, joint stock company or association or

1 other organization or entity (whether organized
2 under law or not), including municipal corporations.
3 (4) SECRETARY.—The term "Secretary" means
4 the Secretary of Labor.
5 (5) WORKER.—The term "worker" means an
6 individual who is the subject of foreign labor con-
7 tracting activity.
8 (c) DISCLOSURE.—Any person who engages in for-
9 eign labor contracting activity shall ascertain and disclose
10 in writing in English and in the language of the worker
11 being recruited, to each worker who is recruited for em-
12 ployment, at the time of the worker's recruitment, the fol-
13 lowing information:
14 (1) The identity of the employer and the iden-
15 tity of the person conducting the recruiting on be-
16 half of the employer, including any subcontractor or
17 agent involved in such recruiting.
18 (2) A signed copy of the work contract, includ-
19 ing all assurances and terms and conditions of em-
20 ployment, from the prospective employer for whom
21 the worker is being recruited. The contract shall in-
22 clude—
23 (A) the level of compensation to be paid;
24 (B) the place and period of employment;

1 (C) a description of the type and nature of
2 employment activities;
3 (D) any withholdings or deductions from
4 compensation, whether on behalf of a govern-
5 ment, the employer, or a third party; and
6 (E) any penalties for early termination of
7 employment.
8 (3) The type of visa under which the foreign
9 worker is to be employed, the length of time the visa
10 is valid, the terms and conditions under which this
11 visa may be renewed with a clear statement that
12 there is no guarantee that the visa will be renewed
13 by the United States Government, whether or not
14 the employer will apply for renewal of the worker's
15 visa and any expenses that the worker may incur
16 with securing or renewing the visa.
17 (4) An itemized list of any costs or expenses to
18 be charged to the worker, including but not limited
19 to—
20 (A) the costs of housing or accommoda-
21 tion, transportation to and from the worksite,
22 meals, medical examinations, healthcare or safe-
23 ty equipment costs; and
24 (B) any other costs, expenses or deduc-
25 tions to be charged the worker.

1 (5) A statement, in a form specified by the Sec-
2 retary—
3 (A) stating that no foreign labor con-
4 tractor, or agent or employee of a foreign labor
5 contractor, can lawfully assess any fee (includ-
6 ing visa fees, processing fees, transportation
7 fees, legal expenses, placement fees, and other
8 costs) to a worker for any foreign labor con-
9 tracting activity; and that the employer may
10 bear such costs or fees for the foreign labor
11 contractor, but that these fees cannot be as-
12 sessed along to the worker;
13 (B) explaining that—
14 (i) no additional requirements or
15 changes may be made from the terms of
16 the contract originally signed by the work-
17 er unless the worker is provided at least 48
18 hours to review and consider the additional
19 requirements or changes;
20 (ii) no such additional requirements or
21 changes can be made to the original con-
22 tract signed by the worker without the spe-
23 cific consent of the worker to each such
24 additional requirement or change; and

1 (iii) such consent must be obtained
2 voluntarily and without threat of penalty
3 or will be viewed as a violation of law sub-
4 ject to the provisions of subsection (i); and
5 (C) describing the protections afforded the
6 worker by this section and by the Trafficking
7 Victims Protection Act of 2000 (Division A of
8 the Public Law 106486) and any applicable
9 guest worker program, including relevant infor-
10 mation about the procedure for filing a com-
11 plaint provided for in subsection (i) and tele-
12 phone number for the national human traf-
13 ficking resource center hotline number.
14 (6) Any education or training to be provided or
15 required, including the nature, timing and cost of
16 such training and the person who will pay such
17 costs, whether the training is a condition of employ-
18 ment, continued employment, or future employment;
19 and whether the worker will be paid or remunerated
20 during the training period, including the rate of pay.
21 (7) Any other information that the Secretary
22 may require by regulation.
23 (d) RESTRICTION.—No foreign labor contractor or
24 employer who engages in foreign labor contracting activity
25 shall knowingly provide materially false or misleading in-

1 formation to any worker concerning any matter required
2 to be disclosed under subsection (c). The disclosure re-
3 quired by this section is a document concerning the proper
4 administration of a matter within the jurisdiction of a de-
5 partment or agency of the United States for the purposes
6 of section 1519 of title 18, United States Code.

7 (e) RECRUITMENT FEES.—No foreign labor con-
8 tractor, or agent or employee of a foreign labor contractor,
9 shall assess any fee (including visa fees, processing fees,
10 transportation fees, legal expenses, placement fees, and
11 other costs) to a worker for any foreign labor contracting
12 activity.

13 (f) REGISTRATION.—

14 (1) IN GENERAL.—Before engaging in any for-
15 eign labor contracting activity, any person who is a
16 foreign labor contractor or who, for any money or
17 other valuable consideration paid or promised to be
18 paid, performs a foreign labor contracting activity
19 on behalf of a foreign labor contractor, shall obtain
20 a certificate of registration from the Secretary of
21 Labor pursuant to regulations promulgated by the
22 Secretary under paragraph (4).

23 (2) EXCEPTION FOR CERTAIN EMPLOYERS.—An
24 employer, or employee of an employer, who engages
25 in foreign labor contracting activity solely to find

1 workers for the employer's own use, and without the
2 participation of any other foreign labor contractor,
3 shall not be required to register under this section.
4 Notwithstanding the preceding sentence, such an
5 employer shall be subject to the requirements of sub-
6 sections (c), (d), and (e) and shall be subject to the
7 remedies under subsection (i) for all violations stem-
8 ming from its own foreign labor contracting activity.
9 (3) NOTIFICATION.—Not less frequently than
10 once every 2 years, each employer shall notify the
11 Secretary of the identity of any foreign labor con-
12 tractor involved in any foreign labor contractor ac-
13 tivity for, or on behalf of, the employer. Each for-
14 eign labor contractor shall notify the Secretary not
15 less frequently than once every 2 years, of the iden-
16 tity of any agent or foreign labor contractor em-
17 ployee involved in any foreign labor contractor activ-
18 ity for, or on behalf of, the foreign labor contractor.
19 The employer shall also notify the Secretary of the
20 identity of such a foreign labor contractor whose ac-
21 tivities do not comply with this section.
22 (4) ISSUANCE.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary
24 shall promulgate regulations to establish an efficient
25 electronic process for the timely investigation and

1 approval of an application for a certificate of reg-
2 istration of foreign labor contractors, including—
3 (A) requirements under paragraphs (1),
4 (4), and (5) of section 102 of the Migrant and
5 Seasonal Agricultural Worker Protection Act
6 (29 U.S.C. 1812);
7 (B) an expeditious means to update reg-
8 istrations and renew certificates;
9 (C) providing for the consent of any for-
10 eign labor recruiter to the designation by a
11 court of the Secretary as an agent available to
12 accept service of summons in any action against
13 the applicant, if the applicant has left the juris-
14 diction in which the action is commenced other-
15 wise has become unavailable to accept service or
16 is subject to personal jurisdiction in no State;
17 (D) providing for consultation with other
18 appropriate Federal agencies to determine
19 whether any reason exists to deny registration
20 to a foreign labor contractor; and
21 (E) any other requirements that the Sec-
22 retary may prescribe.
23 (5) TERM OF REGISTRATION.—Unless sus-
24 pended or revoked, a certificate under this subpara-
25 graph shall be valid for 2 years.

1 (6) APPLICATION FEE.—In addition to any
2 other fees authorized by law, the Secretary shall im-
3 pose a fee, to be deposited in the Treasury, on a for-
4 eign labor contractor that submits an application for
5 a certificate of registration under this section on or
6 after the date that is 30 days after the effective date
7 of the regulations promulgated under this sub-
8 section. Fees shall be set at a level the Secretary de-
9 termines will cover the full costs of carrying out for-
10 eign labor contract registration activities under this
11 section and any additional costs associated with the
12 administration of the fees collected.
13 (7) REFUSAL TO ISSUE; REVOCATION.—In ac-
14 cordance with regulations promulgated by the Sec-
15 retary of Labor, the Secretary shall refuse to issue
16 or renew, or shall revoke and debar from eligibility
17 to obtain a certificate of registration for a period of
18 not greater than 5 years, after notice and an oppor-
19 tunity for a hearing, a certificate of registration
20 under this subparagraph if—
21 (A) the applicant for, or holder of, the cer-
22 tification has knowingly made a material mis-
23 representation in the application for such cer-
24 tificate;

(B) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

(i) is a person who has been refused issuance or renewal of a certificate;

(ii) has had a certificate revoked; or

(iii) does not qualify for a certificate under this paragraph;

(C) the applicant for, or holder of, the certification has been convicted within the preceding five years of any crime described in subparagraph (A) or (B) of section 103(a)(5) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813(a)(5)); or

(D) the applicant for, or holder of, the certification has materially failed to comply with this subsection.

(8) MAINTENANCE OF LISTS.—

(A) IN GENERAL.—The Secretary shall maintain—

(i) a list of all foreign labor contractors registered under this subsection, including the countries from which they recruit, the employers for whom they recruit,

1 and the States where recruited workers are
2 employed; and
3 (ii) a list of all foreign labor contrac-
4 tors whose certificate of registration the
5 Secretary has revoked.
6 (B) PUBLIC AVAILABILITY.—Not less than
7 every 6 months, the Secretary shall regularly
8 update the list described in this paragraph and
9 make the list publicly available including
10 through continuous publication on the Internet
11 and in written form at and on the Web sites of
12 United States embassies in the official language
13 of that country.
14 (9) RE-REGISTRATION OF VIOLATORS.—The
15 Secretary shall establish a procedure by which a for-
16 eign labor contractor that has had its registration
17 revoked may seek to re-register under this para-
18 graph by demonstrating to the Secretary's satisfac-
19 tion that the foreign labor contractor has not vio-
20 lated this subsection in the previous 5 years and
21 that the foreign labor contractor has taken sufficient
22 steps to prevent future violations of this subsection.
23 (g) AMENDMENT TO IMMIGRATION AND NATION-
24 ALITY ACT.—Section 214 of the Immigration and Nation-
25 ality Act is amended by adding at the end the following:

"(s) A visa shall not be issued under the subparagraph (A)(iii), (B)(i) (but only for domestic servants described in clause (i) or (ii) of section 274a.12(c)(17) of title 8, Code of Federal Regulations (as in effect on December 4, 2007)), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) until the consular officer—

"(1) has provided to and reviewed with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008; and

"(2) has reviewed and made a part of the visa file the foreign labor recruiter disclosures required by section 234(c) of the Trafficking Victims Protection Reauthorization Act of 2011, including whether the foreign labor recruiter is registered pursuant to that section.".

(h) RESPONSIBILITIES OF SECRETARY OF STATE.—

(1) IN GENERAL.—The Secretary of State shall ensure that each United States diplomatic mission has a person who shall be responsible for receiving information from any worker who alleges to have been subjected to a severe form of trafficking in persons, as that term is defined in section 103(8) of the

1 Trafficking Victims Protection Act of 2000 (22
2 U.S.C. 7102(8)).
3 (2) PROVISION OF INFORMATION.—The respon-
4 sible person shall ensure that the information re-
5 ceived is provided to the Department of Justice, the
6 Department of Labor, or any other relevant Federal
7 agency. The Department of Justice and the Depart-
8 ment of Labor shall ensure that there is a mecha-
9 nism for any actions that need to be taken in re-
10 sponse to such information.
11 (i) ENFORCEMENT PROVISIONS.—
12 (1) COMPLAINTS AND INVESTIGATIONS.—The
13 Secretary of Labor shall establish a process for the
14 receipt, investigation, and disposition of complaints
15 filed by any person, including complaints respecting
16 a foreign labor contractor's compliance with this sec-
17 tion. The Secretary, either pursuant to the com-
18 plaint process or otherwise, may investigate employ-
19 ers or foreign labor contractors as necessary to de-
20 termine such compliance.
21 (2) ADMINISTRATIVE ENFORCEMENT.—
22 (A) IN GENERAL.—If the Secretary finds,
23 after notice and an opportunity for a hearing,
24 that any foreign labor contractor failed to com-
25 ply with the requirements of this section, the

1 Secretary may impose the following against
2 such contractor—
3 (i) a fine in an amount not more than
4 $10,000 per violation; and
5 (ii) upon the occasion of a third viola-
6 tion or a failure to comply with representa-
7 tions, a fine of not more than $25,000 per
8 violation.
9 (B) AUTHORITY TO ENSURE COMPLI-
10 ANCE.—The Secretary is authorized to take
11 other such actions, including issuing subpoenas
12 and seeking appropriate injunctive relief and re-
13 covery of damages, as may be necessary to as-
14 sure compliance with the terms and conditions
15 of this section.
16 (C) BONDING REQUIREMENT.—The Sec-
17 retary may require a foreign labor contractor to
18 post a bond in the amount sufficient to ensure
19 the protection of individuals recruited by the
20 foreign labor contractor.
21 (3) CIVIL ACTION.—
22 (A) IN GENERAL.—The Secretary of Labor
23 or any person aggrieved by a violation of this
24 section (or regulations issued under this sec-
25 tion) may bring a civil action against any for-

1 eign labor contractor in any court of competent
2 jurisdiction—
3 (i) to seek remedial action, including
4 injunctive relief;
5 (ii) to recover damages on behalf of
6 any worker harmed by a violation of this
7 section; and
8 (iii) to ensure compliance with re-
9 quirements of this subsection.
10 (B) ACTIONS BY THE DEPARTMENT OF
11 LABOR.—
12 (i) SUMS RECOVERED.—Any sums re-
13 covered by the Secretary on behalf of a
14 worker under subparagraph (A)(ii) shall be
15 held in a special deposit account and shall
16 be paid, on order of the Secretary, directly
17 to each worker affected. Any such sums
18 not paid to a worker because of inability to
19 do so within a period of 5 years shall be
20 credited as an offsetting collection to the
21 appropriations account of the Secretary for
22 expenses for the administration of this sec-
23 tion and shall remain available to the Sec-
24 retary until expended or may be trans-
25 ferred to the Secretary of Health and

1 Human Services for the purpose of pro-
2 viding support to programs that provide
3 assistance to victims of trafficking in per-
4 sons or other exploited persons.
5 (ii) REPRESENTATION.—Except as
6 provided in section 518(a) of title 28,
7 United States Code, the Solicitor of Labor
8 may appear for and represent the Sec-
9 retary of Labor in any civil litigation
10 brought under this paragraph. All such
11 litigation shall be subject to the direction
12 and control of the Attorney General.
13 (C) ACTIONS BY INDIVIDUALS.—
14 (i) AWARD.—If the court finds in a
15 civil action filed by an individual under
16 this subsection that the defendant has vio-
17 lated any provision of this section (or any
18 regulation under this section), it may
19 award damages up to and including an
20 amount equal to the amount of actual
21 damages, or statutory damages of up to
22 $1,000 per plaintiff per violation, or other
23 equitable relief, except that with respect to
24 statutory damages—

1 (I) multiple infractions of a sin-
2 gle provision of this section (or of a
3 regulation under this section) shall
4 constitute only 1 violation for pur-
5 poses of determining the amount of
6 damages due a plaintiff; and
7 (II) if such complaint is certified
8 as a class action, the court may award
9 damages up to an amount equal to
10 the amount of actual damages, statu-
11 tory damages of no more than the
12 lesser of up to $1,000 per violation, or
13 up to $500,000, or other equitable re-
14 lief; and
15 (III) reasonable attorneys fees
16 and costs.
17 (ii) CRITERIA.—In determining the
18 amount of statutory damages to be award-
19 ed under clause (i), the court is authorized
20 to consider whether an attempt was made
21 to resolve the issues in dispute before the
22 resort to litigation.
23 (iii) APPEAL.—Any civil action
24 brought under this section shall be subject
25 to appeal as provided in chapter 83 of title

1 28, United States Code (28 U.S.C. 1291 et
2 seq.).
3 (iv) ACCESS TO LEGAL SERVICES COR-
4 PORATION.—Notwithstanding any other
5 provision of law, the Legal Services Cor-
6 poration and recipients of its funding may
7 provide legal services on behalf of an alien
8 who brings a civil action under this para-
9 graph.
10 (4) AGENCY LIABILITY.—
11 (A) IN GENERAL.—Beginning 180 days
12 after the Secretary of Labor has promulgated
13 regulations pursuant to subsection (f)(4), an
14 employer who retains the services of a foreign
15 labor contractor shall only use those foreign
16 labor contractors who are registered under sub-
17 section (f). An employer who uses a foreign
18 labor contractor who is not registered under
19 subsection (f) after such time period, or who
20 uses a foreign labor contractor that has violated
21 any provision of this section, shall be subject to
22 the provisions of this subsection for violations
23 committed by such foreign labor contractor to
24 the same extent as if the employer were the for-

1 eign labor contractor who had committed the
2 violation.
3 (B) SAFE HARBOR.—An employer shall not
4 have any liability under this subsection if the
5 employer hires only workers referred by a for-
6 eign labor contractor that has a valid registra-
7 tion with the Department of Labor pursuant to
8 subsection (f), the employer does not act with
9 deliberate disregard of the fact that the foreign
10 labor contractor has violated any provision of
11 this section, and if the employer obtained
12 knowledge of a violation of the provisions of
13 this section, it immediately reported the viola-
14 tion to the Secretary.
15 (5) RETALIATION.—
16 (A) IN GENERAL.—No person shall intimi-
17 date, threaten, restrain, coerce, discharge or in
18 any other manner discriminate or retaliate
19 against any worker or their family members (in-
20 cluding a former employee or an applicant for
21 employment) because such worker disclosed in-
22 formation to any person that the worker rea-
23 sonably believes evidences a violation of this
24 section (or any rule or regulation pertaining to
25 this section), including seeking legal assistance

of counsel or cooperating with an investigation or other proceeding concerning compliance with this section (or any rule or regulation pertaining to this section).

(B) ENFORCEMENT.—An individual who is subject to any conduct described in subparagraph (A) may, in a civil action, recover appropriate relief (including reasonable attorneys' fees) with respect to that violation. Any civil action under this subparagraph shall be stayed during the pendency of any criminal action arising out of the violation.

(6) PRESENCE DURING PENDENCY OF ACTIONS.—The Attorney General and the Secretary of Homeland Security shall grant parole to the nonimmigrant to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to any action taken pursuant to this subsection. Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this provision.

(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or alter any

other rights or remedies, including any causes of action, available under any other Federal or State law.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

(a) HUMAN SMUGGLING AND TRAFFICKING CENTER.—Section 112A(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a(b)(4)) is amended by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013".

(b) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) Section 112B(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109b(d)) is amended by striking "for each of the fiscal years 2008 through 2011, such sums as may be necessary to carry out this section" and inserting "$500,000 for each of the fiscal years 2012 and 2013".

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

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking "104,"; and

(II) by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

1 (ii) in the second sentence, by striking
2 "fiscal years 2008 through 2011" and in-
3 serting "fiscal years 2012 and 2013";
4 (B) in subsection (b)—
5 (i) in paragraph (1)—
6 (I) by striking "fiscal years 2008
7 through 2011" and inserting "fiscal
8 years 2012 and 2013"; and
9 (II) by adding at the end the fol-
10 lowing: "Of the amount made avail-
11 able to carry out the purposes of sec-
12 tion 107(b) for a fiscal year, not less
13 than two-thirds of such amount shall
14 be used to provide services for victims
15 under such section."; and
16 (ii) in paragraph (2), by striking
17 "Secretary of Health and Human Serv-
18 ices" and all that follows and inserting
19 "Secretary of Health and Human Services
20 $7,000,000 for each of the fiscal years
21 2012 and 2013.";
22 (C) in subsection (c)(1)—
23 (i) in subparagraph (A), by striking
24 "fiscal years 2008 through 2011" and in-
25 serting "fiscal years 2012 and 2013";

(ii) in subparagraph (B), by striking "fiscal years 2008 through 2011" each place it appears and inserting "fiscal years 2012 and 2013"; and

(iii) in subparagraph (C), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(D) in subsection (d)—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively;

(ii) in paragraph (1) (as redesignated), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(iii) in paragraph (2) (as redesignated), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

(iv) in paragraph (3) (as redesignated), by striking "Attorney General" and all that follows and inserting "Attorney General $7,000,000 for each of the fiscal years 2012 and 2013.";

(E) in subsection (e)—

(i) in paragraph (1), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(ii) in paragraph (2), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

(iii) in paragraph (3), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(F) in subsection (f), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(G) in subsection (h), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

(H) in subsection (i), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013".

SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.

The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) is amended—

(1) in section 102(b)(7), by striking "$2,500,000 for each of the fiscal years 2008

1 through 2011" and inserting "$1,500,000 for each
2 of the fiscal years 2012 and 2013";
3 (2) in section 201(c) by striking "fiscal years
4 2008 through 2011" each place it appears and in-
5 serting "fiscal years 2012 and 2013";
6 (3) in section 202(d), by striking "fiscal years
7 2008 through 2011" and inserting "fiscal years
8 2012 and 2013";
9 (4) in section 203(g) by striking "$5,000,000
10 for each of the fiscal years 2008 through 2011" and
11 inserting "$3,000,000 for each of the fiscal years
12 2012 and 2013"; and
13 (5) in section 204(d), by striking "$20,000,000
14 for each of the fiscal years 2008 through 2011" and
15 inserting "$10,000,000 for each of the fiscal years
16 2012 and 2013".

17 **SEC. 303. REPORTING REQUIREMENT.**

18 Not later than March 31 of 2012 and 2013, the
19 President shall submit to Congress a report for the prior
20 fiscal year that shall include—
21 (1) the amount of appropriations that each de-
22 partment or agency for which such appropriations
23 were authorized under the Trafficking Victims Pro-
24 tection Act of 2000 or the Trafficking Victims Pro-

1 tection Reauthorization Act of 2005 directed to ac-
2 tivities described in such Acts;
3 (2) a list of the activities funded through the
4 appropriations identified in paragraph (1), including
5 the responsible department or agency and the sec-
6 tion of the Trafficking Victims Protection Act of
7 2000 or the Trafficking Victims Protection Reau-
8 thorization Act of 2005 that authorizes such activ-
9 ity; and
10 (3) the appropriations account from which each
11 activity described in paragraph (2) was funded and
12 the amount contributed from such account for each
13 activity.

○

Chairman ROS-LEHTINEN. In addition, without objection, the bipartisan amendment in nature of a substitute offered by Mr. Smith, which was previously provided to your offices and which all members have before them, is made the pending business of the committee, is considered as read, and is open for amendment at any point.

[The amendment in the nature of a substitute to H.R. 2830 follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2830 OFFERED BY MR. SMITH OF NEW JERSEY

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 "Trafficking Victims Protection Reauthorization Act of
4 2011".

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

Sec. 1. Short title and table of contents.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Authority to restrict passports.
Sec. 102. Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking.
Sec. 103. Prevention of trafficking.
Sec. 104. Reports to Congress.
Sec. 105. Temporary increase in fee for certain consular services.
Sec. 106. Additional activities to monitor and combat forced labor and child labor.
Sec. 107. Enhancing protection for children exploited abroad by United States citizens and permanent resident aliens.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Amendments to the Trafficking Victims Protection Act of 2000

Sec. 201. Interagency Task Force To Monitor and Combat Trafficking.
Sec. 202. Ensuring timely response to requests for continued presence.
Sec. 203. Report to Congress.

Subtitle B—Amendments to Title 18, United States Code

Sec. 211. Renaming of basic Federal trafficking statute.
Sec. 212. Clarifying trafficking definitions and prosecution.
Sec. 213. Fighting sex tourism.
Sec. 214. Identification documents.
Sec. 215. Fraud in foreign labor contracting as a Rico Predicate.

Subtitle C—Amendments to Other Laws

Sec. 221. Enhancing efforts to combat the trafficking of children.
Sec. 222. Improving local efforts to combat trafficking and sexual exploitation of children.
Sec. 223. Efforts to publicize the National Human Trafficking Resource Center hotline.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Trafficking Victims Protection Act of 2000.
Sec. 302. Trafficking Victims Protection Reauthorization Act of 2005.
Sec. 303. Reporting requirement.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. AUTHORITY TO RESTRICT PASSPORTS.

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) limit to 1 year or such period of time as the Secretary of State shall determine appropriate the period of validity of a passport issued to a sex offender; and

(2) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense.

(b) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a), in no case shall a United States citizen convicted by a court of competent jurisdic-

1 tion in a foreign country of a sex offense be precluded
2 from entering the United States due to a passport revoca-
3 tion under such subsection.

4 (c) REAPPLICATION.—An individual whose passport
5 or passport card was revoked pursuant to subsection
6 (a)(2) may reapply for a passport or passport card at any
7 time after such individual has returned to the United
8 States.

9 (d) DEFINITIONS.—For purposes of this section:

10 (1) SEX OFFENDER.—The term "sex offender"
11 means an individual who is listed on the National
12 Sex Offender Registry established pursuant to sec-
13 tion 119 of the Sex Offender Registration and Noti-
14 fication Act (42 U.S.C. 16915).

15 (2) SEX OFFENSE.—The term "sex offense"
16 means a sex offense as defined in section 111(5) of
17 the Sex Offender Registration and Notification Act
18 (42 U.S.C. 16915).

19 **SEC. 102. OFFICE TO MONITOR AND COMBAT MODERN**
20 **SLAVERY AND OTHER FORMS OF HUMAN**
21 **TRAFFICKING.**

22 (a) IN GENERAL.—Section 105(e) of the Trafficking
23 Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is
24 amended—

(1) in the heading, by striking "OFFICE TO MONITOR AND COMBAT TRAFFICKING" and inserting "OFFICE TO MONITOR AND COMBAT MODERN SLAVERY AND OTHER FORMS OF HUMAN TRAFFICKING";

(2) in paragraph (1)—

(A) in the first sentence, by striking "Office to Monitor and Combat Trafficking" and inserting "Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking"; and

(B) in the second sentence—

(i) by striking "a Director" and inserting "an Ambassador-at-Large for Combating Human Trafficking (referred to in this section as the 'Ambassador')";

(ii) by striking "with the rank" and inserting "with the rank and status"; and

(iii) in the third, fourth, and fifth sentences, by striking "Director" each place it appears and inserting "Ambassador"; and

(3) in paragraph (2)—

(A) by striking "Director" each place it appears and inserting "Ambassador"; and

(B) in subparagraph (B), by striking "Office to Monitor and Combat Trafficking" each place it appears and inserting "Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking".

(b) CONFORMING AMENDMENTS.—Any reference in the Trafficking Victims Protection Act of 2000 or in any other Act to the Office to Monitor and Combat Trafficking or to the Director of the Office to Monitor and Combat Trafficking shall be deemed to be a reference to the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking or to the Ambassador-at-Large for Combating Human Trafficking, respectively.

SEC. 103. PREVENTION OF TRAFFICKING.

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—Section 106(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)) is amended—

(1) by striking "The President" and inserting the following:

"(1) IN GENERAL.—The President";

(2) in paragraph (1) (as redesignated), by inserting "targeted" after "carry out";

(3) by striking "Such initiatives" and inserting the following:

"(2) INITIATIVES.—Such initiatives".

(4) by redesignating paragraphs (1) through (5) that follow paragraph (2) (as redesignated) as subparagraphs (A) through (E), respectively, and indenting each such subparagraph (as redesignated) four ems from the left margin;

(5) in paragraph (2) (as redesignated)—

(A) in subparagraph (A) (as redesignated), by inserting "and micro-enterprise" after "microcredit";

(B) in subparagraph (D) (as redesignated), by striking "and" at the end;

(C) in subparagraph (E) (as redesignated), by striking the period at the end and inserting "; and" ; and

(D) by adding at the end the following:

"(F) public-private partnerships to generate youth employment opportunities."; and

(6) by adding at the end the following:

"(3) PRIORITY FOR POTENTIAL VICTIMS OF TRAFFICKING.—In carrying out such initiatives, the President may give priority to the following persons who are potential victims of trafficking:

"(A) Stateless persons.

"(B) Refugees and internally displaced persons.

"(C) Persons who lack access to legal representation or are otherwise marginalized.

"(D) Persons from regions of limited social protections or educational or economic options for women, particularly persons who are victims of sexual abuse or exploitation.

"(E) Persons from regions of high undocumented migration or displacement resulting from violent conflict or natural disasters.

"(F) Persons from regions with high rates of child labor, child abandonment, or child sex tourism.

"(G) Persons who meet one or more of the criteria in subparagraphs (A) through (F).".

(b) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—Section 106(h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(h)) is amended—

(1) by striking "The" and inserting the following:

"(1) INCORPORATION OF MEASURES INTO EXISTING PROGRAMS.—The"; and

(2) by adding at the end the following:

"(2) AUTHORIZATION OF ASSISTANCE TO SPECIFICALLY ADDRESS POST-CONFLICT AND HUMANITARIAN EMERGENCIES.—The Secretary of State, acting through the Ambassador-at-Large for Combating Human Trafficking, is authorized to provide assistance on an urgent basis for vulnerable populations at risk of severe forms of trafficking in persons in conjunction with post-conflict situations and humanitarian emergencies.".

SEC. 104. REPORTS TO CONGRESS.

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

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", acting through the Ambassador-at-Large for Combating Human Trafficking," after "Secretary of State";

(B) in subparagraph (E), by striking "and" at the end;

(C) by redesignating subparagraph (F) as subparagraph (I); and

(D) by inserting after subparagraph (E) the following:

"(F) a section entitled 'Best Practices in Slavery Eradication' to highlight innovations in

1 prevention, protection, and prosecution of the
2 perpetrators of trafficking , as well as public-
3 private partnerships;
4 "(G) a section entitled 'Refugee-Traf-
5 ficking Connection' to highlight the vulner-
6 ability of refugee populations to human traf-
7 ficking and to make recommendations for the
8 prevention of refugee trafficking;
9 "(H) an assessment of the actions taken
10 by the Department of State and the Depart-
11 ment of Justice to investigate allegations of
12 trafficking or abuse of nonimmigrants holding
13 an A–3 visa or a G–5 visa (as such terms are
14 defined in section 203(f) of the William Wilber-
15 force Trafficking Victims Protection Reauthor-
16 ization Act of 2008), results of such investiga-
17 tions; and"; and
18 (2) in paragraph (2), by inserting ", acting
19 through the Ambassador-at-Large for Combating
20 Human Trafficking," after "Secretary of State".
21 **SEC. 105. TEMPORARY INCREASE IN FEE FOR CERTAIN**
22 **CONSULAR SERVICES.**
23 Section 239(c) of the William Wilberforce Trafficking
24 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
25 1351 note) is amended by striking "the date that is 3

1 years after the first date on which such increased fee is
2 collected'' and inserting ''September 30, 2015''.

3 **SEC. 106. ADDITIONAL ACTIVITIES TO MONITOR AND COM-**
4 **BAT FORCED LABOR AND CHILD LABOR.**

5 Section 105(b) of the Trafficking Victims Protection
6 Reauthorization Act of 2005 (22 U.S.C. 7112(b)) is
7 amended—

8 (1) in paragraph (1), by inserting ''and the
9 United States'' after ''foreign countries''; and

10 (2) in paragraph (2)(C)—

11 (A) by inserting ''and Congress'' after
12 ''public''; and

13 (B) by inserting '', including the United
14 States,'' after ''countries''.

15 **SEC. 107. ENHANCING PROTECTION FOR CHILDREN EX-**
16 **PLOITED ABROAD BY UNITED STATES CITI-**
17 **ZENS AND PERMANENT RESIDENT ALIENS.**

18 Section 2423 of title 18, United States Code, is
19 amended—

20 (1) in subsection (c)—

21 (A) by inserting ''or engages in travel af-
22 fecting'' before ''foreign commerce''; and

23 (B) by inserting ''(even if residing, whether
24 temporarily or permanently, in a foreign juris-
25 diction)'' after ''foreign commerce''; and

(2) by inserting after subsection (g) the following:

"(h) NON-DEFENSES.—It is not a defense to a prosecution under subsection (c), based on illicit sexual conduct, that the defendant is not criminally liable or is subject to reduced criminal liability due to the de jure or de facto acceptance of the illicit conduct in the foreign jurisdiction in which the defendant travels or resides.".

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Amendments to the Trafficking Victims Protection Act of 2000

SEC. 201. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) APPOINTMENT.—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting after "Education," the following: "the Director of the Peace Corps,".

(b) REPORT ON ACTIVITIES OF GOVERNMENT CONTRACTORS AND SUBCONTRACTORS.—Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (H)(iii), by striking the semicolon at the end and inserting the following: ", including whether—

"(I) employee handbooks or handbook equivalents of such government contractors and subcontractors describe the United States Government's zero-tolerance policy regarding trafficking in persons and the actions, up to and including termination, that the employer will take against its employees for violations of the zero-tolerance policy; and

"(II) any employees of such government contractors or subcontractors have been disciplined or terminated or prosecuted for violation of the zero-tolerance policy;"; and

(2) in subparagraph (I)(i), by adding at the end before the semicolon the following: ", including the extent to which Federal departments and agencies have terminated any contracts of United States Government's contractors or subcontractors based on a trafficking in persons offense and whether any employees of any United States Government's con-

1 tractor or subcontractor have been disciplined, ter-
2 minated, or prosecuted for violation of the zero-toler-
3 ance policy".

4 (c) REPORT ON ACTIVITIES OF BUREAU OF JUSTICE
5 ASSISTANCE.—Section 105(d)(7) of the Trafficking Vic-
6 tims Protection Act of 2000 (22 U.S.C. 7103(d)(7)), as
7 amended by subsection (b) of this section, is further
8 amended—

9 (1) in subparagraph (I), by striking "and" at
10 the end;

11 (2) in subparagraph (J), by striking the period
12 at the end and inserting "; and"; and

13 (3) by adding the following:

14 "(K) with regard to grant activities of the
15 Bureau of Justice Assistance—

16 "(i) for each human trafficking
17 taskforce whose operations are supported
18 by grants from the Department of Justice,
19 the number of reports of trafficking, inves-
20 tigations of trafficking, T- and U-visa cer-
21 tifications requested and granted in con-
22 nection with instances of trafficking, re-
23 quests for continuation of presence under
24 107(c)(A)(iii) and grants of the same;

"(ii) a description of the data described in clause (i) classified by certain identifying information of each trafficking victim including sex, age, citizenship, and whether that individual was the victim of trafficking for purposes of labor or for commercial sex; and

"(iii) an outline of the content of any existing protocols of the human trafficking taskforce for reporting trafficking and points of entry into the criminal investigation and service provision collaboration.".

SEC. 202. ENSURING TIMELY RESPONSE TO REQUESTS FOR CONTINUED PRESENCE.

Section 107(c)(3)(A)(i) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105 (c)(3)(A)(i)) is amended—

(1) by inserting "or may be a victim of a severe form of trafficking" before "and may be a potential witness"; and

(2) by adding after the period at the end the following: "If a request for continued presence is made to a Federal law enforcement official, such official shall respond to the request not later than 15 days after the date on which such request was made,

1 stating whether the official has filed the application
2 for continued presence with the Secretary of Home-
3 land Security and, if not, whether the official expects
4 to do so. Not later than one month after the date
5 on which such an application is filed, the Secretary
6 of Homeland Security shall approve or deny that ap-
7 plication.''.

8 **SEC. 203. REPORT TO CONGRESS.**

9 Section 110(b) of the Trafficking Victims Protection
10 Act of 2000 (7107(b)) is amended by adding at the end
11 the following:

12 ''(5) ADDITIONAL REPORTING REQUIREMENT.—
13 In addition to the information required in the an-
14 nual report under paragraph (1) and the interim re-
15 port under paragraph (2), the Secretary of State
16 shall include in each such report a description of ef-
17 forts of the United States to comply with minimum
18 standards for the elimination of trafficking.''.

19 Subtitle B—Amendments to Title 20 18, United States Code

21 **SEC. 211. RENAMING OF BASIC FEDERAL TRAFFICKING**
22 **STATUTE.**

23 (a) IN GENERAL.—The section heading for section
24 2422 of title 18, United States Code, is amended by strik-

ing "**Coercion and enticement**" and inserting "**Sex trafficking and related offenses**".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended so that the item relating to section 2422 reads as follows:

"2422. Sex trafficking and related offenses.".

SEC. 212. CLARIFYING TRAFFICKING DEFINITIONS AND PROSECUTION.

(a) IN GENERAL.—The section heading for section 1591 of title 18, United States Code, is amended in the section heading, by striking "**Sex trafficking of children or by force, fraud, or coercion**" and inserting "**Severe forms of trafficking in persons**".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended so that the item relating to section 1591 reads as follows:

"1591. Severe forms of trafficking in persons.".

SEC. 213. FIGHTING SEX TOURISM.

The heading for subsection (d) of section 2423 of title 18, United States Code, is amended by striking "**Ancillary offenses**" and inserting "**Child sex tourism**".

SEC. 214. IDENTIFICATION DOCUMENTS.

(a) IN GENERAL.—Chapter 77 of title 18, United State Code, is amended by adding at the end the following:

1 **"SEC. 1597. UNLAWFUL CONDUCT WITH RESPECT TO IMMI-**
2 **GRATION DOCUMENTS.**

3 "(a) DESTRUCTION, CONCEALMENT, REMOVAL, CON-
4 FISCATION, OR POSSESSION OF IMMIGRATION DOCU-
5 MENTS.—It shall be unlawful for any person to knowingly
6 destroy, or, for a period of more than 48 hours, conceal,
7 remove, confiscate, or possess, an actual or purported
8 passport, other immigration, or personal identification
9 document of another individual—

10 "(1) in the course of a violation of section 1351
11 of this title or section 274 of the Immigration and
12 Nationality Act (8 U.S.C. 1324);

13 "(2) with intent to violate section 1351 of this
14 title or section 274 of the Immigration and Nation-
15 ality Act (8 U.S.C. 1324); or

16 "(3) in order to, without lawful authority,
17 maintain, prevent, or restrict the labor of services of
18 the individual.

19 "(b) PENALTY.—Whoever violates subsection (a)
20 shall be fined under this title, imprisoned for not more
21 than 1 year, or both.

22 "(c) OBSTRUCTION.—Whoever obstructs, attempts to
23 obstruct, or in any way interferes with or prevents the en-
24 forcement of this section, shall be subject to the penalties
25 described in subsection (b).".

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 77 of title 18, United States
3 Code, is amended by adding at the end the following:

"1597. Unlawful conduct with respect to immigration documents.".

4 **SEC. 215. FRAUD IN FOREIGN LABOR CONTRACTING AS A**
5 **RICO PREDICATE.**

6 Section 1961 of title 18, United States Code, is
7 amended in paragraph (1)(B) by inserting "section 1351
8 (fraud in foreign labor contracting)," after "section 1344
9 (relating to financial institution fraud),".

10 **Subtitle C—Amendments to Other**
11 **Laws**

12 **SEC. 221. ENHANCING EFFORTS TO COMBAT THE TRAF-**
13 **FICKING OF CHILDREN.**

14 (a) COMBATING CHILD TRAFFICKING AT THE BOR-
15 DER AND PORTS OF ENTRY OF THE UNITED STATES.—
16 (1) Section 235(a)(2)(A) of the William Wilber-
17 force Trafficking Victims Protection Reauthorization
18 Act of 2008 (8 U.S.C. 1232(a)(2)(A)) is amended—
19 (A) in clause (ii), by striking "and" at the
20 end;
21 (B) in clause (iii), by striking the period at
22 the end and inserting "; and"; and
23 (C) by adding at the end the following:
24 "(iv) the return of such child to the
25 child's country of nationality or of last ha-

1 bitual residence would not endanger the
2 life or safety of such child.".
3 (2) Section 235(a)(4) of the William Wilber-
4 force Trafficking Victims Protection Reauthorization
5 Act of 2008 (8 U.S.C. 1232(a)(4)) is amended—
6 (A) by inserting "To the extent feasible,
7 unaccompanied alien children should be housed
8 and screened by an immigration officer with ex-
9 pertise in child welfare in separate child-friend-
10 ly facilities conducive to disclosing information
11 related to human trafficking or exploitation."
12 before "If the child does not meet such cri-
13 teria"; and
14 (B) by adding at the end the following: "In
15 the course of building or remodeling existing
16 immigration facilities, consideration should be
17 given to including separate child-friendly space
18 conducive to disclosing information relating to
19 human trafficking or exploitation.".
20 (3) Section 235(a)(5) of the William Wilber-
21 force Trafficking Victims Protection Reauthorization
22 Act of 2008 (8 U.S.C. 1232(a)(5)) is amended by
23 adding at the end the following:
24 "(E) REPORT TO CONGRESS.—Not later
25 than 180 days after the date of enactment of

the Trafficking Victims Protection Reauthorization Act of 2011, and annually thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and Secretary of State, shall report to Congress the following:

"(i) The number of alien children encountered by U.S. Customs and Border Protection.

"(ii) The number of alien children screened for severe forms of human trafficking.

"(iii) Whether the screening was conducted by an individual with expertise in child welfare.

"(iv) How many of these children were repatriated and how many were diverted into services.".

(b) COMBATING CHILD TRAFFICKING AND EXPLOITATION IN THE UNITED STATES.—Section 235(b)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)(2)) is amended by striking "within 48 hours" and inserting "within 24 hours".

1 (c) PROVIDING SAFE AND SECURE PLACEMENTS FOR
2 CHILDREN.—
3 (1) Section 235(c)(2) of the William Wilber-
4 force Trafficking Victims Protection Reauthorization
5 Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by
6 adding at the end the following: "The Secretary of
7 Homeland Security shall either release, pursuant to
8 the Secretary's sole discretion, or place in the least
9 restrictive setting an alien who—"
10 "(A) has been placed under this paragraph
11 as a child;
12 "(B) has demonstrated that he or she is
13 not a danger to the community or a flight risk;
14 and
15 "(C) has become ineligible, by reason of
16 age, for placement as a child.".
17 (2) Section 235(c)(3)(B) of the William Wilber-
18 force Trafficking Victims Protection Reauthorization
19 Act of 2008 (8 U.S.C. 1232(c)(3)(B)) is amended as
20 follows:
21 (A) After "is first necessary." insert the
22 following: "If the sponsor is a parent, a home
23 study shall be conducted where there are allega-
24 tions of current or past abuse or neglect of the
25 child by the parent or where, based on all avail-

able objective evidence, the parent clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child.".

(B) Strike "A home study" and insert the following: "If the sponsor is anyone other than the parent, a home study".

(C) Strike "shall conduct follow-up services" and all that follows through "for whom a home study was conducted" and insert the following: "shall provide at least 1 visit for follow-up services on all children not later than 45 days after placement,".

SEC. 222. IMPROVING LOCAL EFFORTS TO COMBAT TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (32), by striking "and" at the end;

(2) in paragraph (33), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(34) not later than January 1, 2013, describes State child welfare existing practice and any future plans regarding prevention measures and victim as-

1 sistance related to the human trafficking and com-
2 mercial sexual exploitation of foreign, United States
3 citizen and legal resident children including—
4 "(A) collaborations with local and State
5 agencies and non-profit organizations to iden-
6 tify and care for children believed or confirmed
7 to be, or at-risk of becoming victims of a severe
8 form of human trafficking;
9 "(B) training for the child welfare employ-
10 ees who are likely to come into contact with
11 child victims of human trafficking;
12 "(C) jurisdictional limits and other issues
13 that hinder State child welfare response to aid
14 child victims of human trafficking;
15 "(D) data collection regarding children
16 identified by child welfare services as victims of
17 trafficking and, if known, relationship to ex-
18 ploiter; and
19 "(E) prevention education to families and
20 at-risk children, including runaway and home-
21 less youth, regarding human trafficking and
22 commercial sexual exploitation.".

1 **SEC. 223. EFFORTS TO PUBLICIZE THE NATIONAL HUMAN**
2 **TRAFFICKING RESOURCE CENTER HOTLINE.**

3 (a) GRANTEE HOTLINE INFORMATION.—The Attor-
4 ney General shall consult with the Secretary of Health and
5 Human Services to make reasonable efforts to distribute
6 information to enable grantees under section 107(b) of the
7 Trafficking Victims Protection Act of 2000 to publicize
8 the National Human Trafficking Resource Center hotline
9 on their Web sites, within the program's headquarters as
10 well as field offices across the United States.

11 (b) HOTLINE INFORMATION.—

12 (1) IN GENERAL.—The Secretary of Health and
13 Human Services, in coordination with the Attorney
14 General, shall make reasonable efforts to encourage
15 States to adopt legislation to raise public awareness
16 of the National Human Trafficking Resource Center
17 hotline in every mandated establishment where vic-
18 tims of human trafficking may possibly work or
19 visit.

20 (2) POSTING OF MODEL HOTLINE INFORMA-
21 TION.—The legislation described in paragraph (1)
22 should include a requirement that information relat-
23 ing to the National Human Trafficking Resource
24 Center hotline be posted in accordance with the fol-
25 lowing specifications:

1 (A) POSTER LOCATION.—The poster
2 should be publicly displayed in a conspicuous
3 place near the entrance of mandated establish-
4 ments or where such posters and notices are
5 customarily posted in such establishments.
6 (B) POSTER SPECIFICATIONS.—The poster
7 should be no smaller than 8½ by 11 inches in
8 size and state the following: "If you or someone
9 you know is being forced to engage in any activ-
10 ity and cannot leave—whether it is commercial
11 sex, housework, farm work, or any other activ-
12 ity—call the National Human Trafficking Re-
13 source Center Hotline at 1–888–373–7888 to
14 access help and services. Victims of human traf-
15 ficking are protected under United States and
16 State law. The Hotline is: Available 24 hours a
17 day, 7 days a week. Toll-free. Operated by a
18 non-profit, nongovernmental organization.
19 Anonymous & Confidential. Accessible in 170
20 languages. Able to provide help, referral to serv-
21 ices, training, and general information.".
22 (C) LANGUAGES.—The poster should be
23 printed in English, Spanish, and any other lan-
24 guages required by the Voting Rights Act in the
25 county in which the poster will be posted.

1 (D) NOTICE.—The licensing authority
2 should provide each mandated establishment
3 with notice of this section and with the required
4 poster upon licensing and should place the post-
5 er on its public Web site for mandated estab-
6 lishments to print as needed.
7 (3) DEFINITION OF MANDATED ESTABLISH-
8 MENT.—For purposes of this section, a "mandated
9 establishment" means—
10 (A) a massage parlor, spa, or other similar
11 establishment;
12 (B) an establishment that receives a liquor
13 license;
14 (C) a strip club or other sexually oriented
15 business;
16 (D) a restaurant;
17 (E) an airport;
18 (F) a train station;
19 (G) a bus station;
20 (H) a highway truck stop;
21 (I) a highway rest stop;
22 (J) a hospital, HMO, or urgent care cen-
23 ter;
24 (K) a farm;
25 (L) a high school; or

(M) a job recruitment center.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

(a) HUMAN SMUGGLING AND TRAFFICKING CENTER.—Section 112A(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a(b)(4)) is amended by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013".

(b) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) Section 112B(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109b(d)) is amended by striking "for each of the fiscal years 2008 through 2011, such sums as may be necessary to carry out this section" and inserting "$500,000 for each of the fiscal years 2012 and 2013".

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

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking "104,"; and

(II) by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

(ii) in the second sentence, by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

(II) by adding at the end the following: "Of the amount made available to carry out the purposes of section 107(b) for a fiscal year, not less than two-thirds of such amount shall be used to provide services for victims under such section."; and

(ii) in paragraph (2), by striking "Secretary of Health and Human Services" and all that follows and inserting "Secretary of Health and Human Services $7,000,000 for each of the fiscal years 2012 and 2013.";

(C) in subsection (c)(1)—

(i) in subparagraph (A), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(ii) in subparagraph (B), by striking "fiscal years 2008 through 2011" each place it appears and inserting "fiscal years 2012 and 2013"; and

(iii) in subparagraph (C), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(D) in subsection (d)—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively;

(ii) in paragraph (1) (as redesignated), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(iii) in paragraph (2) (as redesignated), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

(iv) in paragraph (3) (as redesignated), by striking "Attorney General" and all that follows and inserting "Attorney General $7,000,000 for each of the fiscal years 2012 and 2013.";

(E) in subsection (e)—

(i) in paragraph (1), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(ii) in paragraph (2), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

(iii) in paragraph (3), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(F) in subsection (f), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(G) in subsection (h), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013"; and

(H) in subsection (i), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013".

SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.

The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) is amended—

(1) in section 102(b)(7), by striking "$2,500,000 for each of the fiscal years 2008

through 2011" and inserting "$1,500,000 for each of the fiscal years 2012 and 2013";

(2) in section 201(c) by striking "fiscal years 2008 through 2011" each place it appears and inserting "fiscal years 2012 and 2013";

(3) in section 202(d), by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2012 and 2013";

(4) in section 203(g) by striking "$5,000,000 for each of the fiscal years 2008 through 2011" and inserting "$3,000,000 for each of the fiscal years 2012 and 2013"; and

(5) in section 204(d), by striking "$20,000,000 for each of the fiscal years 2008 through 2011" and inserting "$10,000,000 for each of the fiscal years 2012 and 2013".

SEC. 303. REPORTING REQUIREMENT.

Not later than March 31 of 2012 and 2013, the President shall submit to Congress a report for the prior fiscal year that shall include—

(1) the amount of appropriations that each department or agency for which such appropriations were authorized under the Trafficking Victims Protection Act of 2000 or the Trafficking Victims Pro-

1 tection Reauthorization Act of 2005 directed to ac-
2 tivities described in such Acts;
3 (2) a list of the activities funded through the
4 appropriations identified in paragraph (1), including
5 the responsible department or agency and the sec-
6 tion of the Trafficking Victims Protection Act of
7 2000 or the Trafficking Victims Protection Reau-
8 thorization Act of 2005 that authorizes such activ-
9 ity; and
10 (3) the appropriations account from which each
11 activity described in paragraph (2) was funded and
12 the amount contributed from such account for each
13 activity.

Chairman ROS-LEHTINEN. I will now recognize myself for remarks on this measure, followed by my friend, the ranking member, the bill's author, Mr. Smith, and then any other members who seek recognition.

As many here know, every year hundreds of thousands of people are trafficked around the world, most of them women and girls. Millions more are trapped within their own countries, forced to work in dangerous labor and sexual servitude.

This form of modern-day slavery is an affront to human dignity as well as a major source of revenue for international criminal syndicates. This scourge is not limited to a particular geographic region or only to developing countries.

Ultimately the tragedy of human trafficking lies not in statistics but in the individual lives, hopes, and dreams that are being crushed for a particular person, in a particular place, today.

I am proud of the bipartisan, leading role that the House and this committee have played in moving the fight against human trafficking from a non-issue to a priority of our United States Government.

I especially want to commend the leadership of my good friend from New Jersey, Mr. Smith, the author of the original Trafficking Victims Protection Act, which became law 11 years ago this month, who is the author of the bill before us today.

I also want to recognize the long-standing efforts of the ranking member, Mr. Berman, with whom we worked on the last enacted reauthorization bill, the William Wilberforce Trafficking Victims Protection Reauthorization Act, which he introduced in 2008.

We can take some solace in the fact that these efforts have dramatically raised the international profile of this slavery and have prompted a number of countries to pass their own anti-trafficking statutes. There has also been a rise in the number of international prosecutions for trafficking, over 6,000 last year, leading to over 3,600 convictions.

But so much more remains to be done. Trafficking arrests vastly outnumber prosecutions and convictions. And 22 countries have earned the dubious distinction of the worst Tier III status in the State Department's annual rankings, an increase of ten countries since the last report. This means that those countries, which include the perennial rogues such as Iran, Cuba, and North Korea are not trying to meet even the most basic anti-trafficking standards.

For all of these reasons, this bill, which conditions and strengthens our anti-trafficking activities in a fiscally-responsible manner, is vitally important.

I want to thank Mr. Smith, Mr. Berman, and all of those involved with this bipartisan effort. I support Mr. Smith's amendment in the nature of a substitute and remain committed to moving his bill, H.R. 2830, forward.

I now am pleased to yield to my friend, the ranking member, for his remarks on this measure.

Mr. BERMAN. Well, thank you very much, Madam Chairman. And thank you for scheduling the markup so promptly.

For the last 11 years, the Trafficking Victims Protection Act, authored by our colleague, Chris Smith, has provided protection and

assistance for victims of trafficking, authorized public awareness prevention campaigns, and strengthened the prosecution and punishment of traffickers.

The bill before us today builds on the successes and lessons learned over the last decade. Many of us, including the author, supported a more comprehensive version of this reauthorization bill that was introduced a few months ago. Regrettably, that bill had to be scaled back due to cost and jurisdictional issues.

Let me take just a moment to highlight a couple of important provisions from the comprehensive bill that will not be included in this version, the amendment in the nature of a substitute.

One is establishment of a Department of Defense director of anti-trafficking policies. And the second relates to foreign labor contracting. Both of these would have addressed the urgent problem of fraudulent and deceptive labor recruitment in the United States and among DoD contractors, particularly in Iraq and Afghanistan.

Many of the contractors charge exorbitant fees for their services, forcing workers into debt bondage. Many of the workers are underpaid, ill treated, and deceived about their conditions of employment. They are housed in atrocious living conditions, starved and unable to leave the camp or return home as they have no travel papers.

These kinds of problems are stark reminders that we need stricter regulation and monitoring of labor recruiters. So if we are truly serious about combating modern-day slavery in all its forms, we have to fund a way to fund these programs.

Having said that, this bill does include a number of important provisions that will help prevent, deter, and monitor trafficking in the U.S. and abroad.

The bill calls on the President to support public/private partnerships to generate youth employment opportunities to prevent trafficking. It asks the President to prioritize the initiatives for potential trafficking victims who are also refugees, internally displaced, stateless, victims of natural disasters, and other marginalized communities.

It also requires the Department of Labor to report on the list of goods from countries believed to be produced by forced or child labor in foreign countries as well as the United States. And it encourages the Department of Justice and Health and Human Services to make reasonable efforts to raise public awareness for the national trafficking hotline.

These are just a few of the ways in which this bill will strengthen our efforts to fight the trafficking of persons worldwide. I commend the author for introducing it, the chairman for sending it for markup, and urge my colleagues to support this legislation.

I yield back.

Chairman ROS-LEHTINEN. Thank you, Mr. Berman.

At this point, I would like to recognize the author of this measure, the chairman of the Subcommittee on Africa, Global Health, and Human Rights, Mr. Smith, for 5 minutes.

Mr. SMITH. Thank you very much, Madam Chair. And I want to thank you for scheduling this markup, for your strong support for this anti-trafficking legislation, and for your many inputs as we went and drafted it.

And I want to thank Mr. Berman for being the prime cosponsor, for his authorship of the Wilberforce Act just a couple of years ago.

This is one of those examples I think where we can have very strong bipartisan cooperation to combat modern-day slavery in all of its forms, whether it be sex trafficking or labor trafficking.

This is the fourth reauthorization of the Trafficking Victims Protection Act. And we have learned many lessons over the past decade. And we have made great strides in combating this fundamental human rights abuse. Women, children, and men around the world continue to be victimized and this effort is a very real remedy to that situation.

It is critical we continue the United States leadership and efforts to end human trafficking, both domestically and abroad.

The amendment in the nature of a substitute takes into the account the extreme fiscal constraints that we face in our country and the need to reduce our Federal deficit. Much to my regret, the cost of several provisions in H.R. 3830 and now the amendment in the nature of a substitute necessitated their removal for consideration at this time.

However, it is my sincere hope and expectation that important initiatives such as the creation of a special anti-trafficking office within the Department of Defense, something I pushed for 8 years, failed every time, but we will stay at it until we get that, and a comprehensive mechanism to regulate foreign labor contracting will be back on the table when resources are available. And especially with the latter, when the Senate shows some interest in backing it.

We know that there is very strong opposition to that. There is a GAO report in the Senate version. Hopefully that will cause a change of heart over there.

A number of important provisions for preventing and prosecuting trafficking and protecting trafficking survivors do remain in this amendment. One would give the Secretary of State the authority to limit the validity of the passports of registered sex offenders to 1 year or such period as the Secretary would deem appropriate.

The need for this authority became apparent when the Government Accountability Office, the GAO, reported last year that over 4,500 registered sex offenders were issued passports in Fiscal Year 2008. And, of course, they are good for 10 years. Who knows where they are going? What they are doing? We can only suspect. This includes an offender who was convicted of attempted rape of a child with special needs. And another who attempted sex with a 2-year-old girl.

The State Department clearly needs this authority to limit the travel of such individuals who are likely to engage in severe forms of human trafficking in other countries.

Furthermore, the amendment would authorize assistance to be used to protect vulnerable populations at risk of severe forms of human trafficking in post-conflict situations and humanitarian emergencies, provide additional tools to prosecute sex trafficking abroad, and increase monitoring of forced child or sex labor here in the United States.

It also expands the information to be included in the Attorney General's annual report to include any contracts terminated by a

Federal agency as the result of human trafficking by a contractor and whether any employees have been disciplined, terminated, or prosecuted for violating the zero tolerance policy.

I would also point out, and this came right out of your hearing, Madam Chair, when we looked at the Peace Corps and sexual violence that was being committed against women who were Peace Corps volunteers. It became apparent at that hearing, and I did ask some questions of the Peace Corps director, whether or not the Peace Corps was involved with the interagency trafficking task force. He said no. That legislation or that language is now included so the director of the Peace Corps will become part of the task force.

So thank you to all of my colleagues for their support. And again, thank you, Madam Chair, and thank you Ranking Member Berman.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Smith.

Before we move to consider other amendments, do any other members seek recognition to speak on the underlying Smith amendment in the nature of a substitute?

Ms. Bass is recognized for 5 minutes.

Ms. BASS. Thank you, Chairman Ros-Lehtinen and Ranking Member Berman for prioritizing the reauthorization of the Trafficking Victims Protection Act.

Human trafficking continues to be a reality for as many as 27 million people throughout the globe. Fortunately, advocates, survivors, and dedicated Members of Congress, like many in this room today, have shed light on this complex challenge and created laws to help stop this exploitation.

I am proud to join in their efforts to strengthen policies that prevent human trafficking, prosecute perpetrators, protect victims, and build effective partnerships.

I would also like to extend my gratitude to Representative Chris Smith for his tireless leadership in combating human trafficking. Even before the first incarnation of the Trafficking Victims Protection Act in 2000, he has pushed to improve the ways in which the United States responds to human trafficking and has continually worked to implement creative solutions to prevent this exploitation.

Representative Smith, I commend your diligence and dedication. And I look forward to continuing to work with you on this issue.

Chairman ROS-LEHTINEN. Thank you, Ms. Bass.

I will now recognize Mr. Gallegly for 5 minutes.

Mr. GALLEGLY. Thank you, Madam Chairman.

I believe we must do our part to provide the tools to combat trafficking of persons both worldwide and domestically. However, while I am very supportive of the improvements made in this amendment and have great respect for my good friend Chairman Chris Smith—or the author of the bill, Chris Smith, and all of the work that he has done over the years on trafficking, and I agree with his objectives 100 percent.

Having said that, I still think that there are some issues that I have concern with regarding the legislation. As the chairman of the Immigration Policy and Enforcement Subcommittee, I must state that I have some objectives—objections to several provisions of the bill under the Immigration Subcommittee's jurisdiction.

While I know that we are not here to mark up these parts of the bill today, I must make it clear that the legislation does have what I consider some problems that need to be addressed before we move to the floor.

I do not believe we can require law enforcement to grant continued presence within 15 to 30 days to an alien who may be a victim of trafficking. Law enforcement needs more time to verify an individual's identity, veracity of information, and so forth.

We cannot afford to shift the standard so that all a victim applicant has to do is claim they are trafficking victims to obtain continued presence. Because law enforcement cannot do the job under many of the provisions under the bill, I think we need to really be careful as we move this bill forward so that we do not compromise the objectives that I think more of us, if not all of us, share in Chris Smith's focus on doing everything humanly possible to eliminate or mitigate to the limits of our ability the issue of human trafficking. But we also have to be careful that we are not allowing individuals to use trafficking as a conduit to—as a claim and not just for real purposes.

So I yield back.

Chairman ROS-LEHTINEN. Thank you.

The Chair recognizes herself to say that she agrees with the gentleman from California, that he is right in stating that this committee's jurisdiction does not extend to the areas that he has alluded to. The bill has been further referred to the Judiciary Committee. We will be marking up the sections of the bill that are under our jurisdiction.

And with that, Mr. Connolly is recognized for 5 minutes.

Mr. CONNOLLY. I thank the chair. And I commend my colleagues, Mr. Smith of New Jersey and the ranking member, Mr. Berman of California, for introducing H.R. 2830.

This bill authorizes appropriations for the next two fiscal years for the Trafficking Victims Protection Act of 2000. TVPA created the State Department's Office to monitor and combat Trafficking in Persons (TIP), an office which has supported more than 450 projects to combat modern human slavery in 109 countries.

The office publishes the annual report, which ranks countries according to their compliance in combating human trafficking. No country is spared from being named and shamed in the TIP report.

According to the 2011 report, the United States is a source, transit, and destination country for men, women, and children subjected to forced labor, debt bondage, document servitude, and sex trafficking. As recently as June of last year, an article in a Richmond-based magazine described the prevalence of such activity in the Richmond area.

The article detailed a 2006 FBI case that involved Korean women being used in brothels from Rhode Island to Virginia. Similarly, there were reports in the Washington Post that year about massage parlors as fronts for prostitution rings. Such examples show how human trafficking takes place within our very own borders.

The United States has not been passive with regard to the issue. Over the last decade, the TIP office has actively fought human trafficking through provisions laid out in the Victims of Trafficking and Violence Protection Act of 2010.

The annual TIP report is a credible, detailed survey of violations in various countries, the office to monitor and combat trafficking of persons in the State Department under the leadership of Ambassador CdeBaca fulfils much needed duties in the United States foreign policy apparatus. The TIP office works to combat the issue of human trafficking and is a great example of a government-funded investment that pays dividends.

I look forward to supporting the underlying legislation and the amendment offered by the gentleman from New Jersey.

Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you, Mr. Connolly.

Mr. Poe is recognized for 5 minutes.

Mr. POE. Thank you, Madame Chairman.

The Trafficking Victims Protection Act has brought great changes throughout the world. I strongly support this reauthorization and glad to be a cosponsor. I commend Mr. Smith from New Jersey, the chairman, and the ranking member for bringing this to this committee.

It is critical we continue program to prosecute traffickers and protect the victims. Because of the TVPA, we can no longer be blissfully ignorant of the dastardly crime happening throughout the world and even in the United States. Countries all over the globe have been forced to take a hard look at trafficking within their own borders and create policies to address this crime.

In my travels to Eastern Europe as a part of this committee, I have discussed with people there the issue of human trafficking or slavery as it should be called. The way it works is this. Young women who cannot find work or jobs learn through the Internet or some ad in the local newspaper about employment somewhere else in the world, either in another country or even sometimes in their own cities.

So they leave home, maybe from the nation of Ukraine or Romania. And they meet up with another person. It is usually a male. And he promises that he will take care of them. He will find them a job. And they will be happy.

And, of course, what they end up doing is becoming a piece of property, a forced individual into prostitution, a slave of this individual. The male does what he can to sell that young female into slavery and even slave labor.

Back home where the young female comes from, their families many times never even know what happened to their daughter or to their sisters. Sometimes then eventually when the slave is of no use in the prostitution racket, she just disappears and without knowledge of her parents.

This takes place in countries throughout eastern Europe and other nations as well. But we cannot overlook the fact that human trafficking happens here in the United States of America.

Here is the way it works here and it happens in my hometown of Houston, Texas. Young women—either adults but many times minors from a foreign country are smuggled into the United States illegally by someone who promises that when he gets them to the U.S., he will have a job waiting for them where they can work and send money back home to their families.

In some cases, these young women have actually paid the trafficker to smuggle them to the United States, expecting that job that they were promised. Once they are in the United States, they become the property of the sex trafficker. And he forces them into prostitution.

And he uses threats against them. It is as simple as if they do not cooperate, the slave master will have the family killed back in their home country. So what decision does a 14-year-old girl make when she is threatened that her family will be killed if she does not cooperate? Tough decision and many times they make the decision to continue in prostitution with the hope that their parents, their brothers and sisters, will not be murdered.

The victim does not speak the language. She is in the United States and the person says cooperate and work for me or you will be punished and your family will be killed. So they chose the alternative they think they have to choose and become a slave and traffic it into the United States and allow the person to use them as property in the trafficking business.

What a dastardly deed that is occurring in this country and other countries. But thanks to the TVPA, these international victims now have access to services so they can help recover from their exploitation.

And we cannot forget about domestic victims as well. Young girls from our own neighborhoods are being forced into slavery, many times sex slavery. Their childhood, their innocence is stolen in the name of greed by some slave master.

We must ensure that these victims have access to services. And we must make sure that they are treated as victims of crime and not criminals and not treated like prostitutes. Human trafficking is slavery. And as we fight for human rights throughout the world, we must fight to stop this slavery in all forms. Treat the young women as victims, not criminals. And then we need to take care of the customers and, of course, the traffickers and make sure they get their day in court.

So I support this bill and urge my colleagues to do the same. And that is just the way it is.

Chairman ROS-LEHTINEN. Thank you, Mr. Poe.

Mr. Chabot is recognized for 5 minutes.

Mr. CHABOT. Thank you, Madam Chair.

I just want to take a moment to commend the gentleman from New Jersey, Mr. Smith, for his work on not only this legislation but for all the work he has done over the years in the area of human trafficking.

I was traveling in South Asia last week and on Friday had the opportunity to visit an orphanage in Kathmandu called Mytai Nepal. The program benefits sexually abused girls, abandoned children, victims of trafficking, girls and children infected with HIV and hepatitis B, and returnees from Indian brothels, among others. It is a truly amazing operation that gives hope to women and girls who once had no hope whatsoever.

And I have to say that visiting there was one of the more moving experiences that I have ever had. When I told folks there that I would discuss this when I got back here at the visit with Congressman Smith, who has worked on these humanitarian issues for

many years, they all told me that they were actually well aware of Mr. Smith's efforts around the world. They were grateful for what he has done on behalf of exploited women and children, you know, around the world, particularly in Nepal.

So I just wanted to bring the gentleman best wishes from those as far away as Nepal who he has aided. And I commend him for offering this legislation today.

And I yield back.

Chairman ROS-LEHTINEN. Thank you very much.

Mr. CHABOT. Thank you.

Chairman ROS-LEHTINEN. Seeing no further requests for time, we will now move to consider amendments to the underlying Smith amendment.

Mr. KEATING. Madam Chair, if I could?

Chairman ROS-LEHTINEN. Sorry.

Mr. KEATING. Thank you, Madam Chair. I will be very brief.

I just wanted to underscore one aspect of this legislation. For the last 12 years before being elected, I was a district attorney. We worked exceedingly hard with local law enforcement, with state law enforcement, with regional officials, particularly in the area of Boston with special task forces that were there.

And our frustration during that whole time was we were at the last stage, the receiving end of trying to deal with this and the frustration of saying more has to be done, not just at the national level but also in the international level.

So as we go forward with this legislation, I just want to commend the author. And I want to say that this is very important legislation. So often we deal with international issues here in the committee. This is one that will have an effect right back home as well.

Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you, sir.

Do any other members seek recognition?

[No response.]

Chairman ROS-LEHTINEN. Seeing no requests for recognition, we will now move to consider amendments to the underlying Smith amendment. At this point, I ask unanimous consent that the following amendments, which the ranking member and I anticipate will be noncontroversial, be considered en bloc. And the amendments are in your packets.

Amendment 30, offered by Ms. Bass, requiring a one-time report on Internet-facilitated trafficking; Amendment 59, offered by Mr. Royce, expressing the sense of Congress on trafficking in Cambodia; Amendment 49, offered by Mr. Murphy, directing the State Department Trafficking Office to encourage large business entities to publicly disclose their anti-trafficking efforts and policies; and Amendment 82, offered by Mr. Fortenberry, making amendments to Title IV of the 2008 Trafficking Reauthorization Act concerning child soldiers.

[The amendments referred to follow:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2830 OFFERED BY MS. BASS OF CALIFORNIA

At the appropriate place, insert the following:

1 **SEC. ___. REPORT ON INTERNET-FACILITATED HUMAN**
2 **TRAFFICKING.**

3 (a) IN GENERAL.—Not later than January 1, 2013,
4 the Senior Policy Operating Group, in coordination with
5 the Office to Combat Modern Slavery and Other Forms
6 of Human Trafficking of the Department of State, shall
7 submit to Congress a report on Internet-facilitated human
8 trafficking.

9 (b) MATTERS TO BE INCLUDED.—The report shall
10 include the following:

11 (1) Statistics and trends relating to Internet-fa-
12 cilitated human trafficking cases over the last 10
13 years. To the extent possible, the statistics and
14 trends should be broken down by Federal depart-
15 ment and agency handling each case.

16 (2) Factors that impact the prevalence of Inter-
17 net-facilitated trafficking, such as geography, sea-
18 son, and large events.

(3) Specific challenges faced by Federal departments and agencies in preventing Internet-facilitated trafficking and prosecuting offenders.

(4) Proposals to assist the Federal government to prevent Internet-facilitated human trafficking. In drafting the proposals, the Senior Policy Operating Group should examine—

(A) adoption of cutting-edge technology;

(B) collaboration between the private and public sectors;

(C) enforcement of current laws;

(D) improved information gathering and interdepartmental collaboration; and

(E) development of new laws and policies.

(c) CONSULTATION.—In preparing the report, the Senior Policy Operating Group should consult with local law enforcement and private-sector and non-profit agencies that have demonstrated a commitment to ending Internet-facilitated human trafficking.

(d) DEFINITIONS.—In this section—

(1) the term "Internet-facilitated human trafficking" means the use of the Internet to engage in severe forms of trafficking in persons;

(2) the term "Senior Policy Operating Group" means the Senior Policy Operating Group—

1 (A) established under section 105(f) of the
2 Trafficking Victims Protection Act of 2000 (22
3 U.S.C. 7103(f)); and
4 (B) chaired by the Ambassador-at-Large
5 for Combating Human Trafficking; and
6 (3) the term "severe forms of trafficking in per-
7 sons" has the meaning given such term in section
8 103(8) of the Trafficking Victims Protection Act of
9 2000 (22 U.S.C. 7102(8)).

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2830 OFFERED BY MR. ROYCE OF CALIFORNIA

At the end of title I, add the following:

1 **SEC. 108. SENSE OF CONGRESS ON HUMAN TRAFFICKING**
2 **IN CAMBODIA.**
3 (a) FINDINGS.—Congress finds the following:
4 (1) According to notable news sources, the
5 Kingdom of Cambodia remains a "magnet" for
6 those who sexually prey on the young.
7 (2) Human Rights Watch reports that "human
8 trafficking of women and girls into sex work is a
9 problem in Cambodia, fuelled by corruption and a
10 lack of political will to prosecute traffickers".
11 (3) According to Human Rights Watch, "Cam-
12 bodia is plagued not only by widespread abuses com-
13 mitted by officials, but impunity for perpetrators.".
14 (4) The 2011 Department of State's Traf-
15 ficking in Persons Report (TIP) states that "the
16 Government of Cambodia did not demonstrate
17 progress in law enforcement efforts against traf-
18 ficking crimes during the year", and that "in some
19 cases, Cambodian police were reportedly unwilling to

pursue investigations of several suspected trafficking establishments during the year because the establishments were thought to be owned by or affiliated with high-ranking officials''.

(5) The Government of Cambodia convicted only 20 trafficking offenders during 2010, ''a decrease from 36 the previous reporting period'', according to the 2011 TIP Report.

(6) There was no improvement in efforts by the Government of Cambodia to identify and protect trafficking victims during the previous reporting period, according to the 2011 TIP Report.

(7) According to the 2011 TIP Report, ''countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so'', will be designated as Tier 3 countries pursuant to section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the measures taken by the Government of Cambodia are insufficient in addressing the scope of Cambodia's human trafficking problem; and

(2) Cambodia should be designated as a Tier 3 country pursuant to section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107).

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AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2830 OFFERED BY MR. MURPHY OF CONNECTICUT

Page 10, line 10, insert "(a) IN GENERAL.—" before "Section".

Page 10, after line 19, insert the following:

1 (b) ADDITIONAL ACTIVITIES OF THE DEPARTMENT
2 OF STATE.—Section 105 of the Trafficking Victims Pro-
3 tection Reauthorization Act of 2005 (22 U.S.C. 7112) is
4 amended by adding at the end the following:
5 "(c) ADDITIONAL ACTIVITIES OF THE DEPARTMENT
6 OF STATE.—
7 "(1) SHORT TITLE.—This subsection may be
8 cited as the 'Business Transparency on Trafficking
9 and Slavery Act'.
10 "(2) DISCLOSURE.—The Secretary of State,
11 acting through the Ambassador-at-Large for Com-
12 bating Human Trafficking, shall encourage any per-
13 son described in paragraph (3)(B) to disclose on an
14 annual basis on the person's website and to the Sec-
15 retary of State any measures such person has taken
16 during the year to identify and address conditions of

1 forced labor, slavery, human trafficking, and the
2 worst forms of child labor within such person's sup-
3 ply chains. Such disclosure should include the fol-
4 lowing information under a heading 'Policies to Ad-
5 dress Forced Labor, Slavery, Human Trafficking
6 and the Worst Forms of Child Labor' describing to
7 what extent, if any, the person conducts any of the
8 following activities:

9 "(A) Maintains a policy to identify and
10 eliminate risks of forced labor, slavery, human
11 trafficking, and the worst forms of child labor
12 within its supply chain. If the person maintains
13 such a policy, the disclosure should include the
14 text of the policy or a substantive description of
15 the elements of the policy.

16 "(B) Maintains a policy prohibiting the use
17 of the person's corporate products, facilities, or
18 services to obtain or maintain someone under
19 conditions of forced labor, slavery, human traf-
20 ficking, and the worst forms of child labor.

21 "(C) Engages in verification of product
22 supply chains to evaluate and address risks of
23 forced labor, slavery, human trafficking and the
24 worst forms of child labor. The disclosure
25 should—

"(i) describe the greatest risks identified within the supply chain, and the measures taken toward eliminating those risks;

"(ii) specify whether the verification was or was not conducted by a third party; and

"(iii) specify whether the verification process includes consultations with independent unions, workers' associations, or workers within workplaces and incorporates the resulting certification or written comments from such independent union, workers' associations, or workers.

"(D) Ensures that audits of suppliers are conducted to evaluate supplier compliance with the person's company standards for eliminating forced labor, slavery, human trafficking, and the worst forms of child labor in supply chains. The disclosure should specify if the verification was not an independent, unannounced audit.

"(E) Assesses supply chain management and procurement systems of suppliers in the person's supply chain, to verify whether said suppliers have in place appropriate systems to identify risks of forced labor, slavery, human

trafficking, and the worst forms of child labor within their own supply chain.

"(F) Requires suppliers in its supply chain to certify that materials incorporated into the product comply with the laws regarding forced labor, slavery, human trafficking, and the worst forms of child labor of the country or countries in which they are doing business.

"(G) Maintains internal accountability standards, supply chain management and procurement systems, and procedures for employees or contractors failing to meet the person's company standards regarding forced labor, slavery, human trafficking, and the worst forms of child labor. The disclosure should describe such standards and systems.

"(H) Provides the person's employees and management who have direct responsibility for supply chain management, training on forced labor, slavery, human trafficking and the worst forms of child labor, particularly with respect to mitigating risks within the supply chains of products.

"(I) Ensures that recruitment practices at all suppliers comply with the person's company

1 standards for eliminating exploitive labor prac-
2 tices that contribute to forced labor, slavery,
3 human trafficking, and the worst forms of child
4 labor, including by conducting audits of labor
5 recruiters and disclosing the results of such au-
6 dits.

7 "(J) In cases where forced labor, slavery,
8 human trafficking, and the worst forms of child
9 labor have been identified within the supply
10 chain, ensures that remediation is provided to
11 those who have been identified as victims.

12 "(3) DEFINITIONS.—In this subsection—

13 "(A) the term 'forced labor, slavery,
14 human trafficking and the worst forms of child
15 labor' means child labor in violation of inter-
16 national standards including International
17 Labor Organization Convention No. 182 and
18 acts that would violate the criminal provisions
19 related to slavery and human trafficking under
20 chapter 77 of title 18 if they had been com-
21 mitted within the jurisdiction of the United
22 States;

23 "(B) the term 'person' means any publicly-
24 traded or private entity wherever located, car-
25 rying out business operations in the United

1 States, and having annual worldwide global re-
2 ceipts in excess of $100,000,000;
3 "(C) the term 'remediation' means the ac-
4 tivities or systems that a company puts in place
5 to address non-compliance with the standards
6 identified through monitoring or verification,
7 which may apply to individuals adversely af-
8 fected by the non-compliant conduct or address
9 broader systematic processes;
10 "(D) the term 'supply chain', with respect
11 to a person making the disclosure described in
12 subsection (a), means all suppliers of products,
13 component parts of products, and raw materials
14 used by such person in the manufacturing of
15 such person's products or the provision of such
16 person's services, whether or not such person
17 has a direct relationship with the supplier; and
18 "(E) the term 'verification' means the
19 process by which a company is evaluated to de-
20 termine compliance with its documented pro-
21 gram, including standards on forced labor, slav-
22 ery, human trafficking, and the worst forms of
23 child labor, including an evaluation of—

"(i) data gathered through monitoring activities to ensure results are reliable and process is credible; and

"(ii) the system established to remediate violations to determine if remediation is implemented and effective.".

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AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2830 OFFERED BY MR. FORTENBERRY OF NEBRASKA

At the appropriate place, insert the following:

1 **SEC. ____. PROHIBITION ON PEACEKEEPING OPERATIONS**
2 **ASSISTANCE TO COUNTRIES THAT RECRUIT**
3 **AND USE CHILD SOLDIERS AND REVISION TO**
4 **NATIONAL INTEREST WAIVER UNDER THE**
5 **CHILD SOLDIERS PREVENTION ACT OF 2008.**
6 (a) PROHIBITION ON PEACEKEEPING OPERATIONS
7 ASSISTANCE.—
8 (1) IN GENERAL.—Section 404(a) of the Child
9 Soldiers Prevention Act of 2008 (22 U.S.C. 2370c-
10 1(a)) is amended—
11 (A) by striking "or 541" and inserting ",
12 541, or 551"; and
13 (B) by striking "or 2347" and inserting ",
14 2347, or 2348".
15 (2) EFFECTIVE DATE.—The amendments made
16 by paragraph (1) take effect on the date of the en-
17 actment of this Act and apply with respect to
18 amounts made available for assistance under section

551 of the Foreign Assistance Act of 1961 that are unobligated or unexpended on or after such date.

(b) NATIONAL INTEREST WAIVER.—Section 404(c) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1(c)) is amended to read as follows:

"(c) NATIONAL INTEREST WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if—

"(1) the President determines that such waiver is in the national interest of the United States; and

"(2) the President provides to the appropriate congressional committees at least 15 days in advance of exercising the waiver a justification for granting such a waiver, including a certification that the government of the country has taken credible and verifiable steps to implement a plan of action to end the recruitment and use of child soldiers, including the demobilization of child soldiers.".

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Chairman ROS-LEHTINEN. Do any of the amendment authors wish to be recognized to explain their portion of the en bloc amendments?

Mr. Fortenberry is recognized for 5 minutes.

Mr. FORTENBERRY. All right. Thank you, Madam Chair, for calling this hearing and your leadership in this regard.

In 2008, at a markup for the William Wilberforce Trafficking Victims Act, this committee did something very courageous. We stated that the policy of our nation will be that children, no matter where they are, belong on playgrounds and not battlegrounds. Children should not be forced to become soldiers.

And we would not sit idly by and passively underwrite this pernicious form of human trafficking known as child conscription.

The problem now is this. National security waivers continue to be given to countries found guilty of this human rights abuse. We know that these waivers must be rare and temporary and meaningfully intended to help stop this pernicious practice.

So this body unanimously passed an amendment to the State Department authorization bill to require the President to report to Congress 15 days before issuing another waiver as to what credible and verifiable steps are being undertaken in those countries to implement a plan of action to end the recruitment of and demobilize child soldiers.

The State Department authorization bill also included language prohibiting the use of peacekeeping operation funds for countries cited for child soldiers violations.

So, Madam Chair, my amendment today is simple. It simply amends section 404 of the 2008 Trafficking Victims Protection Act to retain both of these provisions because strengthening our child soldiers policy is essential to our anti-human trafficking efforts.

I yield back, Madam Chair.

Chairman ROS-LEHTINEN. Thank you, Mr. Fortenberry.

Mr. FORTENBERRY. I yield.

Mr. BERMAN. I appreciate the gentleman yielding. This is—all four of these amendments that are part of the en bloc amendment are very good amendments. I particularly want to mention that I think we should not be casually waiving the restrictions on child soldiers in providing military assistance.

And I think both the notification provision and the requirement for some action by that government to start the corrective action of that situation is a pretty reasonable requirement for this. And I urge adoption of this and the other amendments in the en bloc.

Mr. FORTENBERRY. I thank the ranking member for his support. I yield.

Chairman ROS-LEHTINEN. Thank you, Mr. Fortenberry.

Ms. Bass is recognized to explain her amendment.

Ms. BASS. Yes, thank you, Madam Chair.

I am offering a bipartisan amendment that will investigate and prevent human trafficking online. With the widespread use of the Internet, the sale and trafficking of individuals has gotten easier and increasingly anonymous.

While the Internet has helped to connect the world, it has also created a haven for the exploitation of men, women, and children.

Cloaked by computers, online traffickers and perpetrators can gain 24-hour access to vulnerable children and individuals.

So the amendment calls for the State Department to spearhead an interdepartmental study on Internet-facilitated trafficking and proposed methods to prevent these crimes. You know often when we are talking about trafficking, we are talking about children and young people, women around the world. But this also relates to people inside the United States and in particular children.

I also wanted to thank Representative Chabot and Representative Wolf for serving as the original cosponsors of the bill, which is now, you know, included as an amendment for this. But I also want to mention that another part, the language in the bill references children in the United States. And we did just launch a foster care caucus this morning with my colleague, Mr. Marino.

We just came from the first meeting of that caucus. And I am excited that there is a part of this bill that has language in it that addresses who we essentially train the child welfare system, people in the system, so that they can recognize trafficking since we know that a lot of young people in our own country are involved in trafficking, especially with the Internet and the expansion of Web sites such as Backpage.

So thank you very much. That is my amendment. I yield back.

Chairman ROS-LEHTINEN. Thank you very much, Ms. Bass.

Mr. Royce is recognized to explain his amendment.

Mr. ROYCE. Thank you, Madam Chairman. I just want to also congratulate Mr. Smith for his dedication in trying to call attention to this.

But to also note that a number of NGOs and Dateline continue to focus on Cambodia. And the fact that it is a magnet for those preying on the youngest.

Predators travel halfway around the world in order to link up in remote Cambodian villages with children, some as young as three. There are 30,000 children in that country that have been sold into this type of servitude.

And my chief of staff, Amy Porter, traveled to Cambodia to work with these children rescued from the brothels there. And we have had a number of hearings in this committee and in the Lantos Human Rights Commission that have spotlighted these abuses.

We have got the NGO groups that work in the country and the eyewitnesses reporting that the Cambodian Government continues to actually hamper and get in front of these investigations and block these investigations. The local police and government officials are often pocketing very lucrative profits out of this.

So it is time to go on record against these really horrific abuses that have become endemic there. And the State Department needs to hold Cambodia accountable. That is the sense of this amendment.

It finds that Cambodia should be designated as a Tier III country. When I brought this up with Ambassador Luis CdeBaca to reconsider when they were downgrading Cambodia, at a time when the situation was getting worse in-country, they sadly indicated well, this was the step they were going to take.

They are taking the pressure off of Cambodia. We have to do exactly the opposite. We have to put them back up as a designated Tier III country. And that is what this amendment would do.

And I thank you, Madam Chairman, for putting it in the en bloc amendment.

Chairman ROS-LEHTINEN. Thank you, Mr. Royce.

Mr. Murphy is recognized to explain his amendment.

Mr. MURPHY. Thank you, Madam Chair.

And thank you very much to Congressman Smith for his leadership on this bill.

This bill, at its foundation, has the idea that our Government and our State Department can do so much more to try to prevent the child trafficking and forced labor that is still endemic to so many places around the globe.

The amendment that is included in this en bloc that I am offering would recognize that we have another partner in this effort to combat human trafficking and child trafficking. And that is our corporate community.

Already some of the world's biggest and most expansive corporations have joined together in an organization called the Business Coalition against Human Traffic. It is Coca Cola, JP Morgan, Delta, The Body Shop, to name a few.

And this amendment, which has as its genesis, the legislation offered by Carolyn Maloney, would encourage companies, through the State Department, to post on their Web site their policies for preventing forced labor, slavery, and human trafficking.

And the amendment outlines a number of suggested steps that companies can take as part of that policy, whether it is requiring audits of their suppliers to makes sure that their supply chain does not have any of these elements to force labor or human traveling, whether it be training for people in the supply chain to again make sure that they are dealing only with responsible and humane contractors and suppliers internationally.

This amendment would simply try to encourage these big companies with over $100 million in global receipts to post on their Web sites the steps that they are taking. And we hope that this amendment would encourage major international companies with long supply chains that are not already doing these types of audits throughout their international business platforms, to do so and then make those audits and make that information available.

This really has to be a comprehensive effort at stopping human trafficking that starts with the government, that starts with the very good underlying bill, but it can also include a private consensus that is already developing around this business coalition that this amendment can facilitate.

And I thank the chair and I thank the sponsor of the bill for allowing this amendment to move forward.

Chairman ROS-LEHTINEN. Thank you, sir.

Do any other members seek recognition?

Mr. SMITH. Just very briefly.

Chairman ROS-LEHTINEN. Mr. Smith is recognized.

Mr. SMITH. Thank Mr. Fortenberry, Ms. Bass, Mr. Murphy, Mr. Royce for their amendments. I think they all are very, very important additions to the legislation.

I would point out to Mr. Murphy that the language he is offering is an encouragement. And I think that is very important.

Carolyn Maloney and I do have a bill in that parallels the California bill, which would be much stronger but it would use the SEC rather than the trafficking office. And I have checked with Luis CdeBaca, our Ambassador-at-Large for human trafficking. He is very supportive of this effort, feels that they can accommodate it, and do it. And, again, it is an encouragement rather than something that is mandatory. So I think it is a good strengthening amendment.

Chairman ROS-LEHTINEN. Thank you, sir.

Do any other members seek recognition on the en bloc amendments?

[No response.]

Chairman ROS-LEHTINEN. Hearing no further requests for recognition, the question occurs on the en bloc amendment. All those in favor, say aye.

[Chorus of ayes.]

Chairman ROS-LEHTINEN. All opposed, no.

In the opinion of the Chair, the ayes have it. And the en bloc amendment is agreed to.

Are there any other amendments to the trafficking measure?

[No response.]

Chairman ROS-LEHTINEN. Hearing no further amendments, the question is on agreeing to the bipartisan Smith amendment in the nature of a substitute, as amended.

All those in favor say aye.

[Chorus of ayes.]

Chairman ROS-LEHTINEN. All those opposed, no.

In the opinion of the Chair, the ayes have it. And the amendment in the nature of a substitute is agreed to.

Without objection, the underlying bill, H.R. 2830, as amended, is agreed to. And I now move that the Bill H.R. 2830 be reported favorably to the House as amended.

All those in favor say aye.

[Chorus of ayes.]

Chairman ROS-LEHTINEN. All opposed, no.

The ayes have it. And the motion to report favorably is agreed to.

Without objection, the bill, as amended, will be reported as a single amendment in the nature of a substitute, incorporating the amendments adopted by the committee. And the staff is directed to make technical and conforming changes.

This ends the trafficking bill consideration.

And pursuant to notice, I now call up H.R. 2059, to prohibit funding to the United Nations Population Fund.

The clerk will read the bill.

Ms. CARROLL. H.R. 2059, to prohibit funding to the United Nations Population Fund, be it enacted by the Senate and House of Representatives of the United States of America and Congress assembled, section 1, prohibition on funding to the United Nations Population Fund. Notwithstanding any other provision of law, the Secretary of State may not make a contribution to the United Nations Population Fund (UNFPA).

[H.R. 2059 follows:]

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112TH CONGRESS
1ST SESSION

H. R. 2059

To prohibit funding to the United Nations Population Fund.

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2011

Mrs. ELLMERS introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To prohibit funding to the United Nations Population Fund.

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

3 **SECTION 1. PROHIBITION ON FUNDING TO UNITED NA-**
4 **TIONS POPULATION FUND.**

5 Notwithstanding any other provision of law, the Sec-
6 retary of State may not make a contribution to the United
7 Nations Population Fund (UNFPA).

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Chairman ROS-LEHTINEN. Thank you. The bill is read and open for amendment.

As your offices were previously notified, before moving to amendments, I will recognize myself and the ranking member for general remarks on the bill followed by the author of the bill, Ms. Ellmers. And then any other members who seek recognition.

This morning the committee will mark up H.R. 2059, which prohibits funding to the United Nations Populations Fund, or UNFPA. The purpose of this legislation is simple. To prevent U.S. taxpayer dollars from benefitting coercive abortion and sterilization programs.

China's policy of coerced abortions is one of the most visible and deplorable human rights abuses. It has contributed directly to the elimination of millions of young girls, which has increased the demand for trafficked women and girls in the region.

But instead of condemning China's behavior, UNFPA not only supports China's coercive one-child policy, but commends it as a "model" for population programs across the globe.

In 1999, a UNFPA represented stated, "China has had the most successful family planning policy in the history of mankind in terms of quantity. And with that, China has done mankind a favor."

Now U.S. law is clear. The Kemp-Kasten Amendment, first enacted in 1984, states that U.S. assistance cannot be provided to any organization that "supports or participates in the management of a program of coercive abortion or involuntary sterilization."

The late Congressman Jack Kemp had stated that UNFPA funding would likely be effected by his amendment, "because of UNFPA's involvement with a program of coercive abortions in the Peoples Republic of China." Pursuant to this amendment, three previous administrations have stopped assistance to UNFPA. Justifying this cut off of assistance, then Secretary of State Colin Powell stated in 2002, "UNFPA's support of and involvement in China's population planning activities allows the Chinese Government to more effectively its program of coercive abortions. Therefore, it is not permissible to continue funding UNFPA at this time."

The State Department has repeatedly found that UNFPA refuses to provide detailed information on its activities in China. In December 2010, the Vice Minister of China's National Population and Family Planning commission thanked UNFPA for, "its constant support to China's population and family planning undertakings during the past 30 years or more."

UNFPA continues business as usual, and last year it approved another 5-year operations plan for China. Unfortunately, the Obama administration has failed to enforce U.S. law, claiming that the Kemp-Kasten amendment does not apply to UNFPA.

Accordingly, congressional action is necessary to prevent U.S. taxpayer dollars from continuing to benefit USFPA in contravention of U.S. law.

I would note that, while some claim that UNFPA does not use U.S. funding for its programming in China, we all know that money is fungible. Directing U.S. funding to UNFPA activities in other areas of the world simply frees up other funding for their China program.

There are far better uses of U.S. taxpayer dollars than funding for the UNFPA. In fact, UNFPA clearly does not need U.S. funding. Reports indicate that UNFPA has built up reserves and unspent funds of $500 million.

UNFPA's annual report for 2010 indicated that its budget totaled $870 million, a record amount. So why when Americans are facing a struggling economy, skyrocketing deficits, and crushing debt should our taxpayer dollars go to an organization that supports coercive abortion and is flush with cash. Again, there are much better uses for taxpayer funds than sending millions to UNFPA.

And so I thank the distinguished gentlelady from North Carolina, Ms. Ellmers, for introducing this important bill. I strongly urge my colleagues to support it in its current form.

And I now am pleased to recognize the ranking member for his remarks on this measure.

Mr. BERMAN. Well, thank you very much, Madam Chairman.

And thank you on this issue we disagree. This legislation, like the State Department authorization bill we marked up in July and the U.N. bill we will soon consider, I believe will undermine America's influence and standing in the international community. It is an example of civilian cut and run par excellence.

Tragically, the bill takes aim at poor women and children in the developing world, women and children who all too often suffer from the effects of disease, war, rape, and a host of absolutely horrid conditions that few of us can even begin to imagine.

Rather than helping these desperate people, as UNFPA seeks to do, this legislation makes them pawns in a debate over social issues that often seem divorced from reality. Indeed I can think of few other organizations subject to more misinformation, misunderstanding, and outright falsehoods than UNFPA.

I know that discussing UNFPA generates a lot of emotion among some of my colleagues. But that does not mean that passionate arguments should be allowed to trump the facts. UNFPA does not promote abortion as a method of family planning period.

UNFPA is guided by the Cairo Programme of Action, which is quite clear in saying, I quote, "in no case should abortion be promoted as a method of family planning. All one has to do is visit UNFPA's Web site to find that," UNFPA does not support or promote abortion as a method of family planning.

And directly addressing the issue raised by the chairman, the State Department in the last administration, not the Obama administration, conducted an investigation of the UNFPA and found, "no evidence, no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the People's Republic of China. In fact, the UNFPA opposes coercive family planning methods and opposes China's one-child policy.

I know that for many here, UNFPA's own words and those of the State Department on this issue may ring hollow. So would ask you to consider the position of the late Henry Hyde, the author of the Hyde Amendment, when he was chairman of this committee, he passed a very tough U.N. bill through the house, which would have ended a great deal of U.S. support for the U.N. But in his bill, he decided not to try to defund UNFPA.

Today we are being asked to permanently end assistance to an organization working to prevent cholera among pregnant women and people living with HIV/AIDS in Haiti, lowering the maternal mortality in Rwanda, protecting women in Kenya fleeing from famine and war across the Horn of Africa.

Rather than lobbing another grenade in our culture wars, this committee should be working to strengthen maternal mortality prevention efforts, improve the capacity of health systems in the developing world, and protect women from rape as an instrument of war.

If you want to prevent abortions, this is what we should be doing. And that is exactly what UNFPA does.

I yield back.

Chairman ROS-LEHTINEN. I thank the gentleman.

And at this point, I am pleased to recognize the author of the measure, the distinguished gentlelady from North Carolina, Ms. Ellmers, for 5 minutes.

Ms. ELLMERS. Thank you, Madam Chairman.

And thank you to all the members who have helped to cosponsor this very important bill.

Madam Chairman, the American people have spoken. On May 31st, I introduced a bill to prohibit funding to the United Nations Population Fund, which was the winning YouCut program for that week.

This bill, H.R. 2059, has now reached an important stage, making it to the committee for markup and review. It cuts $50 million from our Foreign Affairs budget by disallowing the Secretary of State to make a contribution to the UNFPA.

The United National Population Fund, the principle unit within the United Nations for global population issues, is the world's largest source of population and reproductive health programs without doubt. For the last 30 years, however, there has been contentious debate about whether the United States should financially contribute to the UNFPA because it aids China's coercive family planning programs and policies.

In the 1980s, President Ronald Reagan withheld all U.S. contributions to the UNFPA after determining that it was supporting and participating in the co-management of China's population program. Under the Bush administration, which was pointed out by ranking member Berman, there was subject to a State Department investigation, and yes, Mr. Berman is correct. However, that report also went on to say that China maintained coercive elements in its population restrictions in counties where UNFPA operates.

China maintain coercive elements in its population programs in law and practice. And Chinese leaders viewed population control as a high priority and remained concerned over implications of socioeconomic changes. As a result, it was recommended that the U.S. should release not more than $34 million in previously appropriated funds. But that over time, it should monitor the allocation of this program and subsequently President Bush withheld U.S. funds from UNFPA due to concerns that the organization supported or participated in what the administration viewed as a program of coercive abortion and involuntary sterilization in China.

The Obama administration and the 111th Congress resumed contributions to UNFPA. UNFPA has been widely denounced for its involvement in China's one-child policy, which relies on forced abortion and sterilization.

Whether or not you believe the U.S. should be borrowing money from China to fund U.N. projects in China, U.S. taxpayers should not be forced to fund the program that violates provisions in the Kemp-Kasten Amendment, which bans U.S. aid to organizations involved in the management of coercive family planning.

Proponents of the program argue that the monies are separate. And that we are throwing out good programs with the bad. However, in 2008, the State Department issued a report that showed clear violations because the UNFPA funnels money to the various Chinese agencies that enforce the coercive policy and forcibly abort and sterilize as a matter of standard operating procedure.

If the Chinese wish to do such things, they should not expect funding from the United States' hard-earned taxpayers. The American taxpayer deserves to know where their hard-earned money is going. And we must do our part to make people accountable.

H.R. 2059 cuts $50 million from our Foreign Affairs budget by disallowing the Secretary of State to contribute to the UNFPA and deserves our support.

Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. I thank the gentlelady from North Carolina.

Before we move to consider amendments, I am pleased to recognize members to speak on the underlying bill.

Mr. Connolly of Virginia is recognized.

Mr. CONNOLLY. Thank you, Madam Chairwoman. Madam Chairwoman, as you know, I have great and deep respect for you. But I do not have great and deep respect for this particular bill and this particular process.

This is nothing short of a smear campaign against an international organization of which we are a member that promotes and protects the health of women and their children all over the world.

The State Department report referred to is the 2008 State Department report. The 2009 State Department report actually determined that there is no violation by UNFPA of the terms of Kemp-Kasten. The facts, however, do not matter because we have decided to make UNFPA a symbol of our support for a particular cause, irrespective of the consequences.

Some of the loudest voices in this committee who champion the human rights of the unborn and, to their credit, had real trouble however supporting the same human rights for those who were born but happened to have a different sexual orientation. I was at this dias that night when we could not get some of the loudest champions of this particular cause to embrace that particular cause. And from my point of view, a human rights violation is a human rights violation, irrespective of status.

So consistency is not our strong suit here. But picking on the UNFPA as an easy target, irrespective of the fact that its record is clean, and what it is doing to protect women and women's health is essential, without which we are going to jeopardize the lives of women in developing countries all over the world, and the con-

sequences, very real, does not matter because we are making a big political point that will energize our base. And the consequences be damned.

So I am not going to support this bill. And I will have an amendment later to try to make sure that at least one aspect of women's health is protected, Madam Chairwoman.

I think this is a sad day for this committee.

Mr. BERMAN. Would the gentleman yield?

Mr. CONNOLLY. I would.

Mr. BERMAN. Just because in this general debate, I think the point you made deserves some affirmation.

The author of the bill makes the argument that because UNFPA operates in municipalities and counties in China where the Chinese Government or the local governments practice coercive family planning practices that they are culpable. The logic of that escapes me.

Are the American companies who do business in those counties or municipalities of China culpable? Are the American tourists who visit that culpable? Without having a nexus between what UNFPA does in the specific practices, that argument just does not hold water. And I think the committee should reject it.

Do not hold UNFPA responsible for what a sovereign country does, as obnoxious as it is, unless you have an allegation of advocacy and support that has not yet been presented.

Mr. CONNOLLY. And reclaiming my time, thank you, Mr. Berman, for that insight. I would also point out that if you actually look at the record of accomplishments since UNFPA was actually founded as a specialized U.N. agency and you look at fertility rates and birth rates in the developing countries, more and more families have successfully be able to plan and space children, infant mortality has dropped, survivability has increased.

You know the family planning efforts, combined with the health efforts and initiatives to protect women's health, especially pregnant women and new mothers, has actually paid off huge dividends in both improving the status of morbidity and mortality in the Third World and in making sure that child survival rates have significantly and dramatically improved.

And we are about, in passing this bill, to turn our back on all of that progress because of a political issue that I think does not hold up under scrutiny, as you suggest, Mr. Berman. And with that, I yield back.

Ms. ELLMERS. Oh, may I?

Mr. CONNOLLY. Yes, yes, of course.

Ms. ELLMERS. Thank you.

I would like to address—Mr. Connolly, thank you. And to ranking member Berman, again, as you have pointed out, that is not my assumption. That is actually the 2002 Bush administration investigation which—and I will read on here in my 19 seconds left—that the $34 million previously appropriated funds to the UNFPA until China ends all forms of coercive cohesion of law and practice and that no U.S. Government funds should be allocated to population programs in China and that appropriate resources, possibly from the U.S., should be allocated——

Chairman ROS-LEHTINEN. Thank you. Mr. Connolly's time has expired.

Ms. ELLMERS. Thank you.

Chairman ROS-LEHTINEN. Mr. Smith is recognized.

Mr. SMITH. Thank you very much, Madam Chair. Madam Chair, I rise in strong support of Ms. Ellmer's legislation, thank her for offering it, and for the courage to stand up for women in China.

You know it is interesting, 3 days after President Obama was sworn in, he directed the administration to resume funding for the UNFPA. So there was no careful analysis as to the complicity of the UNFPA in the barbaric one-child-per-couple policy.

China's one-child-per-couple policy constitutes massive crimes against humanity. The sheer magnitude of the loss of human life, the babies as well as the women's lives who have been utterly hurt, and I will get to this in a moment, by this policy has no parallel in human history. The one-child-per-couple policy has made brothers and sisters illegal.

Illegal, imagine that. Any member here who has a sibling or who has more than one child, the Government of China tells you when and if you can have that child and under what circumstances because you do not necessarily get a birth-allowed certificate just because you want to have a child.

There are no single moms in China. Let me say that again. Single moms are forcibly aborted. I held my 30th hearing on human rights abuses in China. And just 2 weeks ago, Chai Ling, the great human rights activist who was a Tiananmen Square hero, one of the most wanted people by the government, testified right here or in 2200 I should say, and talked about how she had been forcibly aborted three times, three times because she was an unwed mother. And that is part of their rules.

I would ask members to read the regulations. Look at the national policy. And most importantly, look at the 2008 report that was done by the Department of State. John Negroponte, Secretary Negroponte pointed out, and this is, I think, the crux of it or the key, UNFPA program, this is his words, all UNFPA programming relating to contraceptive and reproductive health incorporates and defers to Chinese law and regulation.

The national law and provincial regulations are the framework for China's coercive birth policies. China, the UNFPA comports, implements, supports. And if you look over the 30 years of what the UNFPA has done in China, it has been to aggressively defend the one-child-per-couple policy to all comers, critics here in the Congress, critics anywhere in the world. And now in particularly south to south work, they are actually exporting child limitation policies to Africa and elsewhere.

The population and refugee Assistant Secretary, Deputy Assistant Secretary, asked a series of 38 questions to the UNFPA back in 2008. There is no transparency. We are not told. And we are not told what it is that the UNFPA does in China, what their teaching materials are made up of. And when asked about audits and internal reports, we were told to pack our bags. We will not tell you. These are all confidential.

So we are expected to fork over $50 million of hard-earned taxpayer dollars. And they will not even tell us what they are doing, what the teaching materials look like. And the bottom line is, what is the consequence? Broken women and dead babies.

I would finally just say to my colleagues that I hope the members will read this report. You know we are talking about dictatorship. We are talking about a U.N. agency that has aided and abetted a one-child-per-couple policy that we would never accept in the United States, that no democracy, I do not think, would allow to happen.

And yet because it is a dictatorship and the UNFPA can operate under cloak and concealment and not provide information, again there is no transparency, women are being exploited as never before.

Five hundred women per day commit suicide in China according to the World Health Organization. At my hearing, I had three women who had been forcibly aborted. And they told their horrific stories about how they were told you are out of plan. You do not have permission to carry this child to term. Therefore, you will be aborted.

Again, look at what the UNFPA does in China. They completely and totally adhere to Chinese law. They are just following orders. When did we hear that before?

I hope members will join with Ms. Ellmers. Support this legislation. Because when Mr. Berman, and I certainly respect the ranking member, we have other programs that we could provide money to for important life-saving maternal health issues and the like——

Chairman ROS-LEHTINEN. Thank you, Mr. Smith.

Mr. SMITH [continuing]. UNFPA has disqualified itself.

Chairman ROS-LEHTINEN. Thank you, Mr. Smith.

Mr. Deutch of Florida is recognized.

Mr. DEUTCH. Thank you, Madam Chair. Madam Chair, saying that the UNFPA supports the one-child policy in China does not make it so. But I would like to talk about what the UNFPA does support, what the UNFPA does to really stand up for women's rights and human rights.

And I would like to talk about two of the areas that often are not addressed. The first is the leadership role that this body has played in combating female genital mutilation. Female genital mutilation comprises all procedures that involve partial or total removal of the external female genitalia.

What does it mean to women? It is a violation of human rights, the violation of human rights of girls and women. It reflects a deep-rooted inequality between the sexes. It constitutes an extreme form of discrimination against women. It is nearly always carried out on minors. It is a violation of the rights of children.

It also violates a person's right to health security and physical integrity, the right to be free from torture, the right to be free from cruel, inhuman, degrading treatment, and the right to life when the procedure results, as it often does, in death.

There is a lot of debate that is going to take place here about China's one-child policy. This organization does not support that. My colleagues have made that clear. And the debate, I suppose, will continue.

But this organization has taken a leadership role in stopping female genital mutilation. Between 100 and 140 million women worldwide have undergone this procedure. Three million girls each year face the prospects of female genital mutilation.

Because of the work that this body does that this bill wishes to defund, because of the work that they do, 6,000 communities through Africa and the Middle East have abandoned the practice. We cannot turn our back on this important work that stands up for women's rights and helps protect women's lives.

Madam Chair, that is not the only area that unfortunately is often ignored, the work that the UNFPA does. I would also point out that this organization, this body, is likewise a leader internationally in stopping obstetric fistula. Fistula is another serious problem in the poorest countries in the world.

Again, we do not often talk about that because we get carried away in other debates. But the fact is where mothers give birth without any medical help, in many cases if a woman's labor becomes obstructed, she will endure days of painful, prolonged labor. Her baby is unlikely to survive. If the woman survives, her body is literally broken by childbirth, uncontrollably leaking bodily waste, these women are shunned by their families and communities. So many of them are young girls.

There are a lot of people in the nonprofit world who are focused on preventing fistula, which can be prevented. But it is this body that this bill seeks to defund which has taken a leadership role.

There is going to be a lot of heated debate over the course of this hearing, Madam Chair. And I appreciate it. But too often we lose sight of a lot of the good work that is done every single day by organizations that some choose to demonize. In this case, these two issues, stopping fistula, stopping female genital mutilation, are vitally important to preserving the rights of women and children around the world. This body, the UNFPA, has taken a leadership role. And for that reason, needs our continued support.

I oppose this legislation, Madam Chair. And I appreciate very much the opportunity to focus on these two issues. And I yield back.

Chairman ROS-LEHTINEN. Thank you, sir.

Ms. Schmidt is recognized for 5 minutes.

Ms. SCHMIDT. Thank you, Madam Chair.

You know I think it is our responsibility to ensure that the money that is spent from our hard-working taxpayers is done in accordance with the laws. The UNFPA refuses to supply the United States with detailed information regarding its programs and activities in China.

We have a responsibility to know how our money is being spent by organizations here and abroad. China's one-child policy breeds a culture of forced abortions and involuntary sterilization in addition to parents aborting their daughters in hopes that their sole child will be a boy. It is brutal and coercive and should in no way be assisted or enabled by U.S. tax dollars. This is the worst cruelty that can be imposed upon a woman.

By essentially ignoring the Kemp-Kasten bill, what sort of message are we sending? By funding UNFPA, which has a history of giving to organizations like Marie Stopes, an organization that partners with national population and family planning commissions of China, a message is sent that the U.S. does not take coercive abortion and other human rights violations seriously. That is

not a message I would ever want to send to our hard-working taxpayers.

Defunding UNFPA was a YouCut winner voted on by the America public. The American people understand what the current budget situation is here and sent a message to us, their elected officials, to spend their tax dollars more wisely, cautiously, and effectively.

According to a report prepared by the Norwegian Government, the UNFPA has a reserve of over $480 million in 2010, which is approximately the same amount as their regular income of 2009. In our current budget situation, we have no business supporting organizations that have the necessary cash on their own.

It is argued that this money is not going to abortions, coerced or otherwise. But we know that money is fungible. And when we cannot get an accurate accounting from the Chinese Government as to how that money is being used, then that money should be taken away.

There is an argument that the UNFPA does a lot of good things. And I agree that it does. But those can be paid for separately.

And finally, we can take our money and use it elsewhere for other programs within the U.N. and other places. And if this program is so important, then let us let other member countries stand up and fill this gap.

But, Madam Chair, it is imperative that our hard-earned taxpayer dollars from the hard-working Americans, are used appropriately, efficiently, and responsibly.

We are at a place now where we have very serious concerns about how China is using this money. We have no accountability of how China is using this money. And we need to use this money in a better way to help people not just in the United States, but around the world, because all life is precious, unborn, born, poor, elderly. And it is our responsibility as a moral nation under God to respect life in all cases and all instances.

I yield back my time.

Chairman ROS-LEHTINEN. I thank the gentlelady.

Mr. Payne is recognized for 5 minutes.

Mr. PAYNE. Thank you very much.

And let me express my strong opposition to this amendment. I would like to certainly speak in opposition to this legislation, which would eliminate funding for the United Nations Population Fund.

Last week my office hosted a meeting with a group of women's health leaders. They worked in health services from Ghana, Ethiopia, Kenya, Malawi, and Tanzania. And they were participating in a 2-week conference hosted by the Center for Development and Population Activities.

The women told devastating stories about the impact of inadequate family planning on their lives and the lives of poor and rural communities in Africa. They spoke of the devastating impact of multiple unwanted pregnancies on the health and economic livelihoods of the mothers. They spoke of the trauma of unsafe, self-induced abortions, the pain and stigma of obstetric fistulas, the terror of gender-based violence. They talked about overstretched, overburdened, rundown health system that cannot meet the basic material health needs of their communities.

And at the end of the meeting, they asked us to share their message today to those that wish to end family planning programs in Africa and the developing world. They want you to know that women of Africa want healthy babies. They want the ability to space their births. They desperately need family planning commodities in rural and poor communities.

Women do not often have a real shot at improving the quality of life for themselves. As a matter of fact, since the program has been in existence, infant mortality is down. The life expectancy in Africa is increasing because of the fact that there are spaced children. And that it is not felt that they need to have eight and ten children in order to ensure their future.

And so they asked us to increase its commitment to lifesaving family planning in the U.S. And to work for maternal health and child survival programs.

So today I ask that we take their point of view into consideration as we debate this issue. We know that our constituents also have a point of view on our foreign aid spending. And we owe it to them to be honest about where their tax dollars are going.

We have always heard about this overburdening of the taxpayers of America. But let me tell you about the truth of last year's U.S. contribution, $40 million, about one-hundredth of 1 percent of our budget. Now we know that one-hundredth of 1 percent is very important because—and twice that is two-hundredths of 1 percent of the budget.

However, I think when we talk about this cost to American taxpayers, we are really kind of overstating the situation. These programs help women to develop healthy babies, provide post-rape care and emergency obstetric care in post-conflict and disaster situations, help to the practice of female genital mutilation, prevent obstetric fistula, and prevent unsafe abortions.

The truth is that the UNFPA does not provide assistance for abortion services or abortion-related equipment and supplies as a method of family planning. I will say again UNFPA's work reduces the need for abortion and the whole question of voluntary planning.

I would also like to mention that we do hear so much about the China policy, which I totally oppose. One child, you know it is illegal to have a brother or a sister, but I always see us lavish with the Chamber of Commerce, the National Association of Manufacturers. I never hear the business people who talk about this coercive, one-child policy, people that support many folks on the other side.

So I see the inconsistency. Why don't we tell our business community why don't you raise this issue as we raise it here?

And I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you, Mr. Payne.

Ms. Buerkle is recognized for 5 minutes.

Ms. BUERKLE. Thank you, Madam Chairman. I rise in strong support of H.R. 2059.

Our country has an obligation to spend our taxpayers' dollars wisely. And I would say first of all, if this is such a good program and they are not involved in China's coercive abortion policy, then they should just supply the detailed information that they have been asked for by the State Department. Their failure to provide

what we have asked for is not transparency. And certainly leads one to believe that they are not being honest and forthright with how they are spending the money.

I think even more than that, by ignoring Kemp-Kasten, the U.S. Government sends a message to oppressive governments, that coercive abortion and other human right violations are not a big deal. We not only give a green light to abusive governments to continue to abuse their people without fear of repercussions but we also signal that we will fund organizations and support them and subsidize their programs. That is the wrong message to be sending. Those are not principles consistent with the United States of America.

I yield back my time.

Mr. SMITH. Would my friend yield?

Ms. BUERKLE. Yes.

Mr. SMITH. I thank my good friend for yielding.

And just a quick response to my good friend from New Jersey. You know I actually raised the issue of China human rights abuses and coercive population control at the New Jersey Chamber of Commerce annual event here in Washington. And I bring it up all the time.

And I also show the nexus with what population control, particularly the missing girls, 40–50 million missing girls in China today, if ever there was a crime of gender, it is sex selection abortion where a girl is targeted because she is a girl and then aborted. And in China that is so rampant.

And so I have raised it at the Chamber of Commerce as I said to my friend.

But Ms. Buerkle brings up a very, very important point about lack of transparency. I mention those 48 questions—let us see—38 questions that were posed by the Population Refugee Migration Bureau in 2008. And I would ask members to read those answers.

When asked about what Marie Stopes International, the implementing partner for UNFPA in the health area was actually doing, UNFPA responded these are internal documents. And as such are for internal use only. Audit reports are internal management tools and are of a confidential nature.

So we do not know what they are doing. They are absolutely nontransparent.

And yet they want 50 million U.S. taxpayer dollars to carry on what clearly—and let me also say if my friend will continue yielding—look at what UNFPA spokespersons, including the executive director, Dr. Sadik, former exec director, said.

He praised the one-child-per-couple policy. In 2002, Dr. Sadik got an award from the National Family Planning organization in China, the state-run organization, for their work.

I met with Peng Peiyun, the woman who ran the program for years on one of several trips to China protesting a myriad of human rights abuses in that country. She kept saying over and over and over again in that conversation the UNFPA is here. They do not see any coercion. They support what we are doing. Not only do they support it, they are trying to export it to other countries under the guise of child limitation policies. So this is a very serious problem.

I also say to my friends, yes, UNFPA may do some other things. But so do other multilateral organizations. So does USAID. Our dollars ought to go where we are not in any way complicit with these crimes against women—and that is not a smear, I say to my friend—these are crimes against women and children.

Let us not forget at the Nuremberg War Crimes Tribunal, forced abortion was called rightfully so, a crime against women. And a crime against humanity. It is no less a crime today.

And in scope, in the vastness of its implementation in China, through its laws and regulations, which the UNFPA absolutely adheres to, that was the finding by the State Department in 2008—there has been no change. They have carried the water of the Chinese Government. They live within those parameters of those laws, one child, one child only. And yet when we ask questions, they say it is confidential. We cannot tell you what we are doing.

I do believe that on behalf of the Chinese women and all those children who have been slaughtered and the Chinese women who have been so cruelly exploited, that the leaders of the UNFPA ought to be at The Hague for their complicity in these crimes. These are gross human rights abuses.

Mr. CONNOLLY. Would my colleague yield for a question?

Chairman ROS-LEHTINEN. Ms. Buerkle's time.

Ms. BUERKLE. Yes.

Chairman ROS-LEHTINEN. And it is 5 seconds.

Mr. CONNOLLY. I wonder if my friend from New Jersey would favor disinvestment of all U.S. businesses in China with the same line?

Chairman ROS-LEHTINEN. Thank you. No, Ms. Buerkle's time has expired.

Mr. Cicilline is recognized for 5 minutes.

Mr. CICILLINE. Thank you, Madam Chairman.

Mr. PAYNE. Mr. Cicilline, could I have 3 seconds?

Mr. CICILLINE. Sure.

Mr. PAYNE. All right. I would just like to tell my colleague from New Jersey that you are the exception to the rule. I have to agree that you are consistent with the Chamber of Commerce. And so I will want to have the record straight that I was not criticizing you per se because I have heard you criticize the Chamber.

I yield back.

Mr. CICILLINE. Thank you.

Madam Chairman, I rise in strong opposition to this bill. Certainly everyone is entitled to their own opinion and their own beliefs. And to have strong opinions and beliefs.

But the facts matter, particularly when we are dealing with issues of life and death. And UNFPA does not support the one-child policy of China. UNFPA does not provide abortion or abortion-related services. Those are the facts. And that matters.

In fact, what makes those assertions particularly disturbing is that UNFPA does just the opposite. One of the basic tenets of UNFPA is to promote voluntary family planning and oppose all forms of coercion, targets, or quotas. So that is not the policy that UNFPA, the one-child rule is not the policy obviously that they embrace. And, in fact, the governing principles are just the opposite.

The United States was instrumental in the creation of UNFPA in 1969. And today their work reflects our commitment as a country to saving lives, to slowing the spread of HIV and AIDS and to ending horrific practices like female genital mutilation. And most importantly, to promote the health of women and children in 151 countries around the world.

And it is based on our long-standing belief that women deserve access to quality maternal and reproductive healthcare. And what has UNFPA done? They have, in a single decade, contributed significantly to reductions in maternal death in countries all over the world. Nearly every day, 1,000 women die in pregnancy. And almost all of those are preventable if they have access to quality reproductive healthcare.

And so this bill today would eliminate those programs. It would eliminate the possibility to provide the kind of care that has saved so many lives, that has done so much to end this hideous practice of female genital mutilation, has done so much to deal with injuries of obstetric fistula, and other debilitating diseases.

And so while I know there has been a lot of discussion about the one-child rule, and obviously that is something which is an anathema to everything that we believe in as a country, that is not what this bill is about. This bill ends all funding for UNFPA, for all of the programs that are helping to reduce deaths during pregnancies and childbirth, in helping to deal with disease and the transmission of disease, and for some of the most vulnerable populations all over the world.

That is what the bill is about. There is nothing in here about China's one-child policy. In fact, it will end all of the incredibly successful and hard work of UNFPA.

So the consequences of passing this bill and the impact it will have on children and women all across the globe should cause everyone to reject this piece of legislation. There is no question that if this bill passes, it will surely result in harm to women and children by ending important and life-saving access to reproductive healthcare and family planning. We should not do that.

I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you.

And I would like all members to give me some hand signals if you wish to be recognized.

Mr. Poe is recognized for 5 minutes.

Mr. POE. Thank you, Madam Chair.

I see this legislation as a situation where the UNFPA does not want to be transparent about their records. Why is that? They have something to hide. Maybe something is taking place that we, as Americans, do not agree with.

There are other reasons why this legislation, I think, should pass. And specifically one reason is China's one-child policy, which I think is an awful disgrace to the nation of China and their government.

I will yield time to Ms. Ellmers.

Ms. ELLMERS. Thank you, Mr. Poe.

And I would just like to follow up with some of the concerns that have been raised. And I think the overwhelming piece or point, I

agree, facts do matter, to Mr. Cicilline. Facts do matter. Unfortunately, that is exactly what we do not have.

The UNFPA does not provide us with facts. And Ranking Member Berman, you had pointed out that there are falsehoods and that there is misinformation about how this money is spent. I could not agree more. And that is exactly the reason that we have put this bill forward because when the American people were asked what is the situation, what would you say about cutting back on spending, this was it.

Why? Because of the practices it supports, because of the lack of facts, because of the lack of information.

You know we have also heard about the good work that UNFPA participates in. Things like working against female mutilation. Well, my question to you is enforced abortion, mutilation is part of that. What about that point? What about some of the other organizations that help to prevent, as has been pointed out, USAID has programs against the fistula preventions.

These are all things that I think the American people are aware of. And they understand.

You know in the past—and according to a 2008 report, when funding like this has been withheld, the European Union has come forward. In the Netherlands, Sweden, Norway, Denmark, Spain, Luxembourg, Japan, UK have all come forward to help in these efforts.

Why is it on the burden of the hard-working American taxpayer that they continue to fund a program that we know so little about, that we know participates in the Chinese one-child policy. They enforce this.

Now whether or not the UNFPA says that they agree with that, money is fungible. The money gets put where it needs to go in these practices.

Now this is the issue. Regardless of where you stand on these issues, I am a woman. I am a nurse. There is nothing I believe in more than women's health.

The fact of the matter is the American people are forced to pay for a practice in other countries that we know nothing about. And that is the issue here. The American people have spoken about this. They have told us that they want an end to this wasteful spending, that they are participating in acts which are horrific.

And I applaud the concerns that have been brought forward in this debate. I understand that there are some good things that get done. But by far, the inhumanitarian efforts that are put forward in things like this that the American taxpayers are being forced to pay for outweigh any of the minimal benefits that we have seen.

Again, I say that because there are other organizations that help in these efforts. And the American taxpayer should not have to be forced to pay for this.

And I yield back my time.

Mr. CICILLINE. Would the gentlelady yield for a question?

Chairman ROS-LEHTINEN. Is it Mr. Poe's time? Mr. Poe.

Mr. POE. Yes, I'll yield.

Mr. CICILLINE. Thank you. I would ask the sponsor, she just indicated there was a lot of good things or there are some good things that UNFPA does. Would you acknowledge then that your bill

would prevent those good things from continuing? Because it eliminates funding and——

Mr. POE. I yield to Ms. Ellmers.

Ms. ELLMERS. Well, unfortunately, that is correct. And the reason that that is so significant is because of the lack of information that we have been able to obtain. Now again, I agree. That is unfortunate. However, there are other organizations that come forward in this aid. This is not the only form of funding for these needed agenda items. Thank you.

Chairman ROS-LEHTINEN. Mr. Poe?

Mr. POE. I yield to Ms. Schmidt.

Chairman ROS-LEHTINEN. Ms. Schmidt is recognized for 10 seconds.

Ms. SCHMIDT. There is some money in the account that could pay for those programs right now and it doesn't preclude other countries from funding this agency. So in answer to your question, yes, there are other ways to pay for those good programs.

Chairman ROS-LEHTINEN. Mr. Poe's time is——

Mr. POE. Expired.

Chairman ROS-LEHTINEN. Thank you, Mr. Poe. Mr. Engel is recognized for 5 minutes.

Mr. ENGEL. Thank you, Madam Chair, I appreciate it. Look, everyone who is speaking this morning is heartfelt and feels very strongly about it. I am what you would call pro-choice, but I do understand my friends on the other side of the aisle. Many who have spoken this morning are good, personal friends of mine. And I understand the heartfelt feelings that those on the other side of the aisle have expressed regarding abortion and regarding all of the things they have said.

I oppose the bill because I just don't think—this to me is like using a meat axe to get at everything because some are annoyed at some of the programs that have. I mean some of us are also annoyed at the United Nations, in general. I think it's time, frankly, to reassess a lot of U.S. contributions to the United Nations because the United Nations has not been balanced and fair in a number of instances, certainly in the Middle East and in the Israeli-Palestinian question and other questions as well. Those of us who have fought against dictatorships, whether it's in Cuba or other places, we get frustrated with the United Nations because they seem to tilt on the side of dictators and also it irks me, I'm talking about me, that the United States pays the yeoman's share of contributions to the U.N. and yet the countries of the U.N. kind of spit in our face. And it's kind of annoying.

So some of that I think is inherent in this argument. And of course, the major thing is the whole abortion issue. I think UNFPA does do good work. I think access to contraception, my personal feeling, is important for women, particularly in the Third World, and women's healthcare is critical for individual health and family wellbeing and I just think that's important.

So the UNFPA promoting voluntary family planning, it doesn't force anyone to do family planning, but it's voluntary family planning and does oppose all forms of coercion. I think it's a program that should be continued. It doesn't mean that we should keep writing blank checks. It doesn't mean that we should not monitor

it. I think some of the concerns that have been voiced on the other side are legitimate concerns and I think we need to monitor things because I don't think that the United States can keep pouring money and not have any kind of oversight. I don't think that's right either. But I think to cut off the funding to UNFPA again is like taking a meat cleaver when all we need to do is ask questions and do it in a much more general way. So I oppose the bill, but I do hope we can keep the dialogue going. And I yield back, Madam Chair.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Engel. The Chair will recognize herself just to make a note. I know that we have some members who would like to speak, but I know Mr. Connolly had indicated that he has an amendment. And I think many of the arguments that perhaps our colleagues will be making could be applicable to argue on the Connolly amendment. Unless there's an overriding need to speak at this time, perhaps we could move to the amendment process. If Mr. Connolly offers his amendment, I don't know what it is, but I'm sure our arguments will be applicable to that as well. If that is all right, then we will have several amendments. So if the clerk will—would any member like to be recognized in order to offer an amendment? Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. And then Ms. Bass and Mr. Cicilline.

Mr. CONNOLLY. I have an amendment at the desk.

Chairman ROS-LEHTINEN. The clerk will read the amendment.

Ms. CARROLL. I do not have the amendment.

Amendment to H.R. 2059 offered by Mr. Connolly of Virginia. In section 1 insert "and accept as provided in section 2" before "the Secretary of State". Add at the end of the following: Section 2. Exception. Section 1 shall not apply in the case of contributions to UNFPA to carry out activities to prevent and treat cases of obstetric fistula.

[The amendment offered by Mr. Connolly follows:]

AMENDMENT TO H.R. 2059

OFFERED BY MR. CONNOLLY

In section 1 insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 **SEC. 2. EXCEPTION.**

2 Section 1 shall not apply in the case of contributions
3 to UNFPA to carry out activities to prevent and treat
4 cases of obstetric fistula.

☒

Mr. CONNOLLY. Madam Chairman?

Chairman ROS-LEHTINEN. Mr. Connolly is recognized. Well, the Chair reserves a point of order and recognizes the author for 5 minutes to explain his amendment.

Mr. CONNOLLY. I thank the chair. And given what the author of the defunding of UNFPA indicated in terms of her continuing commitment to women's health, and then her intention wasn't to deny the legitimate activities of UNFPA with respect to that health, I would hope she could support this amendment.

This amendment addresses a very difficult subject, especially in developing countries among women called obstetric fistula. For those who haven't heard of the condition of fistula is frankly a hole. And obstetric fistula is a hole between the digestive tract and the reproductive tract. It is life endangering. It can lead to the natural abortion of a fetus and it can lead to ultimately the illness, sickness, and death of the carrying mother.

If this was a rare occurrence, I suppose some might be able to turn their head and ignore it. But it's not rare. It's estimated that more than 2 million young women live with untreated obstetric fistula in Asia and sub-Saharan Africa alone. Each year, 50,000 to 100,000 additional women are affected by obstetric fistula. How does it happen? In general, it happens because of prolonged labor without prompt medical intervention, usually a caesarian section. The risks of damage are heightened by pregnancy at too young an age, by harmful practices such as female genital mutilation and by the lack of timely access to obstetric care.

So fistulas are actually preventable. They can be prevented by expanding access to family planning, skilled birth attendance, and emergency obstetric care facilities. The risk can be reduced by things like improving girls' nutrition and conducting educational campaigns. And when you prevent obstetric fistula, you also reduce infant mortality, something I know Mr. Smith and others absolutely share a concern about since most cases of fistula end up with a stillborn baby.

Now only is obstetric fistula preventable, Madam Chairman, it's treatable. Fistula can be completely repaired up to 90 percent of the time if survivors have access to a trained surgeon at a hospital providing fistula repair. The average cost of such treatment and post-operative care is about $300 in these countries. Sadly, most women with the condition do not know that treatment is available or they can't afford it.

UNFPA is one of the world's leaders in addressing this problem. In 2003, UNFPA and its partners launched a global campaign to end fistula with the goal of making obstetric fistula as rare in developing countries as it is here in the industrialized world.

My amendment is simple. If the money is used to prevent or treat obstetric fistula, we would provide that exemption for the overall ban on funding of UNFPA and I would yield to the distinguished ranking member.

Mr. BERMAN. I could not have said it better myself. Between you and Mr. Deutch, you've made a compelling case.

Mr. CONNOLLY. I thank the gentleman and yield back, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you. Thank you, sir. The Chair yields herself 5 minutes. And certainly the services in Mr. Connolly's amendment, they are noble goals, but the amendment presumes that whatever good activities the UNFPA conducts will cease unless it receives our U.S. taxpayer dollars. And that's simply not true. And I'm sure that we will have a series of amendments, not just on fistula, but there will be a series on other services that UNFPA provides, and they will use these services as cover to continue their practice.

Given recent reports that UNFPA may be sitting on $500 million in unspent reserves, it appears unlikely that they will run out of this money and probably will be able to resume their activities with whatever money they have still to spend.

And further, UNFPA's noble goals are tainted by the fact that they are listed in this amendment and in many amendments to come for no other reason than to justify funding an organization that supports and participates in the management of China's unthinkable, brutal, one-child policy, a policy in which women are snatched out of their homes, forced into a clinic, and held down while their baby is killed and extracted from their bodies, all while UNFPA likely provides financial support to the agency responsible for these terrible abuses. Instead of boldly speaking out against the one-child policy at every opportunity, UNFPA gives cover to the Chinese Government. Regardless of what UNFPA claims, UNFPA does not enforce, monitor, or certify that UNFPA funds are not going to forced sterilization and coerced abortion. UNFPA does not

hold recipient governments accountable and it refuses to share their records.

Remember, fistulas on one continent simply cannot offset participation in the most draconian population control program on the globe. Fortunately, USAID already has a program for fistula prevention and repair, and the millions of dollars currently going to UNFPA could more transparently and effectively be directed through our bilateral assistance programs.

One day fistula will be eradicated worldwide and when that day comes, I hope that we will be proud that the scourge of fistula was eliminated without using the suffering of women in Africa and other parts of the world to justify and mask the unthinkable suffering of women who are subjected to forced abortions in China.

I'd like to yield my remaining time and then he will get his own time to Mr. Smith.

Mr. SMITH. Thank you very much, Madam Chair. I rise in opposition to the amendment and associate myself with the remarks of the gentlelady, the chair of the committee.

In the late 1990s, I began an effort after being made aware of obstetric fistula by Dr. Wali from Modern Care to get a program that would combat fistula. I asked the Clinton administration, I asked the Bush administration. I finally got legislation passed as an amendment in my bill, H.R. 2601 that established a fistula program. The gentlelady from Florida was the chief cosponsor. It passed the House, failed in the Senate.

I then talked to Kent Hill who was then the head of Health for USAID and said we've passed a program to combat obstetric fistula, will you do it administratively? You have the authority, just do it. He did it.

We now have a USAID fistula program that has spent over $70 million. It has repaired 20,000 women, mostly in Africa, and it has a preventive capacity to it as well as repair capacity. And 30 USAID-supported fistula repair centers operate in 11 countries. We have built a capacity. UNFPA does some things on fistula, does some things on other things that some might think are important, but frankly, the massive crime of forced abortion should not be overlooked and somehow put under the table because somehow they're doing something else somewhere else.

We have a fistula program. I started it. And I believe deeply along with the gentlelady from Florida who was the co-author of that legislation, that that's the way to go. If UNFPA was stealing money, would anybody here on either side of the aisle say oh, let's look askance with regards to their huge thefts and we would find another NGO, another regional body to give our money to. In this case, we're doing it on fistula.

Chairman ROS-LEHTINEN. Thank you. Mr. Fortenberry is recognized for 5 minutes.

Mr. FORTENBERRY. Well, Madam Chair, I simply want to concur with what you said. You most capably and aptly and frankly beautifully laid out the case that we do not have to be complicit with this agency as they are complicit in China's one-child barbaric policy, but at the same time we have a certain level of responsibility to the international community. And as Mr. Smith just stated, we can use our own funds and direct them in a way toward the essen-

tial and important goal of helping the victims of this fistula difficulty as well as other programs out there that will again be targeted to the poorest and marginalized, particularly women who are hurting and in need. But to simply say that the conduit has to be the United Nations Population Fund I think is a point of disagreement here. There are many people who would be deeply troubled after learning about this hearing as to what's been said and I think it's appropriate to remove taxpayer dollars from that organization, but continue to look for creative ways, as Mr. Smith has done through his extraordinary leadership to help the world's most vulnerable. With that, I'll yield.

Chairman ROS-LEHTINEN. Thank you, sir. Mr. Payne is recognized for 5 minutes.

Oh, I'm sorry, thank you. Do any of the members seek recognition on the Connolly amendment? And if not, the Chair withdraws the point of order and, hearing no further requests for recognition, the question occurs on the Connolly amendment that is before you.

All those in favor say aye.

[Ayes.]

All opposed, no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it and the amendment is not agreed to.

Mr. CONNOLLY. Madam Chairman?

Chairman ROS-LEHTINEN. Yes, Mr. Connolly?

Mr. CONNOLLY. Respectfully, I would ask for a recorded vote on that.

Chairman ROS-LEHTINEN. A recorded vote has been requested and the clerk will call the roll.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no. Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no. Mr. Burton.

Mr. BURTON. No.

Ms. CARROLL. Mr. Burton votes no. Mr. Gallegly. Mr. Rohrabacher. Mr. Manzullo. Mr. Royce. Mr. Chabot.

Mr. CHABOT. No.

Ms. CARROLL. Mr. Chabot votes no. Mr. Paul. Mr. Pence.

Mr. PENCE. No.

Ms. CARROLL. Mr. Pence votes no. Mr. Wilson. Mr. Mack.

Mr. MACK. No.

Ms. CARROLL. Mr. Mack votes no. Mr. Fortenberry.

Mr. FORTENBERRY. No.

Ms. CARROLL. Mr. Fortenberry votes no. Mr. McCaul.

Mr. MCCAUL. No.

Ms. CARROLL. Mr. McCaul votes no. Mr. Poe. Mr. Bilirakis.

Mr. Bilirakis. No.

Ms. CARROLL. Mr. Bilirakis votes no. Ms. Schmidt.

Ms. SCHMIDT. No.

Ms. CARROLL. Ms. Schmidt votes no. Mr. Johnson. Mr. Rivera.

Mr. RIVERA. No.

Ms. CARROLL. Mr. Rivera votes no. Mr. Kelly.

Mr. KELLY. No.

Ms. CARROLL. Mr. Kelly votes no. Mr. Griffin. Mr. Marino.
Mr. MARINO. No.
Ms. CARROLL. Mr. Marino votes no. Mr. Duncan. Ms. Buerkle.
Ms. BUERKLE. No.
Ms. CARROLL. Ms. Buerkle votes no. Ms. Ellmers.
Ms. ELLMERS. No.
Ms. CARROLL. Ms. Ellmers votes no. Mr. Turner.
Mr. TURNER. No.
Ms. CARROLL. Mr. Turner votes no. Mr. Berman.
Mr. BERMAN. Aye.
Ms. CARROLL. Mr. Berman votes aye. Mr. Ackerman. Mr. Faleomavaega. Mr. Payne.
Mr. PAYNE. Aye.
Ms. CARROLL. Mr. Payne votes aye. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye. Mr. Engel.
Mr. ENGEL. Aye.
Ms. CARROLL. Mr. Engel votes aye. Mr. Meeks. Mr. Carnahan.
Mr. CARNAHAN. Aye.
Ms. CARROLL. Mr. Carnahan votes aye. Mr. Sires. Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Ms. CARROLL. Mr. Deutch.
Mr. DEUTCH. Aye.
Ms. CARROLL. Mr. Deutch votes aye. Mr. Cardoza. Mr. Chandler.
Mr. CHANDLER. Aye.
Ms. CARROLL. Mr. Chandler votes aye. Mr. Higgins. Ms. Schwartz.
Mr. ROYCE. No.
Ms. CARROLL. Mr. Royce votes no. I haven't finished the roll yet.
Chairman ROS-LEHTINEN. If we will allow the clerk to finish the roll and then we will ask if all members have been recorded.
Ms. CARROLL. Ms. Schwartz. Mr. Murphy. Ms. Wilson. Ms. Bass.
Ms. BASS. Aye.
Ms. CARROLL. Ms. Bass votes aye. Mr. Keating.
Mr. KEATING. Aye.
Ms. CARROLL. Mr. Keating votes aye. Mr. Cicilline.
Mr. CICILLINE. Aye.
Ms. CARROLL. Mr. Cicilline votes aye.
Chairman ROS-LEHTINEN. Have all members been recorded?
Ms. CARROLL. Mr. Manzullo, you are not recorded.
Mr. MANZULLO. No.
Ms. CARROLL. Mr. Manzullo votes no. Mr. Griffin.
Mr. GRIFFIN. No.
Ms. CARROLL. Mr. Griffin votes no. Mr. Rohrabacher.
Mr. ROHRABACHER. No.
Ms. CARROLL. Mr. Rohrabacher votes no. Mr. Royce, you are recorded as voting no.
Chairman ROS-LEHTINEN. Have all members been recorded?
Ms. CARROLL. Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye. Mr. Gallegly.
Mr. GALLEGLY. No.
Ms. CARROLL. Mr. Gallegly votes no.

Chairman ROS-LEHTINEN. The clerk will report the vote.

Ms. CARROLL. Madam Chairman, on that vote there are 12 ayes and 21 noes.

Chairman ROS-LEHTINEN. The noes have it and the question is not agreed to. Are there further amendments on this bill? Ms. Bass has an amendment. The clerk will report the amendment.

Ms. CARROLL. Amendment to H.R. 2059 offered by Ms. Bass. In section 1 insert "and accept as provided in section 2" before "the Secretary of State". Add at the end of the following: Section 2. Exception. Section 1 shall not apply in the case of contributions to UNFPA to carry out activities to reestablish reproductive and maternal health services in areas where medical infrastructure and such services have been destroyed by natural disasters.

[The amendment offered by Ms. Bass follows:]

AMENDMENT TO H.R. 2059

OFFERED BY MS. BASS

In section 1 insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 **SEC. 2. EXCEPTION.**

2 Section 1 shall not apply in the case of contributions
3 to UNFPA to carry out activities to reestablish reproduc-
4 tive and maternal health services in areas where medical
5 infrastructure and such services have been destroyed by
6 natural disasters.

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Chairman ROS-LEHTINEN. Ms. Bass is recognized to explain her amendment.

Ms. BASS. Madam Chair, this amendment will allow the United States to continue working with the Population Fund in disaster areas to help reestablish maternal health services. The amendment would continue funding again for critical health services after a natural disaster. For example, after the tsumani in '05, the Population Fund moved rapidly to protect maternal and reproductive health and to ensure the security, hygiene and dignity of women and girls throughout Indonesia, Sri Lanka and Thailand. In Indo-

nesia, for example, the Fund continues to provide hygiene kits, medicines, and medical equipment.

In the aftermath of the Haiti earthquake in 2010, the Fund worked closely with clinics on the ground to assist pregnant women who were struggling to stay alive and deliver healthy babies.

My amendment aims to protect women's reproductive health after a natural disaster strikes. I urge my colleagues to support my amendment. I yield the balance of my time.

Chairman ROS-LEHTINEN. Thank you very much for your brevity, Ms. Bass. It is so greatly appreciated. Do other members seek recognition on this amendment? Mr. Chabot is recognized for 5 minutes.

Mr. CHABOT. Thank you, Madam Chair. I want to thank the gentlelady, first of all, from North Carolina, Ms. Ellmers for offering her excellent legislation. I can't think of a better way to save $50 million in American taxpayer dollars than by prohibiting funding the United Nations Population Fund. As my colleagues know, the U.S. for quite some time withheld funding the UNFPA, a leading proponent of China's unconscionable one-child policy. That changed in 2009 when President Obama reinstated funding to the UNFPA. Since then, the taxpayers of the United States, a majority of whom oppose taxpayer-funded abortion have unwillingly allocated $145 million for this abusive policy.

I would like to again thank my colleague from North Carolina, Ms. Ellmers, for offering her thoughtful legislation. We talk a lot about human rights around here. This legislation is all about human rights. The fundamental right to life, I wholeheartedly support it. I urge my colleagues to do the same. And I would ask the gentlelady from North Carolina, would she like to speak to this amendment or her amendment specifically?

Ms. ELLMERS. Yes. And thank you, Mr. Chabot. There again, wonderful intention to continue funding especially in those countries that are faced with those natural disasters as our own country has been faced with, but there again, we are faced with a situation where all too often, the taxpayer dollars are not being spent wisely because we don't know what is being—what is taking place. And although again, as the chairman has pointed out, there are many situations which I think we all support on a humanitarian level.

The fact that there is such lack of transparency in this program that why should the American people continue to pay for it, especially when there are other sources of funding that are available. And as the chairman has pointed out, $500 million of surplus that can be used for these actually needed efforts.

I agree. There are many—it tugs at our heartstrings whenever we hear these issues, but the overall riding issue is the abuses that are taking place. And this is what the American people are calling out to us as elected officials to take care of and to recognize. And to stop the continued funding of their taxpayer funds. So thank you.

Again, to the gentlelady, I am in disagreement with your amendment, although I know your intentions are more than honorable. I yield back.

Mr. CHABOT. Reclaiming my time. And having had the opportunity to interact with the gentlelady from California, the former

Speaker of the House, I would agree that her intentions are honorable. Nonetheless, I have to oppose the amendment and I yield back.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Chabot. I would like to yield 5 minutes to Mr. Berman who will speak in favor of the amendment and then I will recognize him for unanimous consent request to make it easier for our members in terms of voting.

Mr. Berman is recognized.

Mr. BERMAN. Thank you very much, Madam Chairman. And I support this amendment very strongly. But I'd like to engage Ms. Ellmers, the sponsor of the legislation. And here, I'm quite serious in trying to understand particularly given your last comments, what our differences are.

I think there's a general consensus that China and areas of China forced abortion, coercive population control, one-child policy are going on and are odious to us and constitute violations of fundamental human rights.

You've acknowledged that UNFPA does many good things that have nothing to do with that. But there's been a general allegation that the UNFPA supports those practices as opposed to the services we think of. I've not heard—I've heard vivid descriptions of the outrage of China's practices, but I haven't heard UNFPA. But you just referenced that part of this problem isn't so much we have specific evidence of what UNFPA has done as there is a lack of transparency, so if they're operating in a country where these odious things are going on, we should cut off the funding.

I'm wondering if you could share with us what is the information that you seek that you're not able to get. What is the—give me some detail the problem with the transparency. I say this honestly because I think——

Mr. ENGEL. Would my friend yield?

Mr. BERMAN. I asked Ms. Ellmers, but whoever.

Ms. ELLMERS. Would the gentleman yield?

Mr. BERMAN. Yes.

Ms. ELLMERS. Yes, well, you have pointed out some fine points. In fact, you've outlined in your opening comments the lack of information, the misinformation that is out there and this is exactly the point. And I would reiterate to you again that this was the winning you cut proposal that the American people—please, if I could just maintain my——

Mr. BERMAN. No, let me just reclaim my time, it is my time. I want to understand what is the information. No one has told me about something UNFPA has done that constitutes a coercive family planning practice, a forced abortion or one child—no one has made such an assertion. What they have said is they're operating in a country where that is going on and then you have added and we don't know what they're doing there. There's a lack of transparency. And I'm trying to find out what is it that you're—what have you tried to get that you haven't been able to get?

Ms. ELLMERS. Well, let me outline to you, John Negroponte, then Deputy Secretary of State, June 26, 2008, State Department determination denying U.S. funds to the UNFPA that—and I quote—"all UNFPA programming related to contraceptive and reproductive

health incorporates and defers to Chinese law and regulation." This is the Chinese law that is in place for the one-child policy and the UNFPA adheres to that. The national law and the provincial regulations are a framework for Chinese coercive birth policy.

Mr. BERMAN. What is UNFPA—reclaiming my time—what do they do? My guess is American companies, American tourists, comply with all kinds of Chinese laws. What does the agency and its people do in China that holds them culpable for the odious and outrageous practices of the Chinese Government? That's what I'm trying to get my hands on.

Ms. ELLMERS. I will once again point out, one, the lack of transparency, but I would like to further that with a statement from Sven Burmenester in 1999, a UNFPA representative talking about the Chinese population control programs. His quote was, "China has had the most successful family planning policy in the history of mankind in terms of quantity and with that China has done mankind a favor."

Chairman ROS-LEHTINEN. The gentleman's time has expired. I just want to say we were going to entertain unanimous consent to roll the votes because it seemed to be easier for our members, but apparently we want to keep on voting so I will continue to recognize members who wish to speak on the amendment that is before us. And then we still have Mr. Payne's two amendments. We have a Cicilline amendment, and we have a Keating amendment, and a Murphy amendment.

Mr. Smith is recognized.

Mr. SMITH. First of all, let me say to the sponsor, I deeply respect her and thank her for her good work. The other day when we were at the White House, I thought it was excellent that she was working on foster care. But let me just say as well, that I was in Banda Aceh. I was in Sri Lanka. And also visited Phuket after the horrific tsunami in 2005 as you pointed out.

UNFPA is not the only player in town. There are large numbers of NGOs, large numbers of private volunteer organizations, government health departments and the like, all who have capacity, who provide much needed and often compete for very scarce dollars for virtually every program that we provide.

We always have more people asking for money than those that we are able to fund. UNFPA, we argue, disqualifies itself pursuant to the Kemp-Kasten law that says very simply that any organization that support or co-manages a coercive population control program is precluded funding. It is to say that all family planning absolutely bright lined in the sand must be voluntary and also we would hope would be not abortive because abortion is not family planning. It takes the life of a baby, as Planned Parenthood itself admitted in the '60s after that child's life has begun.

So money that doesn't go to the UNFPA is reprogrammed for maternal healthcare or some other program somewhere else. It's not like the money is lost somehow in the system. And in the past, we have had amendments that suggested that it ought to go to this program or that program in order to ensure that vital programs like fistula repair are funded.

UNFPA, though, as Sven Burmenester, as Ms. Ellmers has just mentioned a moment ago, they have been saying China is the

model. They're not saying don't coerce, don't exploit women. They're saying China is the model.

I have met about 100 women, both in China and at all of those hearings that I've held including the one just a couple of weeks ago, three of whom were forcibly aborted and you hear them tell how the government so aggressively coerces. It starts with economic disincentives, fines and penalties, and if the woman persists, she is literally dragged in.

There has been no record of UNFPA saying publicly or privately, they don't tell us what they do privately, that they have tried to stop this. Instead, they say to all-comers, they whitewash these crimes, frankly. They say to everybody who is a critic that this is the program that needs to be emulated.

God forbid that we have a one-child-per-couple policy, and I will yield, all over the world, because—and you look at what just recently at a summit in Cancun. Ted Turner said we need a world, including the United States, with a one-child-per-couple policy. That means brothers and sisters are illegal. In dictatorships, it will be very easy, obviously, it would be a lot harder to get that implemented in a democracy like the United States or many of European friends.

We've asked—the administration previously—PRM asked does UNFPA training include explicit prohibitions against using coercive measures? No answer. They were asked exactly what is Marie Stopes International, the health implementing partner doing? They were told in this Q&A that that is confidential. We can't tell you.

So we see all of this support for the Chinese family planning program. We see awards going to the executive director of the UNFPA from the China State Family Planning Organization. It's not rocket science to say they are complicit. They are supporting it. And as I said before, the woman who ran it, Pong Peyun. I got a rare meeting with her when I was in Beijing. She kept telling me how the UNFPA is here, on the ground, and sees no evidence of coercion.

Please, if you believe that, I'll sell you the Brooklyn Bridge. It is horrific. Take the time to know what's going on on the ground. It's all about defending women. They can't fight against—look at Chen Guangcheng, the blind activist lawyer who is under house arrest along with his wife, has been beaten to a pulp repeatedly by Chinese secret police, went to prison and what was his crime? Defending women in Liaoning province who were being forcibly aborted. And they absolutely threw the book at this man.

And then we want to give money to an organization that is also on the ground like Chen Guangcheng who are saying this is what not only what China should continue doing, but also what the rest of the world needs to emulate. And believe me, in Africa and elsewhere, the lessons learned, negative lessons at that, are being promoted all over Africa. Child limitation is the means to an end and of course in dicatorships it absolutely includes coercion just like in China.

Chairman ROS-LEHTINEN. Thank you. Do other members seek recognition on the amendment?

If not, the question occurs on the amendment. All those in favor, say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All those opposed, no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair the noes have it. And the amendment is not agreed to.

Ms. Bass requests a roll call vote and the clerk will call the roll. This is on the Bass amendment.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no. Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no. Mr. Burton.

Mr. BURTON. No.

Ms. CARROLL. Mr. Burton votes no. Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no. Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no. Mr. Manzullo.

Mr. MANZULLO. No.

Ms. CARROLL. Mr. Manzullo votes no. Mr. Royce.

Mr. ROYCE. No.

Ms. CARROLL. Mr. Royce votes no. Mr. Chabot.

Mr. CHABOT. No.

Ms. CARROLL. Mr. Chabot votes no. Mr. Paul. Mr. Pence.

Mr. PENCE. No.

Ms. CARROLL. Mr. Pence votes no. Mr. Wilson.

Mr. WILSON OF SOUTH CAROLINA. No.

Ms. CARROLL. Mr. Wilson votes no. Mr. Mack.

Mr. MACK. No.

Ms. CARROLL. Mr. Mack votes no. Mr. Fortenberry. Mr. McCall. Mr. Poe. Mr. Bilirakis.

Mr. Bilirakis. No.

Ms. CARROLL. Mr. Bilirakis votes no. Ms. Schmidt.

Ms. SCHMIDT. No.

Ms. CARROLL. Ms. Schmidt votes no. Mr. Johnson. Mr. Rivera.

Mr. RIVERA. No.

Ms. CARROLL. Mr. Rivera votes no. Mr. Kelly.

Mr. KELLY. No.

Ms. CARROLL. Mr. Kelly votes no. Mr. Griffin.

Mr. GRIFFIN. No.

Ms. CARROLL. Mr. Griffin votes no. Mr. Marino.

Mr. MARINO. No.

Ms. CARROLL. Mr. Duncan.

Mr. DUNCAN. No.

Ms. CARROLL. Mr. Duncan votes no. Ms. Buerkle.

Ms. BUERKLE. No.

Ms. CARROLL. Ms. Buerkle votes no. Ms. Ellmers.

Ms. ELLMERS. No.

Ms. CARROLL. Ms. Ellmers votes no. Mr. Turner.

Mr. Berman.

Mr. BERMAN. Aye.

Ms. CARROLL. Mr. Berman votes aye. Mr. Ackerman.

Mr. ACKERMAN. Aye.

Ms. CARROLL. Mr. Ackerman votes aye. Mr. Faleomavaega. Mr. Payne.

Mr. PAYNE. Aye.

Ms. CARROLL. Mr. Payne votes aye. Mr. Sherman.

Mr. SHERMAN. Aye.

Ms. CARROLL. Mr. Sherman votes aye. Mr. Engel.

Mr. ENGEL. Aye.

Ms. CARROLL. Mr. Engel votes aye. Mr. Meeks. Mr. Carnahan.

Mr. CARNAHAN. Aye.

Ms. CARROLL. Mr. Carnahan votes aye. Mr. Sires. Mr. Connolly.

Mr. CONNOLLY. Aye.

Ms. CARROLL. Mr. Connolly votes aye. Mr. Deutch.

Mr. DEUTCH. Aye.

Ms. CARROLL. Mr. Deutch votes aye. Mr. Cardoza. Mr. Chandler.

Mr. CHANDLER. Aye.

Ms. CARROLL. Mr. Chandler votes aye. Mr. Higgins. Ms. Schwartz. Mr. Murphy.

Mr. MURPHY. Aye.

Ms. CARROLL. Mr. Murphy votes aye. Ms. Wilson. Ms. Bass.

Ms. BASS. Aye.

Ms. CARROLL. Ms. Bass votes aye. Ms. Keating.

Mr. KEATING. Aye.

Ms. CARROLL. Mr. Keating votes aye. Mr. Cicilline.

Mr. CICILLINE. Aye.

Ms. CARROLL. Mr. Cicilline votes aye.

Chairman ROS-LEHTINEN. Have all members been recorded?

Ms. CARROLL. Mr. Poe.

Mr. POE. No.

Ms. CARROLL. Mr. Poe votes no. Mr. Fortenberry.

Mr. FORTENBERRY. No.

Ms. CARROLL. Mr. Fortenberry votes no.

Chairman ROS-LEHTINEN. If the clerk will report the vote.

Ms. CARROLL. Madam Chairman on that vote there are 13 ayes, and 21 noes.

Chairman ROS-LEHTINEN. The noes have it and the question is not agreed to. Mr. Payne is recognized to explain his two amendments to offer.

Mr. PAYNE. Thank you, Madam Chair, Amendment 647, it's at the desk and while they are distributing it, I'll move on for the benefit of the time, Madam Chair. This amendment that I introduce with Mr. Keating grants the President authorization to support UNFPA in their work to promote the access of woman, unaccompanied minors, and other vulnerable people to vital services including access to water, sanitation facilities, food and healthcare as well as support services to prevent and respond to gender-based violence and emergency in conflict situations.

As you know, UNFPA is a critical player in emergencies whether it's armed conflict, famine or natural disaster. Some 60 million people are currently internally displaced and lack basic human necessities. Most vulnerable in this population, of course, are women and children and they account for over 75 percent of this displaced people in conflict zones. More women die from childbirth complications, preventable diseases and malnutrition than from the actual violence that is occurring on the field.

Failing to target and treat these women as consequences beyond the individual often threatens the child. More than 15 of all pregnancies have complications requiring emergency obstetric care during delivery. However, in times of crisis, obstetric care is often overlooked, increasing child mortality and vulnerability to HIV.

The last two decades, the number of natural disasters has quadrupled and the number of people affected by these disasters has increased by 76 million. Over the last decade an additional 100 people per hour have become displaced through the conflicts. Now is not the time to reduce the support we provide to the most vulnerable among us. In emergency situations UNFPA is on the front line saving lives of men, women, and children, newborns, and that is why I urge you support this amendment, and Madam Chair, I yield back the balance of my time.

[The amendment offered by Mr. Payne and Mr. Keating follows:]

AMENDMENT TO H.R. 2059

OFFERED BY MR. Payne and Mr. Keating

In section 1 insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 **SEC. 2. EXCEPTION.**

2 Section 1 shall not apply in the case of contributions
3 to UNFPA to carry out activities to promote the access
4 of women, unaccompanied minors, and other vulnerable
5 people to vital services, including access to water, sanita-
6 tion facilities, food, and health care, as well as support
7 services to prevent and respond to gender-based violence,
8 in emergency and conflict situations.

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Chairman ROS-LEHTINEN. Thank you, Mr. Payne. Hearing no other members requesting recognition, the question occurs on the amendment. All those in favor say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All opposed, no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it and the amendment is not agreed to.

Mr. PAYNE. Madam Chair, may I have a recorded vote?

Chairman ROS-LEHTINEN. And the clerk will call the roll.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no. Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no. Mr. Burton.

Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no. Mr. Rohrabacher. Mr. Manzullo.

Mr. MANZULLO. No.

Ms. CARROLL. Mr. Manzullo votes no. Mr. Royce.

Mr. ROYCE. No.

Ms. CARROLL. Mr. Royce votes no. Mr. Chabot.

Mr. Paul. Mr. Pence.

Mr. PENCE. No.

Ms. CARROLL. Mr. Pence votes no. Mr. Wilson.

Mr. WILSON OF SOUTH CAROLINA. No.

Ms. CARROLL. Mr. Wilson votes no. Mr. Mack.

Mr. MACK. No.

Ms. CARROLL. Mr. Mack votes no. Mr. Fortenberry.

Mr. FORTENBERRY. No.

Ms. CARROLL. Mr. Fortenberry votes no. Mr. McCaul.

Mr. Poe. Mr. Bilirakis.

Mr. Bilirakis. No.

Ms. CARROLL. Mr. Bilirakis votes no. Ms. Schmidt.

Ms. SCHMIDT. No.

Ms. CARROLL. Ms. Schmidt votes no. Mr. Johnson.

Mr. JOHNSON. No.

Ms. CARROLL. Mr. Johnson votes no. Mr. Rivera.

Mr. RIVERA. No.

Ms. CARROLL. Mr. Rivera votes no. Mr. Kelly.

Mr. KELLY. No.

Ms. CARROLL. Mr. Kelly votes no. Mr. Griffin.

Mr. GRIFFIN. No.

Ms. CARROLL. Mr. Griffin votes no. Mr. Duncan.

Mr. DUNCAN. No.

Ms. CARROLL. Mr. Duncan votes no. Ms. Buerkle.

Ms. BUERKLE. No.

Ms. CARROLL. Ms. Buerkle votes no. Ms. Ellmers.

Ms. ELLMERS. No.

Ms. CARROLL. Ms. Ellmers votes no. Mr. Turner.

Mr. Berman.

Mr. BERMAN. Aye.

Ms. CARROLL. Mr. Berman votes aye. Mr. Ackerman.

Mr. ACKERMAN. Aye.

Ms. CARROLL. Mr. Ackerman votes aye. Mr. Faleomavaega. Mr. Payne.

Mr. PAYNE. Aye.

Ms. CARROLL. Mr. Payne votes aye. Mr. Sherman.

Mr. SHERMAN. Aye.

Ms. CARROLL. Mr. Sherman votes aye. Mr. Engel.

Mr. ENGEL. Aye.

Ms. CARROLL. Mr. Engel votes aye. Mr. Meeks. Mr. Carnahan.

Mr. CARNAHAN. Aye.

Ms. CARROLL. Mr. Carnahan votes aye. Mr. Sires. Mr. Connolly.

Mr. CONNOLLY. Aye.

Ms. CARROLL. Mr. Connolly votes aye. Mr. Deutch. Mr. Cardoza. Mr. Chandler.

Mr. CHANDLER. Aye.

Ms. CARROLL. Mr. Chandler votes aye. Mr. Higgins. Ms. Schwartz. Mr. Murphy.

Mr. MURPHY. Aye.

Ms. CARROLL. Mr. Murphy votes aye. Ms. Wilson. Ms. Bass.

Ms. BASS. Aye.

Ms. CARROLL. Ms. Bass votes aye. Ms. Keating.

Mr. KEATING. Aye.

Ms. CARROLL. Mr. Keating votes aye. Mr. Cicilline.

Mr. CICILLINE. Aye.

Ms. CARROLL. Mr. Cicilline votes aye. Mr. Poe.

Mr. POE. No.

Ms. CARROLL. Mr. Poe votes no. Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no.

Ms. CARROLL. Mr. Turner.

Mr. TURNER. No.

Ms. CARROLL. Mr. Turner votes no. Mr. Chabot.

Mr. CHABOT. No.

Ms. CARROLL. Mr. Chabot votes no.

Chairman ROS-LEHTINEN. Mr. Deutch?

Mr. DEUTCH. Aye.

Ms. CARROLL. Mr. Deutch votes aye.

Chairman ROS-LEHTINEN. Have all members been recorded? The clerk will report the vote.

Ms. CARROLL. Madam Chair, on that vote, there are 13 ayes and 23 noes.

Chairman ROS-LEHTINEN. The noes have it. The question is not agreed to. Mr. Payne is recognized for his next amendment.

Mr. PAYNE. I have an amendment at the desk, Amendment 658.

Chairman ROS-LEHTINEN. The clerk will report the amendment.

Ms. CARROLL. Amendment to H.R. 2059 offered by Mr. Payne. In section 1, insert "and except as provided in section 2" before "the Secretary of State". Add at the end of the following: Section 2. Exception. Section 1 shall not apply in the case of contributions to UNFPA to carry out activities in the Democratic Republic of Congo.

[The amendment offered by Mr. Payne follows:]

AMENDMENT TO H.R. 2059

OFFERED BY MR. PAYNE

In section 1, insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 **SEC. 2. EXCEPTION.**

2 Section 1 shall not apply in the case of contributions
3 to UNFPA to carry out activities in the Democratic Re-
4 public of Congo.

☒

Chairman ROS-LEHTINEN. We will wait 1 second until the members have the amendment, and then I will recognize Mr. Payne. Mr. Payne is recognized.

Mr. PAYNE. Thank you very much, Madam Chair. My amendment, as has been indicated, grants the President authorization to support UNFPA's activities in the Democratic Republic of Congo. The infant mortality rate in the DRC is 78.43 deaths per 1,000 live births, which of course makes the DRC one of the highest incidences of infant mortality in the world.

The UNFPA is on the ground in the DRC, combating this in a number of ways, and working to make motherhood safer. Ensuring there is a skilled birth attendant and access to emergency obstetric care are some of the simple solutions UNFPA employs to prevent the complications from becoming debilitating and life-threatening.

In the DRC, half of all women will have a child by the age of 19. A child bride faces greater health risks and experiences real physical violations and trauma as her young body is forced to deal with early sexual activity and the strain of pregnancy and childbirth.

The UNFPA is working across the DRC to educate people about how delaying childbirth for even 5 years would have immense health benefits to women. In this war-torn country, rape and sexual violence plague the population. The U.N. has declared DRC to be the rape capital of the world.

I recently returned, about a month or so ago, from three camps where rape victims live, in the hardship that they lived with, and their children. It was just heart-wrenching. UNFPA has been aid-

ing survivors of sexual violence throughout the country for many years, by providing everything from medical care to legal assistance.

UNFPA has also trained thousands of troops in the armed forces, and from the U.N., on how to deal with and assist rape victims. UNFPA has entered refugee camps, including Camp Kibaki, to provide condoms, STD test kits, as well as treatment for STDs. It also provides kits for rape victims, and clean delivery kits.

UNFPA is on the front lines fighting for human rights. I ask that you please support the UNFPA's work in the DRC by voting yes for this amendment. I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you. Do any members seek recognition on this amendment? Seeing no requests for recognition, the question occurs—yes. Mr. Ackerman is recognized for 5 minutes.

Mr. ACKERMAN. I would just like to ask Mr. Payne a question. Does any of this money go to abortions?

Mr. PAYNE. Absolutely not.

Mr. ACKERMAN. Could somebody explain, if none of this money is going for abortions, and it is going for only those good purposes that Mr. Payne outlined, why would somebody object to this amendment?

Ms. ELLMERS. Will the gentleman yield?

Mr. ACKERMAN. I would be delighted.

Ms. ELLMERS. And again, a very good question, and one that I think has been reiterated over, and over, and over again today. You know, good things in one part of the world do not offset human rights abuses in another. If the UNFPA truly does care——

Mr. ACKERMAN. But this is only for that part of the world, as I——

Ms. ELLMERS. Again, and this goes to Mr. Payne's actual amendment, about human rights and the UNFPA supporting human rights efforts. If they truly do believe this, and they truly do believe in the rights of women and families, children, then they will start by pulling their assistance to the Chinese population control agencies——

Mr. ACKERMAN. But I can't——

Ms. ELLMERS [continuing]. And stop the strong——

Mr. ACKERMAN. I take it your argument goes to fungibility?

Ms. ELLMERS. Absolutely, sir.

Mr. CONNOLLY. Would my good friend yield?

Mr. ACKERMAN. I have a hard time reconciling how we apply standards here, and I understand all of the sensitivities of the issue. But if there were—let me first just state that I am a very strong believer in separation of church and state. Nonetheless, like a lot of us, I support providing funds for certain religious institutions, so that they can use it for transportation or general education, within church schools or church supported schools, despite the fact that money might be fungible, so that we can provide general services for the good things they do.

Nobody makes the case that because a particular church or religion may have some people running amok and abusing children, that until that policy stops we shouldn't be doing the good things

that that church, or institution, or religion might be doing, because that money is fungible. How do we reconcile that?

I know that it is not an official policy of the church, but certainly cover-ups some people consider an official policy. And we know that everybody on both sides decries those abuses, if indeed they do take place, but why do we not cut off those funds until that organization, I think you said "cleans up its act" internationally.

Mr. CONNOLLY. Would my good friend yield for a question?

Mr. ACKERMAN. I would.

Mr. CONNOLLY. Mr. Ackerman, over here. Following your logic, Mr. Ackerman, I agree with what you are getting at. If we are going to buy into guilt by association—no proof that the party that is the subject of the legislation has done anything wrong, but just the fact that it operates in another country where we think some things have been done wrong—we believe they have been—that is good enough.

And this issue of fungibility. Wouldn't it logically follow, Mr. Ackerman, that we ought to be actually marking up legislation to require the disinvestment of all U.S. companies in China? Because money is fungible, and guilt by association: The fact that they are there automatically makes them complicit in a policy we abhor.

Mr. ACKERMAN. I think I get your point, and I think you get my point. I don't think anybody else gets it. I think there is a lack of consistency here. And I understand the sensitivities, and I don't think any of us want to cut off money for doing good things, and you don't want to condemn everybody for everything when there are policies that were obviously—or seem obviously to be taking place, either in commission or in covering those up.

And I don't know how you punish good acts, that are done by good people, because of things that you might believe are bad things to do.

Mr. PAYNE. Mr. Ackerman, would you yield?

Mr. ACKERMAN. I would.

Mr. PAYNE. I would just ask—and I can appreciate the feelings of people who are very much pro-life, but I would implore some of you to visit a place like the DRC, where people live on volcanic rock, and women who have been raped, who stand up before you and tell you about their situations. I think you might have a little bit different——

Chairman ROS-LEHTINEN. Thank you. The gentleman's time has expired, Mr. Ackerman's time. And the gentleman, Mr. Smith, is recognized, who knows a bit about this issue.

Mr. SMITH. First of all, as my good friend and colleague from New Jersey knows, I have been to the DR Congo, not only chaired several hearings on it, the violence against women and the like, I went to Goma. And I visited several NGOs that were working and doing Herculean, outstanding efforts expended upon women who were subjected to violence, and women who experienced obstetric fistulas. And Heal Africa, for example, is doing magnificent things. They are not UNFPA.

There are other organizations that, if the United Nations Population Fund insists on aiding and abetting coercion and violence against women in China, and then seeks to export that model elsewhere, including to Africa—as you may recall, 3 years ago, the

health ministers of most of the sub-Saharan African countries were invited to Beijing, and under the auspices of the UNFPA and the coercive State Family Planning Council, were told, "If you want to have economic prosperity, the means to that end is to limit the number of children."

Paul Kagame from Rwanda came back, and he is talking now about a three child per couple policy, and you only get there through coercion. Women and families will always want to have children, and the government then steps in and says, "You can't have that child."

Mr. Berman said earlier that there is no consensus for what China is doing. I would agree, but that doesn't apply to the U.N. Population Fund. They like the program in China. They say it repeatedly, publicly. They tell me that. So after a while—they train family planning cadres. So their consensus is to support, enable, aid and abet this horrific crime against women.

And again, for an NGO or some group that we don't support, we provide that money to another group, like in the DR Congo where other organizations are there. And as I would also say, with fistula, I worked very hard to build capacity within USAID so we have complete transparency, accountability, so those monies are going where we can say, "How much did we spend? What did we do to try and mitigate the misery and pain suffered by fistula victims?"

We have no such accountability whatsoever with UNFPA. They take our money, and then slam the door in our face. That is no way to run an NGO, a multilateral organization, or a U.N. organization.

I yield back.

Chairman ROS-LEHTINEN. The gentleman yields back. Hearing no further requests for recognition, the question occurs on the Payne amendment. All those in favor, say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All opposed no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it and the amendment is not agreed to.

Mr. PAYNE. Recorded vote.

Chairman ROS-LEHTINEN. Mr. Payne requests a recorded vote. The clerk will call the roll.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no.

Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no.

Mr. Burton.

[No response.]

Ms. CARROLL. Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no.

Mr. Manzullo.

Mr. MANZULLO. No.

Ms. CARROLL. Mr. Manzullo votes no.
Mr. Royce.
Mr. ROYCE. No.
Ms. CARROLL. Mr. Royce votes no.
Mr. Chabot.
[No response.]
Ms. CARROLL. Mr. Paul.
[No response.]
Ms. CARROLL. Mr. Pence.
[No response.]
Ms. CARROLL. Mr. Wilson.
Mr. WILSON OF SOUTH CAROLINA. No.
Ms. CARROLL. Mr. Wilson votes no.
Mr. Mack.
Mr. MACK. No.
Ms. CARROLL. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. CARROLL. Mr. Fortenberry votes no.
Mr. McCaul.
[No response.]
Ms. CARROLL. Mr. Poe.
Mr. POE. No.
Ms. CARROLL. Mr. Poe votes no.
Mr. Bilirakis.
Mr. BILIRAKIS. No.
Ms. CARROLL. Mr. Bilirakis votes no.
Ms. Schmidt.
Ms. SCHMIDT. No.
Ms. CARROLL. Ms. Schmidt votes no.
Mr. Johnson.
Mr. JOHNSON. No.
Ms. CARROLL. Mr. Johnson votes no.
Mr. Rivera.
Mr. RIVERA. No.
Ms. CARROLL. Mr. Rivera votes no.
Mr. Kelly.
Mr. KELLY. No.
Ms. CARROLL. Mr. Kelly votes no.
Mr. Griffin.
Mr. GRIFFIN. No.
Ms. CARROLL. Mr. Griffin votes no.
Mr. Marino.
Mr. MARINO. No.
Ms. CARROLL. Mr. Marino votes no.
Mr. Duncan.
Mr. DUNCAN. No.
Ms. CARROLL. Mr. Duncan votes no.
Ms. Buerkle.
Ms. BUERKLE. No.
Ms. CARROLL. Ms. Buerkle votes no.
Ms. Ellmers.
Ms. ELLMERS. No.
Ms. CARROLL. Ms. Ellmers votes no.

Mr. Turner.
Mr. TURNER. No.
Ms. CARROLL. Mr. Turner votes no.
Mr. Berman.
[No response.]
Ms. CARROLL. Mr. Ackerman.
Mr. BERMAN. Aye.
Ms. CARROLL. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
Mr. PAYNE. Aye.
Ms. CARROLL. Mr. Payne votes aye.
Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Ms. CARROLL. Mr. Engel votes aye.
Mr. Meeks.
[No response.]
Ms. CARROLL. Mr. Carnahan.
Mr. CARNAHAN. Aye.
Ms. CARROLL. Mr. Carnahan votes aye.
Mr. Sires.
[No response.]
Ms. CARROLL. Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Mr. Deutch.
Mr. DEUTCH. Aye.
Ms. CARROLL. Mr. Deutch votes aye.
Mr. Cardoza.
[No response.]
Ms. CARROLL. Mr. Chandler.
Mr. CHANDLER. Aye.
Ms. CARROLL. Mr. Chandler votes aye.
Mr. Higgins.
[No response.]
Ms. CARROLL. Ms. Schwartz.
[No response.]
Ms. CARROLL. Mr. Murphy.
Mr. MURPHY. Aye.
Ms. CARROLL. Mr. Murphy votes aye.
Ms. Wilson.
[No response.]
Ms. CARROLL. Ms. Bass.
[No response.]
Ms. CARROLL. Mr. Keating.
Mr. KEATING. Aye.
Ms. CARROLL. Mr. Keating votes aye.

Mr. Cicilline.

Mr. CICILLINE. Aye.

Ms. CARROLL. Mr. Cicilline votes aye.

Chairman ROS-LEHTINEN. Have all members been recorded?

Ms. CARROLL. Mr. Chabot.

Mr. CHABOT. No.

Ms. CARROLL. Mr. Chabot votes no.

Mr. BURTON. Have I been recorded?

Ms. CARROLL. Mr. Burton, you are not recorded.

Mr. BURTON. I vote no.

Ms. CARROLL. Mr. Burton votes no.

Mr. Higgins.

Mr. HIGGINS. Aye.

Ms. CARROLL. Mr. Higgins votes aye.

Ms. Bass.

Ms. BASS. Aye.

Ms. CARROLL. Ms. Bass votes aye.

Chairman ROS-LEHTINEN. The clerk will report the vote.

Ms. CARROLL. Madam Chairman, on that vote there are 14 ayes and 23 noes.

Chairman ROS-LEHTINEN. The noes have it, and the question is not agreed to. We have a Cicilline amendment, and a possible two amendments from Mr. Keating. Mr. Cicilline, would you like to——

Mr. CICILLINE. Yes, thank you, Madam Chairman. I actually have two amendments at the desk. I would like to begin with Amendment 649, which is co-sponsored by Congresswoman Allison Schwartz.

Chairman ROS-LEHTINEN. The clerk will report the Cicilline-Schwartz amendment.

Ms. CARROLL. Amendment to H.R. 2059 offered by Mr. Cicilline of Rhode Island and Ms. Schwartz of Pennsylvania.

In section 1 insert "and except as provided in section 2," before "the Secretary of State". Add at the end of the following: Section 2——

[The amendment offered by Mr. Cicilline and Ms. Schwartz follows:]

AMENDMENT TO H.R. 2059

OFFERED BY MR. CICILLINE of RI and Ms. Schwartz of PA

In section 1 insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 **SEC. 2. EXCEPTION.**

2 Section 1 shall not apply in the case of contributions
3 to carry out activities to provide and distribute equipment,
4 medicine, supplies, and expertise, including safe delivery
5 kits and hygiene kits, to ensure safe childbirth and emer-
6 gency obstetric care.

☒

Chairman ROS-LEHTINEN. Thank you. The Chair reserves a point of order, and in the interests of time I would like to recognize the author for 5 minutes to explain the amendment, while the amendment copies are being given out. Mr. Cicilline.

Mr. CICILLINE. Thank you, Madam Chairman. I am strongly opposed to this underlying bill, but hope that passage of this amendment will mitigate the detrimental impact of this legislation on women's reproductive health all around the globe.

UNFPA is the organization that provided safe delivery kits to women in the days after the 2004 tsunami in Asia, so that thousands of women could give birth safely in the aftermath of this disaster. UNFPA leads efforts to eliminate obstetric fistula, distribute effective contraceptives, prevent HIV and AIDS, and deliver healthy newborns. United States funds are essential to the continued provision of these types of services.

In addition, some of the benefits of U.S. international family planning assistance include 37.4 million women and couples receiving contraceptive services, 11.7 million unintended pregnancies are prevented. There are 5.1 million fewer abortions, and 32,000 maternal deaths averted. If the United States stops funding these crucial life-saving initiatives, we can expect more unintended pregnancies, more abortions, and more maternal deaths.

For these reasons, I am offering an amendment that would allow the U.S. to continue to contribute to UNFPA's work in post-conflict and disaster situations by providing and distributing equipment,

medicine, supplies, and expertise, including safe delivery kits and hygiene kits to ensure safe childbirth and emergency obstetric care.

UNFPA provides safe delivery and hygiene kits to ensure safe childbirth and emergency care to those most vulnerable to complications of pregnancy and childbirth which are a leading cause of disease and death among refugee women of childbearing age.

UNFPA responds to emergencies in a broad range of situations and settings. The conditions may be hostile or hospitable, politically charged or on the path to peace. But they are never easy. In the aftermath of the earthquake in Haiti in January 2010, the needs of 63,000 pregnant women were met through dissemination of safe delivery kits that were provided with UNFPA's support.

After unrest in East Timor damaged or destroyed almost every medical facility, UNFPA worked with NGOs to distribute equipment for clinics and basic supplies, such as soap, plastic sheeting, and even a razor blade for cutting the umbilical cord of a newborn.

Whether the emergency is due to violence, as in Timor, or earthquakes, as in Haiti, or a hurricane, as in Guatemala, UNFPA stands ready to assist pregnant women in this time of compounded vulnerability, and I strongly urge my colleagues to support this amendment and to oppose the underlying bill. But this amendment will ensure that in those circumstances, emergencies, that the UNFPA can continue to carry out activities that provide and distribute medicine, supplies, expertise, equipment—that will include safe delivery kits and hygiene kits—to ensure safe childbirth and emergency obstetric care.

And I hope that everyone can support this amendment. This is an opportunity to be certain that, in those instances where we have an opportunity to really help in the safe birth of a child, that the UNFPA will continue to be able to devote resources to those activities. And with that, I yield back the balance of my time.

Chairman ROS-LEHTINEN. Mr. Ackerman is recognized.

Mr. ACKERMAN. Yes, I have a question for the author of the amendment, Mr. Cicilline.

Mr. CICILLINE. Yes.

Mr. ACKERMAN. Does your amendment promote abortion?

Mr. CICILLINE. Absolutely not. In fact, it specifically refers to ensuring the safe childbirth and emergency obstetric care, so it is——

Mr. ACKERMAN. Does it pay for abortions?

Mr. CICILLINE. It does not.

Mr. ACKERMAN. Does it encourage abortions?

Mr. CICILLINE. It does not.

Mr. ACKERMAN. Does it help provide for safe deliveries and live births?

Mr. CICILLINE. Yes.

Mr. ACKERMAN. So this is a pro-life amendment?

Mr. CICILLINE. It is absolutely a pro-child amendment.

Mr. ACKERMAN. Does anybody think that this is anything—this specific amendment is anything but a pro-child, pro-child-being-born-live-and-safely amendment? If not, I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you. Hearing—yes, Mr. Berman?

Mr. BERMAN. Madam Chairman, again I rise in support of the amendment. The only thing specific that I have heard regarding UNFPA and support for Chinese coercive birth control, forced abortion, one-child policies is a statement from a UNFPA employee in 1999. That employee was let go.

The current executive director and the past three executive directors have come out publicly and forcefully against the practices in China for all kinds of reasons, including the fact that this policy—these policies are used to indicate sex preference in terms of who is going to be born or not.

Again, the horrible consequences of a horrible policy. It sounds to me like a gross distortion to make the contention that somehow, because they are operating in China, they are complicit in the practices that we, I think by strong consensus, share here. If—the logical extension of what you are suggesting with this amendment is, "Let us repeal MFN status for China. Let us go to the leadership of the Republican Party to schedule the markup of a vote on a bill to deal with Chinese manipulation of currency fluctuations. Let us stop export subsidies to China. Let us"—if the notion that, because we do things in the normal way with this country, even though they have these policies is the logic here, you have got a lot more to do than cut off the funding of UNFPA.

Mr. DEUTCH. Would the gentleman yield?

Mr. BERMAN. I would be happy to yield.

Mr. DEUTCH. Since the ranking member first asked the question earlier in this hearing, or earlier in this markup, we have also heard—and I am not sure the ranking member was here for all of these statements—we have heard that the UNFPA supports the one-child policy, that it co-manages the one-child policy, that it says the one-child policy should be emulated.

We have heard that it repeatedly speaks in favor of the one-child policy. And I would join with the ranking member for some support that actually is consistent with these statements, and is inconsistent with the State Department's own conclusion that the UNFPA never supported the policy of coercive abortion or involuntary sterilization. And I yield back to the ranking member.

Mr. BERMAN. I yield back to you.

Chairman ROS-LEHTINEN. Mr. Smith is recognized.

Mr. SMITH. Just to remind members, the finding by the U.S. Department of State in 2008, after an extensive review—and I would invite members to avail themselves of reading that—said that "all," repeat, "all UNFPA programming incorporates and defers to Chinese law and regulation."

Mr. BERMAN. What does that mean?

Mr. SMITH. In this, if you would take the time—with respect to my friend—and read it, the regulations are all laid out—not all of them, but many of them—the Federal regulations, and some of the——

Mr. BERMAN. Would the gentleman yield?

Mr. SMITH. In a minute. And some of the county regulations make it very clear that one-child is the norm. There are very, very few exceptions. And UNFPA, in order to operate, to train family planning cadres, for example, is there any evidence that they have

said coercion has no place? Marie Stopes International actually has the health program for the UNFPA.

Mr. BERMAN. Where are you——

Mr. SMITH. Our State Department asked repeatedly, "Exactly what are they doing?"

And they said, UNFPA, "We won't tell you."

When we asked for the family planning programs—we trained tens of thousands of cadres on how to implement this policy. When that was done, we said, "Where are the training manuals? What did they do?"

They said, "Call Beijing and get it from them." Not UNFPA Beijing, but the State Family Planning. And that never was forthcoming. So that is the problem. No transparency. They have aided and abetted this. They are——

Mr. BERMAN. How have they aided and abetted it?

Mr. SMITH. By supporting it. They are on the ground, supporting——

Mr. BERMAN. Where? Why do you say that? Give me the facts?

Mr. SMITH. Well, the facts are—I have said it several times.

Chairman ROS-LEHTINEN. If you could go through the Chair? Thank you.

Mr. SMITH. I have said it several times.

Mr. DEUTCH. Will the gentleman yield for a question?

Mr. SMITH. Yes, I yield.

Mr. DEUTCH. And I don't think that this is repetitive. It is one thing to suggest that the abhorrent China one-child policy is in place in a country where the UNFPA offers services to help maternal health. It is——

Mr. SMITH. Reclaiming my time. They can't operate outside of the regulations of the government.

Chairman ROS-LEHTINEN. It is Mr. Smith's time.

Mr. SMITH. Their laws. They are in tune with them, in sync with those regulations. That makes them a part of it. We have asked them repeatedly, "Leave China."

Mr. DEUTCH. Would the——

Chairman ROS-LEHTINEN. No. Mr. Smith will be glad to yield to you, if he so chooses.

Mr. DEUTCH. If I could——

Mr. SMITH. I yield.

Mr. DEUTCH. Thank you. There is a difference between that argument and stating that the UNFPA co-manages the one-child policy, says repeatedly around the world that the one-child policy should be emulated. There is simply no evidence for that.

Mr. SMITH. UNFPA executive directors have gotten awards. They have said it is a totally voluntary program. I mean, that is denial of——

Mr. MARINO. Will the gentleman yield?

Mr. SMITH. I will be happy to yield.

Mr. MARINO. According to Secretary of State Colin Powell, 2008 report, UNFPA supplied cars and computers to China to carry out their population control policies. Look it up. I'll give you the cite.

Mr. DEUTCH. Will——

Chairman ROS-LEHTINEN. Mr. Deutch, no. Mr. Smith has the time.

Mr. SMITH. Madam Chairman, I yield back the balance of my time. We are getting——

Chairman ROS-LEHTINEN. Yes, thank you.

Mr. DEUTCH. Will the gentleman yield?

Chairman ROS-LEHTINEN. The gentleman yielded back the balance of his time. Do any other members seek recognition to speak on the first Cicilline amendment?

Mr. CONNOLLY. Madam Chairman?

Chairman ROS-LEHTINEN. Ms. Schmidt is—oh, someone over here?

Mr. CONNOLLY. Yes.

Chairman ROS-LEHTINEN. Oh, Mr. Connolly is recognized, and then Ms. Schmidt.

Mr. CONNOLLY. Thank you. First, I would yield to Mr. Ackerman.

Chairman ROS-LEHTINEN. Mr. Ackerman?

Mr. ACKERMAN. I have a question of our colleague, Mr. Smith. Does the U.N. abide by the laws in every member country?

Chairman ROS-LEHTINEN. Mr. Ackerman, you are not allowed to ask Mr. Smith. Mr. Connolly may give time to Mr. Smith.

Mr. ACKERMAN. It is my——

Chairman ROS-LEHTINEN. It is Mr. Connolly's time.

Mr. ACKERMAN. Mr. Connolly, may I ask Mr. Smith a question?

Mr. CONNOLLY. Certainly, Mr. Ackerman.

Mr. ACKERMAN. Mr. Smith, isn't it the rules of the U.N. to abide by every country's laws?

Mr. CONNOLLY. I would yield to Mr. Smith.

Mr. SMITH. My hope would be that any U.N. personnel, any member agency, voluntary agency—UNFPA, for example—if there is a country that is practicing torture, for example, the U.N. police, peacekeepers, should in no way be complicit in that. That is the issue here. And if a country were to say——

Mr. CONNOLLY. Reclaiming my time, Madam Chairman.

Mr. ACKERMAN. Mr. Connolly?

Mr. CONNOLLY. Yes, Mr. Ackerman?

Mr. ACKERMAN. Could I ask Mr. Smith if we should boycott Google because they have to obey the laws in China?

Mr. CONNOLLY. I would yield to Mr. Smith.

Mr. SMITH. I am glad you brought that up, because I am the one who asked Google, Yahoo!, Microsoft, and Cisco here to testify, and introduced legislation to hold them to account, because they had no transparency either in their enabling of censorship in the People's Republic of China.

Mr. ACKERMAN. So we should not be supporting Google?

Mr. SMITH. Wait a minute. Let me finish.

Mr. CONNOLLY. Reclaiming my time, Madam Chairman.

Mr. SMITH. We are talking about the massive abuse of women——

Mr. CONNOLLY. Madam Chairman, as it is my time——

Chairman ROS-LEHTINEN. Mr. Connolly has the time.

Mr. CONNOLLY. It is my time. Thank you very much, Madam Chairman. I would ask the ranking member—I hear Mr. Smith and Mr. Marino quoting from a 2008 Bush administration report. I would ask the ranking member, is it not the case that there was

a 2009 report that, in fact, found there was no violation of Kemp-Kasten?

Mr. BERMAN. That is, in fact, correct.

Mr. CONNOLLY. So it is convenient to cite a 2008 report, but not convenient to cite a 2009 report. Is that correct?

Mr. SMITH. Would the gentleman yield?

Mr. BERMAN. I would.

Mr. SMITH. I would love to see that report, because again——

Chairman ROS-LEHTINEN. Excuse me. Mr. Berman?

Mr. SMITH [continuing]. The President of the United States said 3 days——

Chairman ROS-LEHTINEN. Excuse me. So Mr. Berman, you have answered the question to Mr. Connolly. Mr. Connolly, would you like to yield to Mr. Smith?

Mr. CONNOLLY. Madam Chairman, that was the point I was going to make. We are being awfully selective in the reporting we want to cite. And I think the point has been made by Mr. Ackerman and Mr. Berman, and others, that essentially this is nothing but insinuation.

The fact that UNFPA is in China, the fact that China has a policy in place we don't like—correctly so—makes UNFPA guilty, even though there are other U.N. agencies, I might add, in China, and at least I give Mr. Smith credit, he is being consistent. Based on his logic, and that of the author of the underlying legislation, this committee ought to be considering legislation to force U.S. companies to disinvest in China, because all money is fungible, and apparently guilt by association is the order of the day. And that is what this legislation represents.

With that, I would—do my colleagues seek?

Mr. ACKERMAN. I am not sure——

Mr. CONNOLLY. I will yield to Mr. Ackerman.

Mr. ACKERMAN. I just want to say, I am not sure who was Edgar Bergen and who was Charlie McCarthy, but I just wanted to thank you for all that.

Chairman ROS-LEHTINEN. Thank you. Does the gentleman yield back his time?

Mr. CONNOLLY. I do, Madam Chairman.

Chairman ROS-LEHTINEN. Do any——

Mr. SMITH. Madam Chairman?

Chairman ROS-LEHTINEN. Yes, Mr. Connolly——

Mr. SMITH. Can I just say, Madam Chair, that it is absolutely——

Chairman ROS-LEHTINEN [continuing]. Yields back, and Mr. Smith is recognized.

Mr. SMITH. It is absolutely consistent to condition funding for——

Chairman ROS-LEHTINEN. Oh, I am sorry, Mr. Smith. I do apologize. I had said that I was going to recognize Ms. Schmidt first, and Ms. Schmidt is recognized at this time for 5 minutes.

Ms. SCHMIDT. Thank you.

Chairman ROS-LEHTINEN. I apologize.

Ms. SCHMIDT. And I really appreciate all the dialogue that is going on with this issue. There, I think, is an overriding concern here, and that is, "How do we best spend the hard-working Amer-

ican taxpayer dollars in this country and abroad?" There was a report in July 2011 on Fox News regarding unspent money in various U.N. agencies. Over $12.2 billion in unspent money. One of those agencies was this one, with $500 million in unspent money, which is about what their annual budget is.

Now, no matter where you are on this issue, apparently they have got the money to run themselves for another year without our help. There are also other member organizations that can pick up the slack. My concern is, how do we help our hard-working taxpayer Americans understand that we are being prudent and wise with their money? This is their money. This is not our money.

And if you see an agency that is flush with cash, maybe you just don't give that agency money this year. You know, the Super Committee is charged with doing massive cuts, and if they don't do their job, we might see massive cuts for men and women on the battlefield, and our men and women that are in nursing homes. The elderly, the Medicare population.

Nobody wants to see either, so we have to find dollars. And $500 million is a lot of money, at least where I come from, where I grew up. And I think that is a lot of money to the American public as well. And so, when we are looking at, how do we fund the agencies in the U.N.?, maybe we pick agencies that actually need the money, that don't have money in the cash reserves.

That is where I am coming from, Madam Chair, on this. I want to make sure that our hard-working Americans are having the dollars that they send to the Federal Government being spent prudently, and wisely, and efficiently, and not going to agencies that already have the cash to operate. I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you so much, Ms. Schmidt. And hearing no further requests for recognition, the question occurs on the Cicilline-Schwartz amendment. All those in favor, say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All those say no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it and the amendment is not agreed to.

Mr. CICILLINE. Roll call.

Chairman ROS-LEHTINEN. Mr. Cicilline requests a roll call vote, and the clerk will call the roll.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no.

Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Ms. CARROLL. Mr. Burton votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no.
Mr. Manzullo.
Mr. MANZULLO. No.
Ms. CARROLL. Mr. Manzullo votes no.
Mr. Royce.
Mr. ROYCE. No.
Ms. CARROLL. Mr. Royce votes no.
Mr. Chabot.
Mr. CHABOT. No.
Ms. CARROLL. Mr. Chabot votes no.
Mr. Paul.
[No response.]
Ms. CARROLL. Mr. Pence.
[No response.]
Ms. CARROLL. Mr. Wilson.
Mr. WILSON OF SOUTH CAROLINA. No.
Ms. CARROLL. Mr. Wilson votes no.
Mr. Mack.
Mr. MACK. No.
Ms. CARROLL. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. CARROLL. Mr. Fortenberry votes no.
Mr. McCaul.
[No response.]
Ms. CARROLL. Mr. Poe.
[No response.]
Ms. CARROLL. Mr. Bilirakis.
Mr. BILIRAKIS. No.
Ms. CARROLL. Mr. Bilirakis votes no.
Ms. Schmidt.
Ms. SCHMIDT. No.
Ms. CARROLL. Ms. Schmidt votes no.
Mr. Johnson.
Mr. JOHNSON. No.
Ms. CARROLL. Mr. Johnson votes no.
Mr. Rivera.
Mr. RIVERA. No.
Ms. CARROLL. Mr. Rivera votes no.
Mr. Kelly.
Mr. KELLY. No.
Ms. CARROLL. Mr. Kelly votes no.
Mr. Griffin.
Mr. GRIFFIN. No.
Ms. CARROLL. Mr. Griffin votes no.
Mr. Marino.
Mr. MARINO. No.
Ms. CARROLL. Mr. Marino votes no.
Mr. Duncan.
Mr. DUNCAN. No.
Ms. CARROLL. Mr. Duncan votes no.
Ms. Buerkle.
Ms. BUERKLE. No.
Ms. CARROLL. Ms. Buerkle votes no.

Ms. Ellmers.
Ms. ELLMERS. No.
Ms. CARROLL. Ms. Ellmers votes no.
Mr. Turner.
Mr. TURNER. No.
Ms. CARROLL. Mr. Turner votes no.
Mr. Berman.
Mr. BERMAN. Aye.
Ms. CARROLL. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
Mr. PAYNE. Aye.
Ms. CARROLL. Mr. Payne votes aye.
Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Ms. CARROLL. Mr. Engel votes aye.
Mr. Meeks.
[No response.]
Ms. CARROLL. Mr. Carnahan.
Mr. CARNAHAN. Aye.
Ms. CARROLL. Mr. Carnahan votes aye.
Mr. Sires.
[No response.]
Ms. CARROLL. Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Mr. Deutch.
Mr. DEUTCH. Aye.
Ms. CARROLL. Mr. Deutch votes aye.
Mr. Cardoza.
[No response.]
Ms. CARROLL. Mr. Chandler.
[No response.]
Ms. CARROLL. Mr. Higgins.
Mr. HIGGINS. Aye.
Ms. CARROLL. Mr. Higgins votes aye.
Ms. Schwartz.
[No response.]
Ms. CARROLL. Mr. Murphy.
Mr. MURPHY. Aye.
Ms. CARROLL. Mr. Murphy votes aye.
Ms. Wilson.
[No response.]
Ms. CARROLL. Ms. Bass.
Ms. BASS. Aye.
Ms. CARROLL. Ms. Bass votes aye.
Mr. Keating.

Mr. KEATING. Aye.

Ms. CARROLL. Mr. Keating votes aye.

Mr. Cicilline.

Mr. CICILLINE. Aye.

Ms. CARROLL. Mr. Cicilline votes aye.

Chairman ROS-LEHTINEN. Have all members been recorded? The clerk will report the vote.

Ms. CARROLL. Madam Chair, on that vote there are 13 ayes and 22 noes.

Chairman ROS-LEHTINEN. The noes have it, and the question is not agreed to. Mr. Cicilline is recognized to offer his second amendment.

Mr. CICILLINE. Thank you, Madam Chair. My second amendment is Amendment 650.

Chairman ROS-LEHTINEN. The clerk will report the amendment.

Ms. CARROLL. Amendment to H.R. 2059 offered by Mr. Cicilline of Rhode Island. In section 1, insert "and except as provided in section 2," before "the Secretary of State".

Chairman ROS-LEHTINEN. The Chair reserves a point of order and recognizes the author for 5 minutes to explain the amendment while the copies are given out. Mr. Cicilline?

[The amendment offered by Mr. Cicilline follows:]

AMENDMENT TO H.R. 2059

OFFERED BY MR. CICILLINE of RI

In section 1 insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 **SEC. 2. EXCEPTION.**

2 Section 1 shall not apply in the case of contributions
3 to UNFPA to carry out activities to promote abandonment
4 of female genital mutilation and other harmful traditional
5 practices.

☒

Mr. CICILLINE. Thank you, Madam Chairman. My amendment would allow the United States to continue supporting UNFPA in their critical efforts to end the practice of female genital cutting,

and I want to acknowledge and thank my colleague, Congressman Deutch, for his eloquent words earlier on this important issue.

Every year, approximately 3 million women and girls in Africa alone face the prospect of female genital mutilation, while 100–140 million worldwide have already undergone this hideous practice. UNFPA and UNICEF are working together and making real progress to end this horrific practice. Three years ago, through a joint program, more than 6,000 communities in Ethiopia, Egypt, Kenya, Senegal, Burkina Faso, the Gambia, Guinea, and Somalia have already abandoned this practice.

Success has come from UNFPA and UNICEF's work in educating communities and changing social norms and cultural practices, leading women and men in communities to unite to protect the rights and health of girls. My amendment would allow UNFPA and UNICEF to continue their important and often life-saving work in combating female genital mutilation. I strongly urge my colleagues to support my amendment, and to, again, oppose the underlying bill.

And I yield back the balance of my time.

Chairman ROS-LEHTINEN. The gentleman yields back. Do any members seek recognition?

[No response.]

Chairman ROS-LEHTINEN. Seeing no recognition request, hearing no further requests for recognition, the Chair withdraws her reservation and the question occurs on the Cicilline amendment. All those in favor, say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All opposed, no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

Mr. CICILLINE. Roll call.

Chairman ROS-LEHTINEN. Mr. Cicilline requests a roll call vote. The clerk will call the roll.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no.

Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Ms. CARROLL. Mr. Burton votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no.

Mr. Manzullo.

Mr. MANZULLO. No.

Ms. CARROLL. Mr. Manzullo votes no.

Mr. Royce.

[No response.]

Ms. CARROLL. Mr. Chabot.
Mr. CHABOT. No.
Ms. CARROLL. Mr. Chabot votes no.
Mr. Paul.
[No response.]
Ms. CARROLL. Mr. Pence.
[No response.]
Ms. CARROLL. Mr. Wilson.
[No response.]
Ms. CARROLL. Mr. Mack.
Mr. MACK. No.
Ms. CARROLL. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. CARROLL. Mr. Fortenberry votes no.
Mr. McCaul.
[No response.]
Ms. CARROLL. Mr. Poe.
[No response.]
Ms. CARROLL. Mr. Bilirakis.
Mr. BILIRAKIS. No.
Ms. CARROLL. Mr. Bilirakis votes no.
Ms. Schmidt.
Ms. SCHMIDT. No.
Ms. CARROLL. Ms. Schmidt votes no.
Mr. Johnson.
Mr. JOHNSON. No.
Ms. CARROLL. Mr. Johnson votes no.
Mr. Rivera.
Mr. RIVERA. No.
Ms. CARROLL. Mr. Rivera votes no.
Mr. Kelly.
Mr. KELLY. No.
Ms. CARROLL. Mr. Kelly votes no.
Mr. Griffin.
Mr. GRIFFIN. No.
Ms. CARROLL. Mr. Griffin votes no.
Mr. Marino.
Mr. MARINO. No.
Ms. CARROLL. Mr. Marino votes no.
Mr. Duncan.
Mr. DUNCAN. No.
Ms. CARROLL. Mr. Duncan votes no.
Ms. Buerkle.
Ms. BUERKLE. No.
Ms. CARROLL. Ms. Buerkle votes no.
Ms. Ellmers.
Ms. ELLMERS. No.
Ms. CARROLL. Ms. Ellmers votes no.
Mr. Turner.
Mr. TURNER. No.
Ms. CARROLL. Mr. Turner votes no.
Mr. Berman.
Mr. BERMAN. Aye.

Ms. CARROLL. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
[No response.]
Ms. CARROLL. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Ms. CARROLL. Mr. Engel votes aye.
Mr. Meeks.
[No response.]
Ms. CARROLL. Mr. Carnahan.
Mr. CARNAHAN. Aye.
Ms. CARROLL. Mr. Carnahan votes aye.
Mr. Sires.
[No response.]
Ms. CARROLL. Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Mr. Deutch.
Mr. DEUTCH. Aye.
Ms. CARROLL. Mr. Deutch votes aye.
Mr. Cardoza.
[No response.]
Ms. CARROLL. Mr. Chandler.
[No response.]
Ms. CARROLL. Mr. Higgins.
Mr. HIGGINS. Aye.
Ms. CARROLL. Mr. Higgins votes aye.
Ms. Schwartz.
[No response.]
Ms. CARROLL. Mr. Murphy.
Mr. MURPHY. Aye.
Ms. CARROLL. Mr. Murphy votes aye.
Ms. Wilson.
[No response.]
Ms. CARROLL. Ms. Bass.
Ms. BASS. Aye.
Ms. CARROLL. Ms. Bass votes aye.
Mr. Keating.
Mr. KEATING. Aye.
Ms. CARROLL. Mr. Keating votes aye.
Mr. Cicilline.
Mr. CICILLINE. Aye.
Ms. CARROLL. Mr. Cicilline votes aye.
Chairman ROS-LEHTINEN. Have all members been recorded?
Ms. CARROLL. Mr. Royce.
Mr. ROYCE. No.
Ms. CARROLL. Mr. Royce votes no.

Mr. Sires.

Mr. SIRES. Aye.

Ms. CARROLL. Mr. Sires votes aye.

Chairman ROS-LEHTINEN. The clerk will report the vote.

Ms. CARROLL. Madam Chair, on that vote there are 13 ayes and 21 noes.

Chairman ROS-LEHTINEN. The noes have it, and the question is not agreed to. Who has amendments at the desk? Mr. Keating is recognized. The clerk will report the amendment.

Ms. CARROLL. Amendment to H.R. 2059 offered by Mr. Keating. In section 1, insert "and except as provided in section 2" before——

Chairman ROS-LEHTINEN. The Chair reserves a point of order, and recognizes the author for 5 minutes to explain the amendment.

[The amendment offered by Mr. Keating follows:]

AMENDMENT TO H.R. 2059 #652

OFFERED BY MR. KEATING

In section 1 insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 **SEC. 2. EXCEPTION.**

2 Section 1 shall not apply in the case of contributions

3 to UNFPA to carry out activities to promote abandonment

4 of early and forced marriage.

☒

Mr. KEATING. Thank you, Madam Chair. The amendment will allow the United States to continue working with the United Nations Population Fund to end the practice of early and forced marriages worldwide. If we agree on one thing, let it be this: That child marriages only contribute to the devastating cycle of poverty, keeping young girls and women from receiving the proper education, and harming them both physically and mentally.

These young women then have young children of their own, and they are brought into another dangerous environment themselves. It is estimated that at the decade ending in 2014, more than 100 million girls in the developing world will be married before the age of 18. That means 10 million children each year are jeopardizing their future, their health, and their well-being.

The majority of child brides are exposed to frequent sexual relations, leading to repeated pregnancies and childbirth before they are really ready, physically or mentally, for this. And pregnancy-related deaths are also among the leading causes of mortality in 15- to 19-year-old girls, and those aged under 15 are five times—five times—more likely to die than those averaged over 20. Infant mortalities are also twice as high in babies born to young mothers.

Respectfully, I urge you to support this amendment. It is one area that we have cut out of this that I think should have universal agreement.

Chairman ROS-LEHTINEN. Sir, the Chair withdraws her reservation of a point of order. Are there any requests for recognition?

[No response.]

Chairman ROS-LEHTINEN. Seeing no requests for recognition, the question occurs on the amendment. All those in favor, say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All those opposed say no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

Mr. KEATING. Madam Chair, I would request a roll call.

Chairman ROS-LEHTINEN. Mr. Keating requests a roll call vote, and the clerk will call the roll.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no.

Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Ms. CARROLL. Mr. Burton votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no.

Mr. Manzullo.

Mr. MANZULLO. No.

Ms. CARROLL. Mr. Manzullo votes no.

Mr. Royce.

Mr. ROYCE. No.

Ms. CARROLL. Mr. Royce votes no.

Mr. Chabot.

[No response.]

Ms. CARROLL. Mr. Paul.

[No response.]

Ms. CARROLL. Mr. Pence.

[No response.]

Ms. CARROLL. Mr. Wilson.

[No response.]

Ms. CARROLL. Mr. Mack.

Mr. MACK. No.

Ms. CARROLL. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. CARROLL. Mr. Fortenberry votes no.
Mr. McCaul.
[No response.]
Ms. CARROLL. Mr. Poe.
[No response.]
Ms. CARROLL. Mr. Bilirakis.
Mr. BILIRAKIS. No.
Ms. CARROLL. Mr. Bilirakis votes no.
Ms. Schmidt.
Ms. SCHMIDT. No.
Ms. CARROLL. Ms. Schmidt votes no.
Mr. Johnson.
Mr. JOHNSON. No.
Ms. CARROLL. Mr. Johnson votes no.
Mr. Rivera.
Mr. RIVERA. No.
Ms. CARROLL. Mr. Rivera votes no.
Mr. Kelly.
Mr. KELLY. No.
Ms. CARROLL. Mr. Kelly votes no.
Mr. Griffin.
Mr. GRIFFIN. No.
Ms. CARROLL. Mr. Griffin votes no.
Mr. Marino.
Mr. MARINO. No.
Ms. CARROLL. Mr. Marino votes no.
Mr. Duncan.
Mr. DUNCAN. No.
Ms. CARROLL. Mr. Duncan votes no.
Ms. Buerkle.
Ms. BUERKLE. No.
Ms. CARROLL. Ms. Buerkle votes no.
Ms. Ellmers.
Ms. ELLMERS. No.
Ms. CARROLL. Ms. Ellmers votes no.
Mr. Turner.
Mr. TURNER. No.
Ms. CARROLL. Mr. Turner votes no.
Mr. Berman.
Mr. BERMAN. Aye.
Ms. CARROLL. Mr. Berman votes aye.
Mr. Ackerman.
[No response.]
Ms. CARROLL. Mr. Faleomavaega.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
[No response.]
Ms. CARROLL. Mr. Sherman.

Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Ms. CARROLL. Mr. Engel votes aye.
Mr. Meeks.
Mr. MEEKS. Aye.
Ms. CARROLL. Mr. Meeks votes aye.
Mr. Carnahan.
Mr. CARNAHAN. Aye.
Ms. CARROLL. Mr. Carnahan votes aye.
Mr. Sires.
Mr. SIRES. Aye.
Ms. CARROLL. Mr. Sires votes aye.
Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Mr. Deutch.
Mr. DEUTCH. Aye.
Ms. CARROLL. Mr. Deutch votes aye.
Mr. Cardoza.
[No response.]
Ms. CARROLL. Mr. Chandler.
[No response.]
Ms. CARROLL. Mr. Higgins.
Mr. HIGGINS. Aye.
Ms. CARROLL. Mr. Higgins votes aye.
Ms. Schwartz.
[No response.]
Ms. CARROLL. Mr. Murphy.
Mr. MURPHY. Aye.
Ms. CARROLL. Mr. Murphy votes aye.
Ms. Wilson.
[No response.]
Ms. CARROLL. Ms. Bass.
Ms. BASS. Aye.
Ms. CARROLL. Ms. Bass votes aye.
Mr. Keating.
Mr. KEATING. Aye.
Ms. CARROLL. Mr. Keating votes aye.
Mr. Cicilline.
Mr. CICILLINE. Aye.
Ms. CARROLL. Mr. Cicilline votes aye.

Chairman ROS-LEHTINEN. Have all members been recorded? The clerk will report the vote.

Ms. CARROLL. Madam Chair, on that vote there are 14 ayes and——

Chairman ROS-LEHTINEN. Sorry. Mr. Chandler.

Mr. CHANDLER. Aye.

Ms. CARROLL. Mr. Chandler votes aye.

Chairman ROS-LEHTINEN. The clerk will report the vote now.

Ms. CARROLL. Madam Chairman, on that vote there are 15 ayes and 20 noes.

Chairman ROS-LEHTINEN. The noes have it, and the question is not agreed to. Are there further amendments to this bill? Mr. Murphy is recognized.

Mr. MURPHY. Thank you very much, Madam Chair. I have an amendment at the desk.

Chairman ROS-LEHTINEN. The clerk will report the amendment.

Ms. CARROLL. Amendment to H.R. 2059 offered by Mr. Murphy of Connecticut. In section 1, insert "and except as provided in section 2" before——

Chairman ROS-LEHTINEN. The Chair reserves a point of order, and recognizes the author, Mr. Murphy, for 5 minutes to explain the amendment.

[The amendment offered by Mr. Murphy follows:]

AMENDMENT TO H.R. 2059

OFFERED BY MR. MURPHY

In section 1 insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 SEC. 2. EXCEPTION.

2 Section 1 shall not apply in the case of contributions
3 to UNFPA to carry out activities to make available access
4 to family planning services to allow women and men to
5 control the number and spacing of their children, prevent
6 unintended pregnancies, and reduce abortions and sexu-
7 ally-transmitted infections, including HIV/AIDS.

☒

Mr. MURPHY. Thank you, Madam Chairwoman. This amendment would allow for UNFPA to carry out activities dedicated to family-centered family planning throughout the world. And I think it underscores the surrealness of some of the debate that we have been having here today. There is not a single person on this panel that doesn't abhor and oppose the forced abortion policies that have been outlined over, and over, and over again over the course of this debate. What we are talking about is the best way for the United States to intervene and stop those policies.

Now, I will certainly sell someone the Brooklyn Bridge if they believe that, by withdrawing funds from UNFPA, that China is all of a sudden going to stop this policy. The question is, what can we do to build a social resistance movement within China toward responsible family planning?

And so this amendment is pretty simple. It would allow UNFPA to conduct family-centered family planning as part of their activities. The fact is, is that this country has a long history of combating irresponsible and reprehensible policies around the globe by funding responsible and humane policies, to give people in those countries a vision as to what life would be like if they threw off the yoke of that inhumanity.

Now, we have heard rumor and innuendo about what UNFPA does, and little to no evidence—certainly within the most recent report from the Department of State—that they are actually funding and supporting these activities on the ground in China. And so I would put forward this amendment, frankly, as a way to get at the problem that I think we all agree on.

I would also note that we have spent a lot of time talking about China here today, and there was the ability for the majority to offer an amendment here that was specific to China. But they didn't. They put forward an amendment that bans UNFPA from operating with American funds anywhere in the globe.

And it strikes me, frankly, that this amendment is part of an assault that we have seen in this Congress on family planning and contraception, both abroad and in the United States. And because there was a much more targeted response that could have been offered here, it makes more sense to me that the amendments that we are looking at fits within this much broader attempt to defund contraception and birth control services, whether here in this country or across the globe.

And I have heard several of the proponents of this legislation sort of champion the fact that it came out of this YouCut proposal, it came out of this YouCut movement. And it, I think, saddens me to know that we have now sort of devolved into a government that legislates by Internet voting.

It is bad enough that the media covers this place like a soap opera or a reality TV show. We now are proud of the fact that we are having proposals before this committee and this Congress that come from Internet votes. And I think what happens is that you get extreme proposals like this that could have been much more targeted.

We could have been having a conversation about how we specifically take on the issue of forced abortion in China, and instead we are denying funding to family planning services across the world, family planning services that have, over time, linked 56 million women across the world with access, that have driven down the rate of unintended pregnancies by the millions, that have saved thousands upon thousands of women's lives from the consequences of unintended pregnancies that go wrong in the delivery room.

And so I would offer this amendment, I think, as a way to properly fund the kind of responsible family planning that ultimately convinces people in countries like China that they should no longer accept the type of practices that we all abhor. And I think it is

probably a good idea for all of us to step back and wonder whether we should be crowing about the fact that an Internet vote leads us to this debate today, or whether we should be having a little bit more thoughtful discussion with our constituents and with our colleagues about how we go about foreign aid.

I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you so much. And seeing no further requests for recognition, the Chair withdraws her reservation and the question occurs on the Murphy amendment. All those in favor, say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All opposed, no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

Mr. MURPHY. I request a roll call vote.

Chairman ROS-LEHTINEN. Mr. Murphy requests a roll call vote, and the clerk will call the roll.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no.

Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Ms. CARROLL. Mr. Burton votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no.

Mr. Manzullo.

Mr. MANZULLO. No.

Ms. CARROLL. Mr. Manzullo votes no.

Mr. Royce.

Mr. ROYCE. No.

Ms. CARROLL. Mr. Royce votes no.

Mr. Chabot.

Mr. CHABOT. No.

Ms. CARROLL. Mr. Chabot votes no.

Mr. Paul.

[No response.]

Ms. CARROLL. Mr. Pence.

Mr. PENCE. No.

Ms. CARROLL. Mr. Pence votes no.

Mr. Wilson.

[No response.]

Ms. CARROLL. Mr. Mack.

Mr. MACK. No.

Ms. CARROLL. Mr. Mack votes no.

Mr. Fortenberry.

Mr. FORTENBERRY. No.

Ms. CARROLL. Mr. Fortenberry votes no.
Mr. McCaul.
[No response.]
Ms. CARROLL. Mr. Poe.
[No response.]
Ms. CARROLL. Mr. Bilirakis.
Mr. BILIRAKIS. No.
Ms. CARROLL. Mr. Bilirakis votes no.
Ms. Schmidt.
Ms. SCHMIDT. No.
Ms. CARROLL. Ms. Schmidt votes no.
Mr. Johnson.
Mr. JOHNSON. No.
Ms. CARROLL. Mr. Johnson votes no.
Mr. Rivera.
Mr. RIVERA. No.
Ms. CARROLL. Mr. Rivera votes no.
Mr. Kelly.
Mr. KELLY. No.
Ms. CARROLL. Mr. Kelly votes no.
Mr. Griffin.
[No response.]
Ms. CARROLL. Mr. Marino.
Mr. MARINO. No.
Ms. CARROLL. Mr. Marino votes no.
Mr. Duncan.
Mr. DUNCAN. No.
Ms. CARROLL. Mr. Duncan votes no.
Ms. Buerkle.
Ms. BUERKLE. No.
Ms. CARROLL. Ms. Buerkle votes no.
Ms. Ellmers.
Ms. ELLMERS. No.
Ms. CARROLL. Ms. Ellmers votes no.
Mr. Turner.
Mr. TURNER. No.
Ms. CARROLL. Mr. Turner votes no.
Mr. Berman.
Mr. BERMAN. Aye.
Ms. CARROLL. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
[No response.]
Ms. CARROLL. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Ms. CARROLL. Mr. Engel votes aye.
Mr. Meeks.

[No response.]
Ms. CARROLL. Mr. Carnahan.
Mr. CARNAHAN. Yes.
Ms. CARROLL. Mr. Carnahan votes aye.
Mr. Sires.
Mr. SIRES. Aye.
Ms. CARROLL. Mr. Sires votes aye.
Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Mr. Deutch.
Mr. DEUTCH. Aye.
Ms. CARROLL. Mr. Deutch votes aye.
Mr. Cardoza.
[No response.]
Ms. CARROLL. Mr. Chandler.
Mr. CHANDLER. Aye.
Ms. CARROLL. Mr. Chandler votes aye.
Mr. Higgins.
Mr. HIGGINS. Aye.
Ms. CARROLL. Mr. Higgins votes aye.
Ms. Schwartz.
[No response.]
Ms. CARROLL. Mr. Murphy.
Mr. MURPHY. Aye.
Ms. CARROLL. Mr. Murphy votes aye.
Ms. Wilson.
[No response.]
Ms. CARROLL. Ms. Bass.
Ms. BASS. Aye.
Ms. CARROLL. Ms. Bass votes aye.
Mr. Keating.
Mr. KEATING. Aye.
Ms. CARROLL. Mr. Keating votes aye.
Mr. Cicilline.
Mr. CICILLINE. Aye.
Ms. CARROLL. Mr. Cicilline votes aye.
Chairman ROS-LEHTINEN. Have all members been recorded?
Ms. CARROLL. Mr. Griffin.
Mr. GRIFFIN. No.
Ms. CARROLL. Mr. Griffin votes no.
Chairman ROS-LEHTINEN. The clerk will report the vote.
Ms. CARROLL. Madam Chair, on that vote there are 14 ayes and 22 noes.
Chairman ROS-LEHTINEN. The noes have it, and the question is not agreed to. And for what I think is the last amendment, Mr. Murphy is recognized. I mean Mr. Keating. So sorry, sir.
Mr. KEATING. Thank you.
Chairman ROS-LEHTINEN. Mr. Keating has an amendment at the desk. The clerk will report the amendment.
Ms. CARROLL. Amendment to H.R. 2059 offered by Mr. Keating and Mr. Cicilline. A bill to prohibit funding to the United Nations Population Fund. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assem-

bled, section 1. Prohibition on funding to United Nations Population Fund. Notwithstanding any other provision of law, the Secretary of State may not make a contribution to the United Nations Population Fund (UNFPA), which would support coercive——

Chairman ROS-LEHTINEN. The Chair reserves a point of order, and recognizes the author for 5 minutes to explain the amendment.

[The amendment offered by Mr. Keating and Mr. Cicilline follows:]

MR. KEATING - MR. CICILLINE

112TH CONGRESS
1ST SESSION

H. R. 2059

To prohibit funding to the United Nations Population Fund.

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2011

Mrs. ELLMERS introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To prohibit funding to the United Nations Population Fund.

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

SECTION 1. PROHIBITION ON FUNDING TO UNITED NATIONS POPULATION FUND.

Notwithstanding any other provision of law, the Secretary of State may not make a contribution to the United Nations Population Fund (UNFPA). which would support coercive abortion or the ~~[illegible]~~ China's one child policy (involuntary sterilization)

Mr. KEATING. Thank you, Madam Chair. This really dovetails into the comments that my colleague who just preceded me talked about. One of the things that I had considered as a final amendment was not allowing funds at all to a country that had a policy of coercive abortion, and a policy like China's one-child policy. I was concerned, however, Madam Chair, that there might be a point of order against that.

And to try and be on point, and to have this survive a point of order, and make clear one thing—and that is this: That there have been a lot of arguments that have been made through the discussion of this, that the reason people opposed it was because of China's one-child policy, its coercive abortion policy.

Albeit, there have been other arguments that have been made in terms of financing and the use of funds, generally speaking whether or not we can afford that, from my standpoint I think that these are really cost-saving measures that are going to save our country in other respects so many times over that it is a good investment.

However, I want to use—I put this amendment in to just clarify the fact that—and make, as part of this legislation, something that is there with the reauthorization of Kemp-Kasten that we do, and just make sure that we are clear, those of us that want to be, like myself, that we do not want any of the UNFPA funds used for coercive abortion and China's one-child policy.

So that is the intent of it. The intent of it is one of clarification, for those of us that want to be clear on something that, perhaps, through the course of the discussion today, wasn't clear. So with that, I hope that this amendment is adopted. I do think that it serves as a very strong message from this committee. I think, for those of us that believe that the UNFPA funding serves some purpose, it also clarifies the fact that many of us want to make sure that those funds are not used that way.

And I think this complements Kemp-Kasten in that respect, and for that matter I hope and urge all the members of the committee who have spoken so strongly on this issue to work together and find an amendment we can all agree on. Thank you, Madam Chair. I yield my time.

Chairman ROS-LEHTINEN. Thank you so much. The gentleman yields back. Mr. Smith is recognized.

Mr. SMITH. I would just say that the first part of Ms. Ellmers' proposed bill is, "Notwithstanding any other provision of law." We know that Kemp-Kasten has not—or we believe it has not been faithfully adhered to. The President of the United States, on January 23rd, 2009, a couple of days after he took office: "I look forward to restoring U.S. financial support to the U.N. Population Fund."

There had been no analysis done by the State Department. There had been no due diligence done. This would shift it back to the administration to suggest that they are going to take another look at it. They can do that right now. It is because we are frustrated by the lack of application of Kemp-Kasten in a faithful way that Ms. Ellmers is offering this very, very important human rights bill.

Chairman ROS-LEHTINEN. And the gentleman yields back. Hearing—oh, Mr. Cicilline is recognized.

Mr. CICILLINE. Thank you, Madam Chairman. I am not sure I understood the argument that was just advanced. If, in fact, the

concern is that resources would be devoted to supporting coercive abortion or supporting China's one-child policy, Mr. Keating's amendment makes it very clear that that cannot happen in this provision of the bill.

And whether Kemp-Kasten clearly already does that, this reinforces that. And I think it would go a long way toward settling, once and for all, so that we won't have to spend lots of time on this question, because it would be clearly stated in the bill. But I would also like to ask if a member of the committee knows the answer to this: I have been advised that not a single penny of U.S. taxpayer money is spent in China by UNFPA. Not one penny.

If that is true——

Chairman ROS-LEHTINEN. If the gentleman would like Mr. Smith to respond to that?

Mr. CICILLINE. Yes, I would certainly yield to Mr. Smith.

Mr. SMITH. First, on the latter point, money is absolutely fungible. And the money that we contribute—it all really comes down to, I say to my good friend, how barbaric do you regard forced abortion to be.

Mr. CICILLINE. I am reclaiming——

Mr. SMITH. This organization is on the ground and we are——

Mr. CICILLINE. I am reclaiming my time.

Mr. SMITH. No, I——

Mr. CICILLINE. I am reclaiming. I think there is no question it is barbaric. There is no disagreement about that. But if, in fact——

Mr. SMITH. And we are doing this with other programs.

Mr. CICILLINE. I've reclaimed my time.

Chairman ROS-LEHTINEN. Mr. Cicilline has the time.

Mr. CICILLINE. If, in fact—no, and I appreciate the gentleman's passion on this, because I think we all have the same view: Of course it is barbaric. But if, in fact, it is true, and as it seems to be confirmed by your response to my question, that not a single penny of U.S. taxpayer money is spent in China by UNFPA, that is an important fact.

And so I think it confirms that Kemp-Kasten is being applied. It will make the Keating amendment just a reinforcement of that. But in fact, taxpayer money is not currently being spent by this agency, U.S. taxpayer money, in China. Not a single penny. That is an important fact for the committee to know.

And I yield back the balance of my time.

Chairman ROS-LEHTINEN. Mr. Smith wants to know if you would yield.

Mr. SMITH. Let me say to my colleague that, again, this is grant money. There is no treaty obligation here. This is grant money. Who we donate to does matter. If the organization has a program that supports coercive population control, refuses any kind of transparency, I think we have a reason to say, "We will put the money somewhere else."

Let me also point out to my friend and colleague that, in the bill we just passed, the underlying law, the Trafficking Victims Protection Act, makes it very clear that the Department will terminate any grant, contract, or cooperative agreement if the grantee or subgrantee engages in any severe form of human trafficking. "Severe

form" is one instance. Here we are talking about massive imposition of human rights abuse upon women.

Mr. CICILLINE. No, I agree. And reclaiming my time, it would seem to me that that would argue in favor of the amendment. And the key word you just said is, "If there is an agency that does that." I think we have seen emphatically that they do not support this policy, that they do not support—in fact, they support voluntary decision-making in health care.

So I agree with you. If that were the case, that would warrant looking at their funding. But that is not the fact, that we have heard repeatedly throughout this hearing and from the supporting materials we got prior to this hearing. So I don't know if he wants to——

Mr. SMITH. Will you yield again, very briefly?

Mr. CICILLINE. I yield.

Mr. SMITH. Two weeks ago I held a hearing on the massive crime against women and children on the 32nd anniversary—I hate the word anniversary, but remembering that that is, almost to the day, when that program was initiated, with UNFPA having a hand-and-glove relationship since 1979 with the hardliners in Beijing.

With all due respect, not one Democratic Member showed up. And I hoped desperately for Members to be there, to hear the testimony from Chai Ling, two other women who were forcibly aborted. Because it is not until you really realize the desperation that these women have suffered, going through that forced abortion, the fact that in one case, the woman talked about how they held her husband. There is no doubt that they hold other family members, they being the State Family Planning Cadres, until the woman submits to a voluntary abortion.

Chairman ROS-LEHTINEN. Thank you. Mr. Cicilline's time has expired. Hearing no further requests for recognition—oh, yes. Sorry. You are recognized for 5 minutes, Mr. Carnahan

Mr. CARNAHAN. I will not take 5 minutes, but I have been sitting here throughout this debate. And maybe this amendment should have been the first amendment that was brought up today. Because I don't think there is a single member on this committee—with respect to Mr. Smith and others—that supports any kind of coercive abortion policy. Not one member on this committee, I would venture to say.

And if that is the case, then we should all support this amendment. This is clear, no matter what you think is going on, whether you think this is already in current law or not, or needs clarification, this seems very clear, that funds would not go to this. I think we all should be able to agree on that. Let us do that, instead of sending a mixed message about what we are doing with these funds.

This amendment, I think, helps clear that up. And I would hope we can support this amendment. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Before you yield back, I think Mr. Burton wanted to see if you would yield, instead of taking his own time. Mr. Burton?

Mr. CARNAHAN. I would yield to my friend from Indiana, yes.

Chairman ROS-LEHTINEN. Dealing with the definition of support by the administration. Mr. Burton, he is yielding.

Mr. BURTON. Thank you, Madam Chairman. By allowing the administration to define support, this would be a reversion to the status quo. And the other side is making our point: The administration currently claims that UNFPA funding does not support China's coercive policy. There is obviously, obviously disagreement.

Chairman ROS-LEHTINEN. Mr. Burton yields back. And do you yield back your time?

Mr. CARNAHAN. I happily yield back, Madam Chair.

Chairman ROS-LEHTINEN. Thank you so much, sir. And Mr. Marino is recognized.

Mr. MARINO. One minute. My colleague, on the other side at the end, we passionately argue. It is in our heritage. But I do want to clarify one statement. There is a report, according to Secretary of State Colin Powell, when he was Secretary of State. It stated that the UNFPA contributed vehicles and computers to the Chinese to carry out their population control policies.

Now, I was not being selective in reports, as it was stated. I was only answering a question that has been repeatedly asked: "Give us some information, or a fact." And I have to believe Colin Powell that funds have been used by the Chinese to carry that out.

Granted, it was when the Secretary of State was in office, and there has been a subsequent report. So I just wanted to make that clear. According to Colin Powell, expenditures were made.

Thank you. I yield back.

Chairman ROS-LEHTINEN. The gentleman yields back. Seeing no further requests for recognition, the Chair withdraws her reservation and the question occurs on the amendment. All those in favor, say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All opposed, no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

Mr. KEATING. Madam Chair, I definitely ask for a recorded vote on this.

Chairman ROS-LEHTINEN. Mr. Keating asks for a recorded vote. The clerk will call the roll.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no.

Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Ms. CARROLL. Mr. Burton votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no.

Mr. Manzullo.

[No response.]

Ms. CARROLL. Mr. Royce.
Mr. ROYCE. No.
Ms. CARROLL. Mr. Royce votes no.
Mr. Chabot.
Mr. CHABOT. No.
Ms. CARROLL. Mr. Chabot votes no.
Mr. Paul.
[No response.]
Ms. CARROLL. Mr. Pence.
Mr. PENCE. No.
Ms. CARROLL. Mr. Pence votes no.
Mr. Wilson.
[No response.]
Ms. CARROLL. Mr. Mack.
Mr. MACK. No.
Ms. CARROLL. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. CARROLL. Mr. Fortenberry votes no.
Mr. McCaul.
[No response.]
Ms. CARROLL. Mr. Poe.
[No response.]
Ms. CARROLL. Mr. Bilirakis.
Mr. BILIRAKIS. No.
Ms. CARROLL. Mr. Bilirakis votes no.
Ms. Schmidt.
Ms. SCHMIDT. No.
Ms. CARROLL. Ms. Schmidt votes no.
Mr. Johnson.
Mr. JOHNSON. No.
Ms. CARROLL. Mr. Johnson votes no.
Mr. Rivera.
Mr. RIVERA. No.
Ms. CARROLL. Mr. Rivera votes no.
Mr. Kelly.
Mr. KELLY. No.
Ms. CARROLL. Mr. Kelly votes no.
Mr. Griffin.
Mr. GRIFFIN. No.
Ms. CARROLL. Mr. Griffin votes no.
Mr. Marino.
Mr. MARINO. No.
Ms. CARROLL. Mr. Marino votes no.
Mr. Duncan.
Mr. DUNCAN. No.
Ms. CARROLL. Mr. Duncan votes no.
Ms. Buerkle.
Ms. BUERKLE. No.
Ms. CARROLL. Ms. Buerkle votes no.
Ms. Ellmers.
Ms. ELLMERS. No.
Ms. CARROLL. Ms. Ellmers votes no.
Mr. Turner.

Mr. TURNER. No.
Ms. CARROLL. Mr. Turner votes no.
Mr. Berman.
Mr. BERMAN. Aye.
Ms. CARROLL. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
[No response.]
Ms. CARROLL. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Ms. CARROLL. Mr. Engel votes aye.
Mr. Meeks.
Mr. MEEKS. Aye.
Ms. CARROLL. Mr. Meeks votes aye.
Mr. Carnahan.
Mr. CARNAHAN. Aye.
Ms. CARROLL. Mr. Carnahan votes aye.
Mr. Sires.
Mr. SIRES. Aye.
Ms. CARROLL. Mr. Sires votes aye.
Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Mr. Deutch.
Mr. DEUTCH. Aye.
Ms. CARROLL. Mr. Deutch votes aye.
Mr. Cardoza.
[No response.]
Ms. CARROLL. Mr. Chandler.
Mr. CHANDLER. Aye.
Ms. CARROLL. Mr. Chandler votes aye.
Mr. Higgins.
Mr. HIGGINS. Aye.
Ms. CARROLL. Mr. Higgins votes aye.
Ms. Schwartz.
[No response.]
Ms. CARROLL. Mr. Murphy.
Mr. MURPHY. Aye.
Ms. CARROLL. Mr. Murphy votes aye.
Ms. Wilson.
[No response.]
Ms. CARROLL. Ms. Bass.
Ms. BASS. Aye.
Ms. CARROLL. Ms. Bass votes aye.
Mr. Keating.
Mr. KEATING. Aye.
Ms. CARROLL. Mr. Keating votes aye.

Mr. Cicilline.
Mr. CICILLINE. Aye.
Ms. CARROLL. Mr. Cicilline votes aye.
Chairman ROS-LEHTINEN. Have all members been recorded?
Mr. Manzullo.
Mr. MANZULLO. No.
Ms. CARROLL. Mr. Manzullo votes no.
Chairman ROS-LEHTINEN. Ms. Schwartz.
Ms. SCHWARTZ. No.
Ms. CARROLL. Ms. Schwartz votes——
Ms. SCHWARTZ. Aye.
Ms. CARROLL [continuing]. Aye.
Chairman ROS-LEHTINEN. The clerk is good. She edits your votes. The clerk will report the vote.
Ms. CARROLL. Madam Chair, on that vote there are 16 ayes and 22 noes.
Chairman ROS-LEHTINEN. The noes have it, and the question is not agreed to. And like a typical politician, I fibbed. I said it was the last amendment, but Mr. Meeks has the last amendment, I am sure. Mr. Meeks is recognized, and the clerk will report the amendment.
Ms. CARROLL. Amendment to H.R. 2059 offered by Mr. Meeks and Ms. Wilson. In section 1, insert "and except as provided in section 2" before "the Secretary of State." Add at the end of the following: Section 2. Exception. Section 1 shall not apply in the case of contributions to UNFPA to carry out activities in Haiti.
[The amendment offered by Mr. Meeks and Ms. Wilson of Florida follows:]

AMENDMENT TO H.R. 2059
OFFERED BY M_. Wilson #656 + Mr. Meeks

In section 1 insert "and except as provided in section 2," before "the Secretary of State".

Add at the end the following:

1 **SEC. 2. EXCEPTION.**
2 Section 1 shall not apply in the case of contributions
3 to UNFPA to carry out activities in Haiti.

☒

Chairman ROS-LEHTINEN. And Mr. Meeks is recognized for 5 minutes.
Mr. MEEKS. Thank you, Madam Chairman. And thank you to the ranking member, Mr. Berman. Now, this basically is a simple amendment that we have before us today, and it states that 2059

would not apply to activities in Haiti. Now, I, overall—this bill, I have problems with it, period. But when you look at what is taking place in Haiti, and to say that UNFPA should not provide the vital services that it is currently providing in Haiti—it provides critical health services to both mothers and children, especially in nations that are impoverished.

To me, it becomes a matter of—we really need to examine our own consciences if we talk about cutting these tremendous services, these much-needed services, to a country like Haiti. Why are we going to hinder the kinds of aid that they need? Why would we have a problem with trying to help mothers, or to ensure that mothers are able to celebrate life with her child?

What this bill is doing, what this bill talks about, it talks about because, as we sit here—this amendment—as we sit here, comfortably, there is an entire nation that is in ruins. There is an entire nation attempting to rebuild, and there is an entire nation that we have committed to assisting.

So why are we undercutting the commitment to Haiti now? One in every 47 pregnancies in Haiti turns fatal during delivery. One in every 47 pregnancies in Haiti turns fatal during delivery. Why would we ever dream of cutting funding to a program that recruits senior midwives to dedicate a year in Haiti, to address the shortage of experienced maternity clinics? Why would we ever consider cutting funding to a program that provides blood transfusions to a nation such as this?

This seems to me the very essence of what we want to do. And if we were honest with ourselves with this piece of legislation, we would target cutting funds to those areas of the UNFPA considered to be offensive, not just get rid of the whole program. A wholesale cutting of funding to an entire program is not a path forward, especially if I have not heard any alternatives proposed.

So what it will do is, if we eliminate this funding, it is like amputating an arm to deal with an elbow scrape. And no one here would recommend that. And therefore, that is why I have got a problem with recommending passing this bill. Now, I understand the spirit in which things are done, but I would ask all my colleagues to seriously consider their votes in its entirety on this bill, and especially also their vote on this amendment, which I think is an amendment that is good, that is still tacked onto a bill that I have a problem with.

But in the end, I ask people to please, remember Haiti. Please think about how all of us felt when that devastating earthquake took place. We should not—and we made a commitment that it shouldn't have been just a 2-week effort to help those individuals in Haiti. It should have been a continuing struggle, a continuing fight and commitment on our part. Eliminating all funding to Haiti will show that we are going back on our word then, and turning our back on the neediest of the needy.

And we talk about life, but this helps those women who are pregnant bring that life forward without that child dying in birth. And so, Madam Chair, I ask that we vote aye on this amendment. And I yield back.

Chairman ROS-LEHTINEN. Thank you very much, sir. Seeing and hearing no further requests for time, the question occurs on the Meeks amendment. All those in favor, say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All opposed, no.

[Noes.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

Mr. MEEKS. Recorded vote.

Chairman ROS-LEHTINEN. Mr. Meeks would like a recorded vote, and the clerk will call the roll, please.

Ms. CARROLL. Madam Chair.

Chairman ROS-LEHTINEN. No.

Ms. CARROLL. The chairman votes no.

Mr. Smith.

Mr. SMITH. No.

Ms. CARROLL. Mr. Smith votes no.

Mr. Burton.

[No response.]

Ms. CARROLL. Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. CARROLL. Mr. Rohrabacher votes no.

Mr. Manzullo.

Mr. MANZULLO. No.

Ms. CARROLL. Mr. Manzullo votes no.

Mr. Royce.

Mr. ROYCE. No.

Ms. CARROLL. Mr. Royce votes no.

Mr. Chabot.

Mr. CHABOT. No.

Ms. CARROLL. Mr. Chabot votes no.

Mr. Paul.

[No response.]

Ms. CARROLL. Mr. Pence.

Mr. PENCE. No.

Ms. CARROLL. Mr. Pence votes no.

Mr. Wilson.

[No response.]

Ms. CARROLL. Mr. Mack.

Mr. MACK. No.

Ms. CARROLL. Mr. Mack votes no.

Mr. Fortenberry.

Mr. FORTENBERRY. No.

Ms. CARROLL. Mr. Fortenberry votes no.

Mr. McCaul.

[No response.]

Ms. CARROLL. Mr. Poe.

[No response.]

Ms. CARROLL. Mr. Bilirakis.

Mr. BILIRAKIS. No.

Ms. CARROLL. Mr. Bilirakis votes no.

Ms. Schmidt.
Ms. SCHMIDT. No.
Ms. CARROLL. Ms. Schmidt votes no.
Mr. Johnson.
Mr. JOHNSON. No.
Ms. CARROLL. Mr. Johnson votes no.
Mr. Rivera.
Mr. RIVERA. No.
Ms. CARROLL. Mr. Rivera votes no.
Mr. Kelly.
Mr. KELLY. No.
Ms. CARROLL. Mr. Kelly votes no.
Mr. Griffin.
Mr. GRIFFIN. No.
Ms. CARROLL. Mr. Griffin votes no.
Mr. Marino.
Mr. MARINO. No.
Ms. CARROLL. Mr. Marino votes no.
Mr. Duncan.
Mr. DUNCAN. No.
Ms. CARROLL. Mr. Duncan votes no.
Ms. Buerkle.
Ms. BUERKLE. No.
Ms. CARROLL. Ms. Buerkle votes no.
Ms. Ellmers.
Ms. ELLMERS. No.
Ms. CARROLL. Ms. Ellmers votes no.
Mr. Turner.
Mr. TURNER. No.
Ms. CARROLL. Mr. Turner votes no.
Mr. Berman.
Mr. BERMAN. Aye.
Ms. CARROLL. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
[No response.]
Ms. CARROLL. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Ms. CARROLL. Mr. Engel votes aye.
Mr. Meeks.
Mr. MEEKS. Aye.
Ms. CARROLL. Mr. Meeks votes aye.
Mr. Carnahan.
Mr. CARNAHAN. Aye.
Ms. CARROLL. Mr. Carnahan votes aye.
Mr. Sires.
Mr. SIRES. Aye.

Ms. CARROLL. Mr. Sires votes aye.
Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Mr. Deutch.
Mr. DEUTCH. Aye.
Ms. CARROLL. Mr. Deutch votes aye.
Mr. Cardoza.
[No response.]
Ms. CARROLL. Mr. Chandler.
Mr. CHANDLER. Aye.
Ms. CARROLL. Mr. Chandler votes aye.
Mr. Higgins.
Mr. HIGGINS. Aye.
Ms. CARROLL. Mr. Higgins votes aye.
Ms. Schwartz.
Ms. SCHWARTZ. Aye.
Ms. CARROLL. Ms. Schwartz votes aye.
Mr. Murphy.
Mr. MURPHY. Aye.
Ms. CARROLL. Mr. Murphy votes aye.
Ms. Wilson.
[No response.]
Ms. CARROLL. Ms. Bass.
Ms. BASS. Aye.
Ms. CARROLL. Ms. Bass votes aye.
Mr. Keating.
Mr. KEATING. Aye.
Ms. CARROLL. Mr. Keating votes aye.
Mr. Cicilline.
Mr. CICILLINE. Aye.
Ms. CARROLL. Mr. Cicilline votes aye.
Chairman ROS-LEHTINEN. Have all members been recorded?
Mr. BURTON. Am I recorded?
Ms. CARROLL. You are not recorded, Mr. Burton.
Mr. BURTON. I vote no.
Ms. CARROLL. Mr. Burton votes no.
Chairman ROS-LEHTINEN. The clerk will report the vote.
Ms. CARROLL. Madam Chair, on that vote there are 16 ayes and 22 noes.
Chairman ROS-LEHTINEN. The noes have it, and the question is not agreed to.
Hearing no further amendments, the question occurs on agreeing to the bill H.R. 2059. The clerk will call the roll.
Ms. CARROLL. Madam Chair.
Chairman ROS-LEHTINEN. Aye.
Ms. CARROLL. The chairman votes aye.
Mr. Smith.
Mr. SMITH. Aye.
Ms. CARROLL. Mr. Smith votes aye.
Mr. Burton.
[No response.]
Ms. CARROLL. Mr. Gallegly.
Mr. GALLEGLY. Aye.

Ms. CARROLL. Mr. Gallegly votes aye.
Mr. Rohrabacher.
Mr. ROHRABACHER. Aye.
Ms. CARROLL. Mr. Rohrabacher votes aye.
Mr. Manzullo.
Mr. MANZULLO. Aye.
Ms. CARROLL. Mr. Manzullo votes aye.
Mr. Royce.
[No response.]
Ms. CARROLL. Mr. Chabot.
Mr. CHABOT. Aye.
Ms. CARROLL. Mr. Chabot votes aye.
Mr. Paul.
[No response.]
Ms. CARROLL. Mr. Pence.
Mr. PENCE. Aye.
Ms. CARROLL. Mr. Pence votes aye.
Mr. Wilson.
[No response.]
Ms. CARROLL. Mr. Mack.
Mr. MACK. Yes.
Ms. CARROLL. Mr. Mack votes aye.
Mr. Fortenberry.
Mr. FORTENBERRY. Yes.
Ms. CARROLL. Mr. Fortenberry votes aye.
Mr. McCaul.
[No response.]
Ms. CARROLL. Mr. Poe.
[No response.]
Ms. CARROLL. Mr. Bilirakis.
Mr. BILIRAKIS. Yes.
Ms. CARROLL. Mr. Bilirakis votes aye.
Ms. Schmidt.
Ms. SCHMIDT. Aye.
Ms. CARROLL. Ms. Schmidt votes aye.
Mr. Johnson.
Mr. JOHNSON. Aye.
Ms. CARROLL. Mr. Johnson votes aye.
Mr. Rivera.
Mr. RIVERA. Aye.
Ms. CARROLL. Mr. Rivera votes aye.
Mr. Kelly.
Mr. KELLY. Aye.
Ms. CARROLL. Mr. Kelly votes aye.
Mr. Griffin.
[No response.]
Ms. CARROLL. Mr. Marino.
Mr. MARINO. Aye.
Ms. CARROLL. Mr. Marino votes aye.
Mr. Duncan.
Mr. DUNCAN. Aye.
Ms. CARROLL. Mr. Duncan votes aye.
Ms. Buerkle.
Ms. BUERKLE. Aye.

Ms. CARROLL. Ms. Buerkle votes aye.
Ms. Ellmers.
Ms. ELLMERS. Aye.
Ms. CARROLL. Ms. Ellmers votes aye.
Mr. Turner.
Mr. TURNER. Aye.
Ms. CARROLL. Mr. Turner votes aye.
Mr. Berman.
Mr. BERMAN. No.
Ms. CARROLL. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.
Ms. CARROLL. Mr. Ackerman votes no.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
[No response.]
Ms. CARROLL. Mr. Sherman.
Mr. SHERMAN. No.
Ms. CARROLL. Mr. Sherman votes no.
Mr. Engel.
Mr. ENGEL. No.
Ms. CARROLL. Mr. Engel votes no.
Mr. Meeks.
Mr. MEEKS. No.
Ms. CARROLL. Mr. Meeks votes no.
Mr. Carnahan.
Mr. CARNAHAN. No.
Ms. CARROLL. Mr. Carnahan votes no.
Mr. Sires.
Mr. SIRES. No.
Ms. CARROLL. Mr. Sires votes no.
Mr. Connolly.
Mr. CONNOLLY. No.
Ms. CARROLL. Mr. Connolly votes no.
Mr. Deutch.
Mr. DEUTCH. No.
Ms. CARROLL. Mr. Deutch votes no.
Mr. Cardoza.
[No response.]
Ms. CARROLL. Mr. Chandler.
Mr. CHANDLER. No.
Ms. CARROLL. Mr. Chandler votes no.
Mr. Higgins.
Mr. HIGGINS. No.
Ms. CARROLL. Mr. Higgins votes no.
Ms. Schwartz.
Ms. SCHWARTZ. No.
Ms. CARROLL. Ms. Schwartz votes no.
Mr. Murphy.
Mr. MURPHY. No.
Ms. CARROLL. Mr. Murphy votes no.
Ms. Wilson.
[No response.]

Ms. CARROLL. Ms. Bass.
Ms. BASS. No.
Ms. CARROLL. Ms. Bass votes no.
Mr. Keating.
Mr. KEATING. No.
Ms. CARROLL. Mr. Keating votes no.
Mr. Cicilline.
Mr. CICILLINE. No.
Ms. CARROLL. Mr. Cicilline votes no.
Chairman ROS-LEHTINEN. Have all members been recorded?
Mr. BURTON. Madam Chair?
Ms. CARROLL. Mr. Burton, you are not recorded.
Mr. BURTON. No.
Ms. CARROLL. Mr. Burton votes no.
Chairman ROS-LEHTINEN. Yes.
Mr. BURTON. Oh, excuse me. Let me correct that, aye.
Ms. CARROLL. Mr. Burton off no, on aye.
Mr. Royce.
Mr. ROYCE. Aye.
Ms. CARROLL. Mr. Royce votes aye.
Chairman ROS-LEHTINEN. Mr. Griffin.
Mr. GRIFFIN. Aye.
Ms. CARROLL. Mr. Griffin votes aye.
Chairman ROS-LEHTINEN. Mr. Payne.
Mr. PAYNE. No.
Ms. CARROLL. Mr. Payne votes no.
Chairman ROS-LEHTINEN. Mr. McCaul.
Ms. CARROLL. Mr. McCaul.
Mr. MCCAUL. I vote aye.
Ms. CARROLL. Mr. McCaul votes aye.

Chairman ROS-LEHTINEN. Have all members been recorded? The clerk will report the vote.

Ms. CARROLL. Madam Chair, on that vote there are 23 ayes and 17 noes.

Chairman ROS-LEHTINEN. The ayes have it, and the question is agreed to. The Chair moves that the bill be reported favorably to the House. All those in favor say aye.

[Ayes.]

Chairman ROS-LEHTINEN. All opposed, no.

[No response.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the ayes have it and the motion is agreed to. I want to thank all the members and the staff for their work and cooperation that went into today's markup. Having concluded our business, the committee stands adjourned. Thank you very much.

[Whereupon, the committee was adjourned at 1:48 p.m.]

APPENDIX

Material Submitted for the Record

FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

September 28, 2011

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hfca.house.gov):**

DATE: Wednesday, October 5, 2011

TIME: 10:00 a.m.

MARKUP OF: H.R. 2830, To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes; and

H.R. 2059, To prohibit funding to the United Nations Population Fund.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE MARKUP

Day *Wednesday* **Date** *10/05/11* **Room** *2172 RHOB*

Starting Time *10:10 A.M.* **Ending Time** *1:51 P.M.*

Recesses [ ] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Rep. Ileana Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 2830, To authorize appropriations for fiscal year 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes

H.R. 2059, To prohibit funding to the United Nations Population Fund

COMMITTEE MEMBERS PRESENT:

Attendance attached

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

H.R. 2830 - Rep. Bass 30, Rep. Royce 59, Rep. Murhpy 49, & Rep. Fortenberry 82.
H.R. 2059 - Rep. Bass 654, Rep. Cicilline 649 & 650, Rep. Connolly 648, Rep. Keating/Cicilline, Rep. Keating 652, Rep. Murphy 651, Rep. Payne 658, Rep. Payne/Keating 647, & Rep. Wilson 656.

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *10:20 A.M.*

Doug Anderson, General Counsel

Hearing/Briefing Title: Mark-up H.R. 2830 & H.R. 2059

Date: 10/05/11

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
X	Dan Burton, IN
X	Elton Gallegly, CA
X	Dana Rohrabacher, CA
X	Donald Manzullo, IL
X	Edward R. Royce, CA
X	Steve Chabot, OH
	Ron Paul, TX
X	Mike Pence, IN
X	Joe Wilson, SC
X	Connie Mack, FL
X	Jeff Fortenberry, NE
X	Michael McCaul, TX
X	Ted Poe, TX
X	Gus M. Bilirakis, FL
X	Jean Schmidt, OH
X	Bill Johnson, OH
X	David Rivera, FL
X	Mike Kelly, PA
X	Tim Griffin, AK
X	Tom Marino, PA
X	Jeff Duncan, SC
X	Ann Marie Buerkle, NY
X	Renee Ellmers, NC
X	Robert Turner, NY

Present	Member
X	Howard L. Berman, CA
X	Gary L. Ackerman, NY
	Eni F.H. Faleomavaega, AS
X	Donald M. Payne, NJ
X	Brad Sherman, CA
X	Eliot Engel, NY
X	Gregory Meeks, NY
X	Russ Carnahan, MO
X	Albio Sires, NJ
X	Gerry Connolly, VA
X	Ted Deutch, FL
X	Dennis Cardoza, CA
X	Ben Chandler, KY
X	Brian Higgins, NY
X	Allyson Schwartz, PA
X	Chris Murphy, CT
X	Frederica Wilson, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI

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