

12042

SENATE

STATE

AFFAIRS



# RECORDS

# CERTIFICATION

I, \_\_\_\_\_, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are true and correct reproductions of the original records of the State of Alaska, as formulated during the regular course of business, in accordance with the established policy and practice of this State to preserve records and to dispose of the original documents when appropriate reproductions have been made.

\_\_\_\_\_  
Camera Operator

11/20/07  
Date

**LIST**

**OF**

**FILES**

2005-2006  
SENATE STATE AFFAIRS COMMITTEE  
LIST OF FILES (PAGE 1)

MICROFICHE #

EXECUTIVE ORDER 113

SB 9  
SB 12  
SB 20  
SB 24  
SB 26  
SB 36  
SB 39  
SB 54  
SB 59  
SB 72  
SB 75  
SB 76  
SB 87  
SB 88  
SB 90  
SB 94  
SB 95  
SB 101  
SB 104  
SB 121

2005-2006  
SENATE STATE AFFAIRS COMMITTEE  
LIST OF FILES (PAGE 2)

MICROFICHE #

---

SB 122  
SB 127  
SB 132  
SB 134  
SB 152  
SB 154  
SB 172  
SB 176  
SB 186  
SB 187  
SB 189  
SB 214  
SB 215  
SB 224  
SB 234  
SB 274  
SB 288  
SB 200  
SB 293  
SB 297  
SCR 2

2005-2006

SENATE STATE AFFAIRS COMMITTEE

LIST OF FILES (PAGE 3)

MICROFICHE #

---

SCR 21

SCR 22

SJR 8

SJR 14

HB 83

HB 90

HB 94

HB 95

HB 97

HB 116

HB 127

HB 133

HB 167

HB 178

HB 181

HB 183

HB 201

HB 210

HB 214

HB 215

HB 229

SSTA24

2005-2006  
SENATE STATE AFFAIRS COMMITTEE  
LIST OF FILES (PAGE 4)

MICROFICHE #

---

HB 245

HB 277

HB 300

HB 347

HB 375

HB 399

HB 475

HB 489

HCR 4

HJR 8

HJR 25

HJR 27

**EO**

**113**



Official Business

# Alaska State Legislature

## Senate

### Office of the Secretary

State Capitol, Room 213  
Juneau, Alaska 99801-1182  
Phone: (907) 465-3701  
Fax: (907) 465-2832  
Email: senate\_secretary@legis.state.ak.us

#### MEMORANDUM

DATE: January 10, 2005

TO: Senator Therriault, Chair  
State Affairs Committee

FROM: Kirsten Waid *KW*  
Secretary of the Senate

RE: Executive Order No. 113

The president has referred Executive Order No. 113 (transferring all functions from the Telecommunications Information Council to the Department of Administration and the Office of the Governor) to your committee.

Article III, Section 23 of the Constitution states:

The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Executive Orders are treated differently than bills. If you wish to report any recommendations to the body, please do so with a memo or in accordance with Uniform Rule 49(a)(4) and Article III, Section 23 of the Constitution within the sixty-day limit.

Attachment

E0113



FRANK H. MURKOWSKI  
GOVERNOR

GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 10, 2005

The Honorable Ben Stevens  
President of the Senate  
Alaska State Legislature  
State Capitol, Room 111  
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an Executive Order transferring all functions currently assigned by statute to the Telecommunications Information Council (TIC) to the Department of Administration and the Office of the Governor.

By statute, the TIC is housed in the Office of the Governor. It is presided over by the Governor and is comprised primarily of high-level state officials, including commissioners of all the departments, the president of the University of Alaska, the executive director of the Legislative Affairs Agency and a legislator from each house.

Currently, the TIC is charged with establishing guidelines and preparing short-term and long-term information system plans for the state. It is also charged with adopting regulations for providing information to the public. The TIC has broad authority to establish information policies and engage in any information-related activities it considers necessary.

In reality, the TIC has not met over the last four years and has proven itself to be a failed experiment. State officials with responsibility for the TIC are too busy within their own departments or branches to participate and furthermore, often lack the expertise in the various technical areas to make the necessary informed decisions. Therefore, state government-wide telecommunications activities have largely been undertaken by the Department of Administration, which has the personnel and the statutory authority to carry out this mission.

In order to provide a more efficient administration, it is necessary to eliminate the unwieldy and overly bureaucratic TIC and transfer its functions to the Department of Administration and the Office of the Governor where they are currently being carried out.

Sincerely yours,

Frank H. Murkowski  
Governor

Enclosure

COMMITTEE COPY

## **Telecommunications Information Council Activities Update**

*Office of the Lt. Governor-January 2002*

The Telecommunications Information Council (TIC), created by statute in 1988, is charged with developing policies related to telecommunications and information technology. Membership includes the Governor, commissioners of all departments, representatives of the Alaska Court System and the Legislative Affairs Agency, and one member of the public. Two legislators, one from the House and one from the Senate, serve as non-voting members. In 1995 Governor Knowles designated Lt. Governor Ulmer to chair the TIC, which meets quarterly.

### **TIC Committees**

*TIC Policy Committee:* This is an executive committee of the TIC that sets the agendas for the TIC and its advisory committees and serves as a driving force behind major policy initiatives. Members are Lt. Governor Ulmer, Annalee McConnell of OMB, Commissioner Duncan of Department of Administration, Deputy Commissioner Smith of Department of Public Safety, Deputy Commissioner Rutherford of Department of Natural Resources and Steve Smith, Chief Technology Officer of the University of Alaska Southeast Director Chase of Department of Military and Veterans Affairs, Staff advisers include the director of the Department of Administration's Information Technology Group and the Lt. Governor's special assistant for telecommunications. The Policy Committee meets approximately twice a month.

*TIC Technical Advisory Committee:* Each department has designed one of their top information technology specialists to serve on the TAC. The committee is asked to advise the TIC on a variety of technical issues, such as standards, security and evaluations of capital projects proposed by state agencies. The TAC, chaired by Ed Christian Department of Law, meets monthly.

*TIC Advisory Committee on Emergency Communications:* This group, chaired by Deputy Commissioner Del Smith of Public Safety, meets as needed for departments with an interest in emergency communications (DPS, DMVA, DH&SS, DOA) to make recommendations on issues that cross department lines. The current focus of this group is the migration of land mobile radios to a new federally mandated standard.

*TIC Advisory Committee on Geographic Information:* This appointed group concentrate on geographic information systems and how the state can work in partnership with federal agencies and the private sector. The full range of geographic information issues will be discussed, including the emergence of high-resolution satellite imagery and its potential uses by state agencies and the University of Alaska. This group's strategic plan is available to the public.

*TIC Advisory Committee on Electronic Signatures for State Government* - This recently appointed group is working on evaluating and coordinating the use of electronic signatures for state government. Many state business processes and corresponding documents today require signature. These procedures now on-line, can be electronically process through the web or email- however, the pages containing the signature must be faxed or mailed. This committee is looking at digital signatures, PINS, and other electronic signatures which would most appropriate for each application. Regulations to implement Alaska's new digital signature were implemented earlier this year. Certification authorities, the businesses that sell digital signature certificates to the public, can now register with the State of Alaska.

*TIC Advisory Committee on Security and Privacy*- This working group chaired by Commissioner Jim Duncan, is developing policy and procedures for security on all state networks and computer systems. The document coming from this group will define the procedures necessary to maintain the integrity of all information traversing state networks and protect against illegal and unwarranted attacks on the networks and systems. This work will be immediately followed with a companion policy and procedures document on maintaining the privacy of information on state networks and systems.

### **TIC Initiatives**

*Creation of a State Telecommunications and Information Technology Plan:* In 1996 the TIC developed and adopted a state plan that provided a blueprint for agencies, the public, and telecommunications providers. The contract in underway for an update of that plan is underway and will be completed in spring of 2002.

*Boosting the State of Alaska's presence on the Internet:* At the direction of TIC, the State of Alaska's offerings of information, services and transactions on the Internet has dramatically increased. Alaskans can now go to the web to read public notices of all kinds, check the ferry and railroad schedules, view the latest election results, check on the status of their Permanent Fund dividend application, apply for state job, purchase a fishing license, renew a car registration, purchase a special license plate, review campaign contribution information, download an application for a business license, and much, much more.

*Setting standards for state government:* The TIC promotes efficiencies within state government by setting technology standards for state agencies. As a result of TIC actions, all state agencies are now using the same suite of desktop software products, which makes it easier for state employees to communicate with each other. State government now has a statewide email system, allowing technicians in most agencies to spend time on other priorities.

*Online training of state employees:* A partnership between the Gartner Group, a leading technology consulting firm, the state of Alaska and the University of Alaska, led to creation of a unique online technology training program for state employees and University of Alaska students. State employees can now access hundreds of online training courses from home or work, provides obvious benefits to the state and improves the long-term "employability" of workers.

*Special projects and initiatives:*

- The potential uses of satellite imagery by state agencies was the focus of a TIC-sponsored conference last December and \$3.5 million in NASA grants were awarded to Alaskan agencies and businesses during fall 2001.
- A telecommunications partnership project that involves seeking proposals from telecommunications providers to take over portions of the state-owned telecommunications network is now underway.
- The TIC, in partnership with the University of Alaska, created a videoconferencing system to service state agencies.
- Cost efficiencies for public television and rural television (ARCS) were achieved when the TIC directed implementation of a digital system.

### **Other Telecommunications/IT Related Projects and Initiatives**

*FCC State and Local Advisory Committee on Universal Service:* Lt. Governor Ulmer was appointed to serve on this committee, which provides advice to the Federal Communications Commission on state and local communications issues, such as continuation of the education rate for educational institutions, state and local authority over location of transmission towers, etc.

*Denali Commission survey on rural telecommunications services:* The Denali Commission, co-chaired by Lt. Governor Ulmer approved monies for a survey of the telecommunications services available in rural Alaska communities and what residents they pay for them. Information is now available to everyone concerning the price and availability of services such as telephones, cable television, Internet for each village in rural Alaska.

*Jobs for Alaskans in the technology industry:* The Alaska Science and Technology Foundation approved a pilot project to identify, recruit, and place 50 new information technology apprentices into a minimum of 20 Alaska companies. This will be done through formation of a consortium composed of businesses, educational institutions and other organizations with an interest in economic development and training.

*Telemedicine:* The State of Alaska is in partnership with federal agencies, telecommunications providers and health care providers to assess the best uses of telemedicine applications in Alaska, how to break the barriers to effective use of telemedicine in our state, and strategies to finance development costs.

### **National Recognition for Alaska**

The State of Alaska has just been ranked first in the nation for digital democracy by the Center for Digital Government and the Progress and Freedom Foundation. Last year we ranked second among the 50 states for facilitating electronic commerce. The State has also won a coveted "Best of the Web" award from Government Technology Magazine. The National Association of State Chief Administrators selected Workplace Alaska and the Alaska Division of Motor Vehicles Partnership Program for its 1999 Overall Award for Innovation. In addition, the DMV program earned an innovator in technology award from the Smithsonian and *Computerworld* Magazine.

**SB**

**9**



ALASKA STATE LEGISLATURE  
SENATOR GRETCHEN GUESS

**Memorandum**

Date: January 13, 2005

To: Senator Gene Therriault  
Chair, State Affairs Committee

From: Senator Gretchen Guess

Re: Hearing Request for Senate Bill (SB) 9

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Please consider this memorandum a formal request for a hearing of Senate Bill 9, *"An Act relating to the terms of legislators, to a 90-day regular session of the legislature, to the date of convening a regular session, and to procedures of legislative committees during the interim; and providing for an effective date."* This bill changes the legislative session to 90 days in statute and provides some structural changes to accomplish an efficient 90 day session.

If you have any questions regarding SB 9, please feel free to contact me or my aide, Ryan Jager, at x2435.

Thank you very much for your consideration.

# SKA STATE LEGISLATURE

## FOR GRETCHEN GUESS

### Sponsor Statement

#### Senate Bill 9:

*the terms of legislators, to a 90-day regular session of the legislature, to the regular session, and to procedures of legislative committees during the interim; and providing for an effective date."*

to revise our Legislative process to improve its function and efficiency through four changes.

**Reduce the legislative session from 120 to 90 days.** The salient purpose of this bill is to reduce the legislative session from 120 to 90 days in statute. Although the Alaska Constitution calls for 120-day session, it allows fewer than 120 days by statute. In my belief the legislature can do its job in 90 days. Additionally, this change will save the state approximately \$1M annually.

**Change the start of session to February.** As allowed in the constitution, this bill changes the beginning of session from the current second Monday in January (third Monday after gubernatorial elections) to the first Monday in February. This change will allow 30 more days after the March forecast for the legislature to finish the budget; the same amount of time with the current 120 day session. Since the Governor's budget is presented at the same time (December 15), a legislator does have the option of completing the budget during the month of January.

**Change the start of session for legislators in December.** This bill calls to swear in legislators at the same time as the Governor – first Monday in December. The purpose of this change is to allow newly elected legislators to start settling in their communities before session begins. This will allow legislators to be able to complete basic office functions (e.g., hire staff, order stationary), receive any orientation or overviews he or she may want or need before the session begins.

**Change the committee action during Interim.** Finally, this bill allows limited committee action during the interim. Specifically, with thirty days notice, a committee may meet and move a bill out of committee as long as it is not the last bill of referral. Additionally, the bill allows telephonic voting during these meetings to ensure the state does not incur any extra costs. This change provides the flexibility that may be needed with a 90 day session.

to allow the Alaska Legislature to better serve all Alaskans while simultaneously saving money at less public expense.

consideration.



**ALASKA STATE LEGISLATURE**  
**SENATOR GRETCHEN GUESS**

**SB9: Sectional**

*" An Act relating to the terms of legislators, to a 90-day regular session of the legislature, to the date of convening a regular session, and to procedures of legislative committees during the interim; and providing for an effective date."*

- Section 1:** The term of each member of the legislature will begin on the first Monday in December of any election year rather than the second Monday in January following a presidential election year or the third Tuesday in January following gubernatorial election year.
- Section 2:** The legislature will convene at the capital each year on the first Monday in February rather than the Second Monday in January.
- Section 3:** The legislature will adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session.
- Section 4:** On the first Monday of December of each election year before the first regular session, the lieutenant governor will direct the administration of the oath of office to each new member who is certified as being elected from each district.
- Section 5:** Makes changes to the manner in which business may be conducted during the interim in the following ways.
- The chair of a standing or special committee that meets during the interim shall give at least 30 days' public notice, and must include the subject and the number of the measure to be heard.
  - A member of a standing or special committee may attend a hearing held by that committee during the interim either telephonically or by teleconference.
  - A standing or special committee may report a measure from committee during the interim only if the measure has a subsequent referral or referrals of record. A committee member who is voting telephonically or by teleconference may direct the chair to sign the committee report on behalf of the member and indicate on the member's recommendation. The direction to the chair shall be given in such a manner the public and other committee members know its contents. The chair of the committee shall deliver the committee report to the Senate secretary or the chief clerk of the House of Representatives, as appropriate, to be taken up when the legislature next convenes in session.
- Section 6:** This act will take effect December 3, 2007.



ALASKA STATE LEGISLATURE  
SENATOR GRETCHEN GUESS

**Memorandum**

Date: January 13, 2005

To: Senator Gene Therriault  
Chair, State Affairs Committee

From: Office of Senator Gretchen Guess

Re: Teleconferencing Request for Hearing on Senate Bill (SB) 9

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Please consider this memorandum a formal request that teleconferencing services be provided for Senator Gretchen Guess. She is currently in Anchorage, and will need teleconferencing services to be provided by the Anchorage Legislative Information Office on the date of the hearing for SB 9.

Should Senator Guess return to Juneau in time for the hearing on SB 9, please disregard this request.

If you have any questions regarding this request for teleconferencing services, please feel free to contact Senator Guess' aide P'yan Jager, at x4126.

Thank you very much for your consideration.

**SB**

**12**



## SENATOR FRED DYSON

### MEMORANDUM

January 24, 2005

To: Senator Gene Therriault, Chair  
Senate State Affairs Committee

From: Senator Fred Dyson

RE: Request for Hearing SB 12

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SB 12 is "*An Act relating to the prohibition or elimination of financial relationships with persons that conduct business in countries that support or ignore slavery and trafficking in persons.*" I respectfully request that SB 12 be heard in the Senate State Affairs Committee as soon as possible. In addition to the attached materials, I would be glad to answer any questions that may arise, as would my staff, Jason Hooley (ext. 3762). Thank you for your consideration.



## SENATOR FRED DYSON

### SPONSOR STATEMENT

**SB 12—*“An Act relating to the prohibition or elimination of financial relationships with persons that conduct business in countries that support or ignore slavery and trafficking in persons.”***

Trafficking is considered modern-day slavery. The U.S. State Department believes that as many as 4 million people, mostly women and children, are trafficked for sexual or labor purposes each year, with as many as 1 million trafficked across national borders. Many are kidnapped or sold into bondage, and many others are tricked with false promises. This international plague is a \$7 billion industry, mainly interwoven in organized crime.

The federal government has recently began an aggressive campaign to combat trafficking in persons. The State Department ranks other countries according to their vigilance against—or apparent support of—trafficking. The Office to Monitor and Combat Trafficking in Persons updates these rankings in its Trafficking in Persons Report, listing the countries with the most permissive climate for trafficking in Tier III. The federal government then imposes economic sanctions against countries in Tier III until those countries make anti-trafficking efforts.

Regarding the status of trafficking in Alaska, the Special Crimes Unit of the Anchorage Police Department reports that sex trafficking rings currently exist in Alaska. In some instances, law enforcement personnel have identified massage parlors that are part of a sex trafficking network that takes advantage of vulnerable women from Asia. Also, runaways are also lured into and then trapped into the sex trafficking industry. Sometimes, these women are shuttled back and forth with our Canadian neighbors.

SB 12 amends the state procurement code to allow the Legislature, the Court System, and the Executive Branch to develop provisions for prohibiting financial relationships and contracts with countries listed in Tier III or with organizations that conduct business in those countries.

2004 Trafficking in Persons Report: <http://www.state.gov/g/tip/ds/uprpt/2004/>

Office to Monitor and Combat Trafficking in Persons: <http://www.state.gov/g/tip/>

Trafficking Victims Protection Act of 2000: <http://www.state.gov/documents/organization/10492.pdf>

24-LS0143F  
Bullock  
2/3/05

**CS FOR SENATE BILL NO. 12( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATORS DYSON, Davis, French, Bunde, Seekins, Wagoner, Elton, Huggins, Gary Stevens, Kookesh, Olson, Stedman, Ben Stevens, Cowdery, Therriault, Ellis, Wilken**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the restriction of financial relationships with persons that conduct**  
2 **business in countries that support or ignore slavery and trafficking in persons."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **FINDINGS.** The legislature finds that

7 (1) the United States Congress enacted 22 U.S.C. 7101 - 7110 (Trafficking  
8 Victims Protection Act of 2000);

9 (2) slavery and trafficking in persons for involuntary labor or sexual servitude  
10 involve hundreds of thousands of human beings around the world;

11 (3) many women, children, and men are enslaved, raped, brutalized, and killed  
12 in the trafficking industry with the compliance or inattention of their governments;

13 (4) the victims of trafficking and commercial sexual exploitation are often  
14 unable to escape or resist their captors, are scarred for life if they survive, and often contract

1 acquired immunodeficiency syndrome or HIV symptomatic disease (AIDS) and other  
2 sexually transmitted diseases; and

3 (5) many domestic and international organizations conduct business in and  
4 with countries that support or ignore slavery and trafficking in persons.

5 \* **Sec. 2.** AS 36.30.020 is amended to read:

6 **Sec. 36.30.020. Legislature.** The legislative council shall adopt and publish  
7 procedures to govern the procurement of supplies, services, professional services, and  
8 construction by the legislative branch. The procedures must be based on the  
9 competitive principles consistent with this chapter and must be adapted to the special  
10 needs of the legislative branch as determined by the legislative council. The  
11 procedures may contain provisions for restricting financial relationships with  
12 persons that conduct business in countries listed in Tier 3 of the most recent  
13 Trafficking in Persons Report published by the United States Department of  
14 State or other list of countries prepared by the United States Secretary of State  
15 under 22 U.S.C. 7107(b)(1)(C). The procedures must be consistent with the  
16 provisions of AS 36.30.080(c) - (e) and 36.30.085. Notwithstanding the other  
17 provisions of this section, the legislative agencies subject to the legislative council's  
18 regulations shall comply with AS 36.30.170(b).

19 \* **Sec. 3.** AS 36.30.030 is amended to read:

20 **Sec. 36.30.030. Court system.** The administrative director of courts shall  
21 adopt and publish procedures to govern the procurement of supplies, services,  
22 professional services, and construction by the judicial branch. The procedures must be  
23 based on the competitive principles consistent with this chapter and must be adapted to  
24 the special needs of the judicial branch as determined by the administrative director of  
25 courts. The procedures may contain provisions for restricting financial  
26 relationships with persons that conduct business in countries listed in Tier 3 of  
27 the most recent Trafficking in Persons Report published by the United States  
28 Department of State or other list of countries prepared by the United States  
29 Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures must be  
30 consistent with the provisions of AS 36.30.080(c) - (e) and 36.30.085.  
31 Notwithstanding the other provisions of this section, the judicial branch shall comply

1 with AS 36.30.170(b).

2 \* Sec. 4. AS 36.30.040(a) is amended to read:

3 (a) The commissioner shall adopt regulations governing the procurement,  
4 management, and control of supplies, services, professional services, and construction  
5 by agencies. The regulations may contain provisions for restricting financial  
6 relationships with persons that conduct business in countries listed in Tier 3 of  
7 the most recent Trafficking in Persons Report published by the United States  
8 Department of State or other list of countries prepared by the United States  
9 Secretary of State under 22 U.S.C. 7107(b)(1)(C). The commissioner may audit and  
10 monitor the implementation of the regulations and the requirements of this chapter  
11 with respect to using agencies.

12 \* Sec. 5. AS 37.10.071(c) is repealed and reenacted to read:

13 (c) In exercising investment, custodial, or depository powers or duties under  
14 this section, the fiduciary of a state fund

15 (1) shall apply the prudent investor rule and exercise the fiduciary duty  
16 in the sole financial best interest of the fund entrusted to the fiduciary;

17 (2) shall, among beneficiaries of a fund, treat beneficiaries with  
18 impartiality; and

19 (3) may restrict financial relationships with persons that conduct  
20 business in countries listed in Tier 3 of the most recent Trafficking in Persons Report  
21 published by the United States Department of State or other list of countries prepared  
22 by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C).

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 12  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Legislature  
 Title "An Act relating to the prohibition or BRU Legislative Council  
elimination of financial relationships with persons that..." Component: Council and Subcommittees  
 Sponsor "Senators Dyson, Davis, French, Bunde..."  
 Requestor Senate State Affairs Component No. 783

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency. Any costs to amend the procurement procedures of the Legislature will be absorbed within existing budgets.

Prepared by: Karla Schofield, Deputy Director Phone 465-6626  
 Division Administrative Services Date/Time 2/4/05 9:50 AM  
 Approved by: Pamela Varni, Executive Director Date 2/4/2005  
 Agency Legislative Affairs Agency



National Conference of State Legislatures

# LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

APRIL/MAY 2005

VOL. 13, No. 24

## Human Trafficking

*By Sarah Brown Hammond*

*The international problem of "people trafficking," is being addressed at the state and federal levels.*

The international problem of "people trafficking," which often forces women and children into slavery, bondage and prostitution, is being addressed not only at the federal level but also in the states. The U.S. Department of State estimates that between 800,000 and 900,000 people annually are trafficked across international borders worldwide. Between 18,000 and 20,000 of those victims are smuggled into the United States.

*Several states have enacted laws to make human trafficking a felony.*

### State Action

In the last few years, several states have enacted laws to make human trafficking a felony. A number of other states are considering the issue this year.

Washington took the lead in 2003 by establishing first- and second-degree sex and labor trafficking as a class A felony. The law allows victims to sue for damages and the cost of bringing the suit. Florida, Texas and Missouri followed with similar legislation. The 2003 Texas act establishes trafficking as a second-degree felony with a sentence of two to 20 years imprisonment. Texas added a similar age provision: If the victim is younger than 14 years old, the offense is a first-degree felony with a harsher sentence of five to 99 years imprisonment.

In 2004, Florida established a first-degree felony for sex trafficking and two second-degree felonies for obtaining forced labor, sex trafficking and human trafficking. Any sex trafficking that results in death or is committed against a person who is under the age of 14 is a first-degree felony. Missouri's new law establishes sexual trafficking of a child as a class A felony. Abusing an individual through forced labor and trafficking for the purpose of either forced labor or sexual exploitation is a class B felony.

*Two states have new laws creating commissions or task forces to address the issue of trafficking.*

Two states have new laws creating commissions or task forces to address the issue of trafficking. In 2004, Connecticut established an interagency task force on human trafficking. It is responsible for collecting data on the nature of trafficking in the state, evaluating the state's progress on stopping it and identifying available federal, state and local programs that

### State Statutes

Washington HB 1175 (ARCW) § 7.68.350 (2003) and Washington HB 2381 (2003).

Texas HB 2096 (Tex. Penal Code § 20A.02 ) (2003)

Florida S. 1962 (Chapter 391) (2004).

Missouri H.B. 1487 (§ 168.071 R.S.Mo.) (2004).

Connecticut HB 5358 (Act No. 04-8) (2004)

provide services to victims. It also evaluates approaches to increase public awareness of the problem, analyzes and makes recommendations regarding the ability of existing state criminal statutes to address trafficking, and makes recommendations on prevention, victim assistance and prosecution of offenders.

Washington's law created a Task Force Against the Trafficking of Persons. It will measure and evaluate the progress of the state in preventing trafficking; identify available federal, state and local programs that provide services to victims; and make recommendations to provide a coordinated system of support and assistance to victims.

### **Federal Action**

The federal government continues to take action to combat human trafficking at home and worldwide. Senate Resolution 414, passed in 2004, supports the bipartisan efforts of Congress, the Departments of Justice and State, and local law enforcement to combat human trafficking and slavery.

The U.S. Congress declared human trafficking a federal crime with the Trafficking Victims Protection Act of 2000. During the following two years, the Department of Justice prosecuted 79 offenders, three times as many as the two previous years, and opened 127 new investigations. The law also provides funds to the federal Office for Victims of Crime to support the development of services for victims of trafficking in the United States who require emergency shelter, medical care, crisis counseling and legal assistance. The act was reauthorized in 2003. In addition, in 2002, President Bush established the President's Interagency Task Force to Monitor and Combat Trafficking in Persons. An Office to Monitor and Combat Trafficking in Persons was created in the U.S. Department of State of 2001. The office leads the U.S. efforts to fight the international problem of human trafficking and assists the task force.

*Congress declared human trafficking a federal crime with the Trafficking Victims Protection Act of 2000.*

### **Selected Reference**

U. S. Department of State. *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*. Washington, D.C. Publication 11057, Office of the Under Secretary for Global Affairs, June 2003.

### **Contacts for More Information**

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<http://www.ojp.usdoj.gov/ovc/>



## FACTS ABOUT HUMAN TRAFFICKING

### What is human trafficking?

Trafficking in persons is modern-day slavery, involving victims who are forced, defrauded or coerced into labor or sexual exploitation. Annually, about 600,000 to 800,000 people—mostly women and children—are trafficked across national borders which does not count millions trafficked within their own countries.

People are snared into trafficking by many means. In some cases, physical force is used. In other cases, false promises are made regarding job opportunities or marriages in foreign countries to entrap victims.

### What impact does human trafficking have on the world?

Human trafficking is a multi-dimensional threat: it deprives people of their **human rights** and freedoms, it is a **global health risk**, and it fuels the growth of **organized crime**.

Human trafficking has a devastating impact on individual victims, who often suffer physical and emotional abuse, rape, threats against self and family, passport theft, and even death. But the impact of human trafficking goes beyond individual victims; it undermines the safety and security of all nations it touches.

### What is the United States doing to stop trafficking?

Trafficking impacts many nations, including the United States. That's why the U.S. Government has taken a number



*Abused children in South Asia*

of serious and significant actions to combat trafficking occurring at home. A few examples of American efforts include:

- Congress passed legislation so Americans who sexually prey on children abroad can be prosecuted and sentenced to as many as 30 years in prison.
- The Department of Justice has focused on increasing the number of trafficking victims rescued and the number of prosecutions and convictions of traffickers.
- The Department of Health and Human Services (HHS) is certifying trafficking victims so they may qualify for the same assistance available to refugees. HHS is also running a major public awareness campaign to alert victims in the U.S. that help is available through the hotline number 888.3737.888.
- The Department of Defense has implemented a zero-tolerance stand against any actions by Defense personnel that contribute to human trafficking and is instituting a service-wide mandatory training program.
- The Departments of Labor and Homeland Security, USAID, and other government agencies are executing action plans to combat human trafficking.

### What is the U.S. doing to help other countries?

Because human trafficking is transnational in nature, partnerships between countries are critical to win the fight against



*Convicted Macedonian trafficker*

modern-day slavery. The U.S. is reaching out to other countries in a number of important ways:

- In a speech to the United Nations General Assembly, President Bush raised the issue of human trafficking and asked leaders of the world to work together to end it.
- The State Department is working extensively with governments on action plans for prevention, protection of victims, and prosecution.
- Congress last year strengthened anti-trafficking legislation and provided more than \$70 million in funding worldwide for efforts to end slavery. The U.S. is providing money around the world for:
  - Rehabilitation and work training centers for victims
  - Special housing shelters for victims
  - Law enforcement training and legal reform assistance
  - Information and awareness campaigns
  - Voluntary repatriation for displaced victims
  - Training for immigration officials, medical personnel and social workers
  - Combating sex tourism
  - Rescuing victims from slave-like situations

#### What needs to be done?

When dealing with an issue of this importance and urgency, there is much to be done. The U.S. is asking governments to immediately take action to step up their anti-trafficking efforts:

- There is a critical need for **increased rescues of trafficking victims and prosecutions of traffickers.**
- People freed from slavery must be treated as **victims of crime, not criminals.**
- The **demand for modern-day slaves must be stopped.** This is not a victimless or harmless crime, and the public should be informed of the risks involved with it.

#### What are the Trafficking Victims Protection Act and the Trafficking in Persons Report?

Congress passed the Trafficking Victims Protection Act (TVPA) in 2000 and strengthened it in 2003. This law provides tools for the U.S. to combat trafficking in persons, both domestically and abroad.

One of the components of the law is the creation of the *Trafficking in Persons Report*. The Department of State produces this annual report assessing government response in each country with a significant number of victims of severe forms of trafficking in persons. Countries in the annual report are rated in tiers, based on government efforts to combat trafficking.

#### What do the tiers of the Trafficking in Persons Report mean?

- **Tier 1:** Countries that fully comply with the act's minimum standards for the elimination of trafficking.
- **Tier 2:** Countries that do not fully comply with the minimum standards but are making significant efforts to bring themselves into compliance.
- **Tier 2 Watch List:** Countries on Tier 2 requiring special scrutiny because of a high or significantly increasing number of victims; failure to provide evidence of increasing efforts to combat trafficking in persons; or an assessment as Tier 2 based on commitments to take action over the next year.
- **Tier 3:** Countries that neither satisfy the minimum standards nor demonstrate a significant effort to come into compliance. Countries in this tier are subject to potential non-humanitarian and non-trade sanctions.

*For more information, please log on to the Web site of the State Department's Office to Monitor and Combat Trafficking in Persons at [www.state.gov/tip](http://www.state.gov/tip).*



# I'm not a tourist attraction

Stop child sex tourism.



## TIER PLACEMENTS

### TIER 1

AUSTRALIA	FRANCE	MACEDONIA	SPAIN
AUSTRIA	GERMANY	MOROCCO	SWEDEN
BELGIUM	GHANA	THE NETHERLANDS	TAIWAN
CANADA	HONG KONG	NEW ZEALAND	UNITED KINGDOM
COLOMBIA	ITALY	NORWAY	
CZECH REPUBLIC	KOREA, REP. OF	POLAND	
DENMARK	LITHUANIA	PORTUGAL	

### TIER 2

AFGHANISTAN	CAMEROON	KYRGYZ REP.	SAUDI ARABIA
ALBANIA	CHILE	LATVIA	SINGAPORE
ANGOLA	CHINA	LEBANON	SLOVAK REP.
ARGENTINA	COSTA RICA	MALAYSIA	SLOVENIA
ARMENIA	EGYPT	MALI	SOUTH AFRICA
BAHRAIN	EL SALVADOR	MAURITIUS	SRI LANKA
BELARUS	FINLAND	MOLDOVA	SWITZERLAND
BENIN	THE GAMBIA	MOZAMBIQUE	TOGO
BOSNIA/HERZ.	GUINEA	NEPAL	UNITED ARAB EMIRATES
BRAZIL	HUNGARY	NICARAGUA	UGANDA
BULGARIA	INDONESIA	NIGER	UKRAINE
BURKINA FASO	IRAN	PANAMA	UZBEKISTAN
BURUNDI	ISRAEL	ROMANIA	
CAMBODIA	KUWAIT	RWANDA	

### TIER 2 WATCH LIST

AZERBAIJAN	GEORGIA	MALAWI	SERBIA-MONTENEGRO
BELIZE	GREECE	MAURITANIA	SURINAME
BOLIVIA	GUATEMALA	MEXICO	TAJIKISTAN
CONGO, DEM. REP. OF	HONDURAS	NIGERIA	TANZANIA
COTE D'IVOIRE	INDIA	PAKISTAN	THAILAND
CROATIA	JAMAICA	PARAGUAY	TURKEY
CYPRUS	JAPAN	PERU	VIETNAM
DOMINICAN REP.	KAZAKHSTAN	PHILIPPINES	ZAMBIA
ESTONIA	KENYA	QATAR	ZIMBABWE
ETHIOPIA	LAOS	RUSSIA	
GABON	MADAGASCAR	SENEGAL	

### TIER 3

BANGLADESH	ECUADOR	NORTH KOREA	VENEZUELA
BURMA	EQUATORIAL GUINEA	SIERRA LEONE	
CUBA	GUYANA	SUDAN	

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 PRINT THIS

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## Subjects plead guilty in Russian sex trade case

The Justice Department has obtained guilty pleas from three men on charges of illicitly bringing women to work as nude dancers in Anchorage, Alaska.

The men were charged with illegally obtaining visas for two minors, age 16, and four older Russian women who were brought to the state.

The guilty pleas were entered Wednesday at the U.S. District Court in Anchorage.

Immigration Service took custody of the women in January and gave them temporary legal immigration status. The men are still in the United States.

The defendants are Virchenko, Pavel Vasilievich Agafonov and Tony Kennard -- all pleaded guilty in federal district court on charges of immigration fraud.

Agafonov is charged with two counts of transporting minors for illegal sexual activity. Agafonov and Virchenko pleaded guilty to one count of transporting minors for illegal sexual activity.

Kennard is a naturalized U.S. citizen, and Virchenko is a Russian national.

Kennard faces a sentence of 15 years in custody and a fine of \$250,000 for each felony count of transporting minors for illegal sexual activity. Agafonov faces a sentence of 15 years in custody and a fine of \$250,000 for each felony count of immigration fraud.

The trial is scheduled for August 24.

W/06/14/sex trafficking

List of links referenced in the article



United States Attorney's Office  
District of Alaska  
222 West 7th Avenue, #9  
Anchorage, Alaska 99513-7567

**FOR IMMEDIATE RELEASE**  
November 22, 2004

Contact: Frank Russo  
Assistant U.S. Attorney  
907-271-5071 / Fax: 271-2345

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Anchorage, Alaska - Anchorage businessman Josef F. Boehm, 60, pleaded guilty today to conspiring to provide crack cocaine to underage Anchorage and Mat-Su teenagers in exchange for sexual favors. Boehm pleaded guilty to the top charge in the indictment: conspiring to distribute over 50 grams of crack cocaine to persons under 21 years of age. Boehm also admitted to conspiring to commit the crime of sex trafficking of children. Under the terms of the agreement, Boehm may be sentenced to more than 11 years in jail. Under federal sentencing guidelines, there is no parole. Boehm also agreed to forfeit his Oceanview home, where many of the activities alleged in the indictment took place.

The agreement also requires that Boehm pay restitution in the amount of \$1.2 million dollars into a trust fund for the benefit of the victims of his criminal conduct. The trust fund will allow victims to be compensated for expenses related to drug treatment, counseling, and related expenses incurred as a result of their victimization at the hands of Boehm and his co-defendants. In addition, the trust fund can be used to pay for educational and professional training expenses for the victims, which would not have been otherwise available under federal statutes if Boehm had been convicted after trial. Boehm will be required to fund the trust on or before his sentencing, scheduled to take place on February 11, 2005. Co-defendants Allen Bolling, 40, Leslie J. Williams, 40, and Bambi Tyree, 23 have pled guilty and are scheduled to be sentenced on January 21, 2005.

"This plea agreement achieves the best of all possible worlds for the interests of justice and for the young victims in this case. Boehm will receive a substantial sentence without the risks associated with a lengthy trial and appeals, which Boehm has agreed to waive. Young victims also avoid the traumatic experience of having to testify about their exploitation, and will have prompt access to resources that will help them," said United States Attorney Tim Burgess.

Burgess added, "Usually, when people commit crimes, the best the criminal justice system can do is punish the offender and occasionally have him repay the out of pocket expenses of the victims. This plea not only does that, but attempts to give the victims future opportunities for treatment, counseling, and even an education."

The case was investigated by the Anchorage Police Department and the Federal Bureau of Investigation. The prosecution was a joint effort of the United States Attorney's Office and the Child Exploitation and Obscenity Section of the Department of Justice.

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### **Trafficking in Persons Report** [Report Home Page](#)

Released by the Office to Monitor and Combat Trafficking in Persons  
June 14, 2004

#### **VI. United States Government Efforts**

The U.S. Government condemns trafficking in persons and remains firmly committed to fighting this scourge and protecting victims who fall prey to traffickers. Our commitment to eradicate trafficking includes:

- Vigorously enforcing U.S. laws against all those who traffic in persons;
- Raising awareness at home and abroad about human trafficking and how it can be eradicated;
- Identifying, protecting, and assisting those victims exploited by traffickers;
- Reducing the vulnerability of individuals to trafficking through increased education, economic opportunity, and protection and promotion of human rights; and
- Employing diplomatic and foreign policy tools to encourage other nations, the UN and other multilateral institutions to work with us to combat this crime, draft and enforce laws against trafficking, and hold accountable those engaged in it.

#### **Trafficking Victims Protection Reauthorization Act of 2003**

In December 2003 Congress passed and President Bush signed the Trafficking Victims Protection Reauthorization Act, which enhanced the State Department's reporting of government efforts to combat modern-day slavery by:

- Providing new tools for addressing destination countries that may be turning a blind eye to trafficking;
- Making convictions and sentencing of traffickers as important as investigations and prosecutions in evaluating country efforts to eliminate trafficking;
- Requiring better statistical monitoring, providing greater access to critical law enforcement data related to trafficking; and
- Creating a Special Watch List.

#### **The PROTECT Act**

Another law was enacted in 2003 to give U.S. authorities better tools to combat international sex tourism and the commercial sexual exploitation of children, as well as domestic federal offenses of child abuse, child kidnapping, and child torture. In April 2003, the PROTECT Act (Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003) was passed by the Congress and signed into law by President Bush. The Act serves as a historic milestone for protecting children while severely punishing those who victimize young people. Of particular note, the PROTECT Act allows law enforcement officers to prosecute Americans who travel abroad and sexually abuse minors, without having to prove prior intent to commit illicit crimes. The law also strengthens the punishment of child sex tourists. If convicted, child sex tourists now face up to 30 years imprisonment, an increase from the previous maximum of 15 years. The PROTECT Act made several other changes to the law with a focus on protecting children from sexual predators, including: extending the statute of limitations for federal crimes involving the abduction or physical or sexual abuse of a child for the lifetime of the child; expanding the potential reach of federal sex trafficking prosecutions by extending federal jurisdiction to crimes committed in foreign commerce; establishing parallel penalty enhancements for the production of child pornography overseas; and, criminalizing actions to arrange or facilitate the travel of child sex tourists.

Other U.S. Government efforts and mechanisms to combat trafficking in persons include the annual Trafficking in Persons report; the President's Interagency Task Force to Monitor and Combat Trafficking in Persons; and, the Office to Monitor and Combat Trafficking in Persons in the U.S. Department of State.

#### **The Office to Monitor and Combat Trafficking in Persons ("TIP Office")**

The State Department's "TIP Office" is mandated to: combat and eradicate human trafficking by focusing worldwide attention on the international slave trade; assisting countries to eliminate trafficking; promoting regional and bilateral cooperation; supporting service providers and NGOs active in trafficking prevention and victim protection efforts. The TIP office also assists foreign governments in drafting or strengthening anti-trafficking laws and funds law enforcement and victim assistance training to foreign governments to ensure traffickers are fully investigated and prosecuted to final conviction.

The TIP Office supported more than 240 anti-trafficking programs in over 75 countries in fiscal year 2003. The types of assistance include the following: economic alternative programs for vulnerable groups; education programs; training for government officials and medical personnel; development or improvement of anti-trafficking laws; provision of equipment for law enforcement; establishment or renovation of shelters, crisis centers, or safe houses for victims; support for voluntary and humane return and reintegration assistance for victims; and support for psychological, legal, medical and counseling services for victims provided by NGOs, international organizations and governments.



#### **Other U.S. Agency Activities**

The TVPA also mandates that federally-funded or administered benefits and services, such as cash assistance, medical care, food stamps, and housing, be made available for certain non-citizen trafficking victims. During 2003, trafficking victims in the U.S. received information from federal authorities about the rights and protections available to them. The Departments of State, Justice, and Homeland Security have been implementing this mandate.

#### **Federal Law Enforcement Assistance**

Federal investigators from the Federal Bureau of Investigation, the Immigrations and Customs Enforcement Bureau (ICE), the Diplomatic Security Service, as well as other federal officials who encounter trafficking victims hand out a brochure describing a trafficking victim's rights and the protections available to him or her. ICE also operates a hotline for victims and non-governmental organizations to communicate directly with the ICE victim-witness assistance program. The ICE hotline number is 1-866-DHS-2ICE. Alternatively, the U.S. Department of Justice's Trafficking in Persons and Worker Exploitation Task Force hotline is 1-888-428-7581. In 2003, ICE provided its 25 field offices funds to purchase items to help assist trafficking victims. Funding was used for car seats to safely transport minor children of trafficking victims, clothing, personal hygiene items, bags for personal belongings, cots for children, and other needed items.

ICE retrofitted 25 cars with tinted glass so that investigators and victim-witness coordinators could transport victims, including trafficking victims, with confidentiality. ICE coordinated with its New York office to provide nationwide translation services for victims of trafficking in ICE investigations.

The Department of Health and Human Services (HHS) provides certification and eligibility letters for victims that allow them to access most benefits and services comparable to the assistance provided to refugees. In March 2004, a HHS-sponsored hotline for victims of trafficking, run by an NGO, was activated. The number is: 1-888-373-7888. In fiscal year 2003, HHS issued \$3.48 million to 15 organizations to help victims of trafficking with a range of services, including temporary housing, independent living skills, cultural orientation, and transportation needs, and for educational programs and legal assistance.

In fiscal year 2003, HHS provided 151 certifications and benefits eligibility letters, of which 145 were certification letters to adults and six were eligibility letters to child trafficking victims. Over 200 trafficking victims rescued in the Kil Soo Lee case are provided services by a HHS grantee. The case, prosecuted between 2001 and 2004, is the largest U.S. trafficking case to date, and involved Vietnamese and Chinese nationals trafficked to American Samoa.

The Department of Justice also met immediate needs of victims of trafficking in persons through witness assistance programs and services provided by the grantees of the Department of Justice's Office for Victims of Crime (OVC). In January 2003, the OVC awarded 12 grants totaling more than \$9.5 million to non-governmental organizations for the purpose of providing trafficking victims with comprehensive or specialized services, and to provide these grantees with training and technical assistance for program support. Grantee organizations must provide comprehensive services, including immediate housing.

Victims of trafficking often need legal assistance with immigration and other matters. Since the passage of the TVPA, the Legal Services Corporation must make available legal assistance to trafficking victims. The Legal Services Corporation is a private, non-profit corporation established by Congress which funds legal aid programs around the nation to help indigent Americans gain equal access to the civil justice system. The Legal Services Corporation grantees assisted a total of 81 victims nationwide during fiscal year 2003.

#### **Immigration Benefits**

There are two immigration benefits available through the TVPA to trafficking victims who meet certain eligibility requirements. Victims may be authorized "continued presence" to temporarily remain in the United States if federal law enforcement determines they are potential witnesses to trafficking.

Victims may also petition the Bureau of Citizenship and Immigration Services within the Department of Homeland Security to receive "T visas," which are available to victims who have complied with reasonable requests for assistance to investigate or prosecute acts of trafficking. Victims who receive T non-immigrant status may remain in the United States for three years, and can then apply for permanent residency.

As of September 30, 2003, the Department of Homeland Security had granted an estimated 374 continued presence requests. For trafficking victims that request repatriation, U.S. Government personnel assist in the repatriation process by liaising with foreign governments to facilitate the victim's return and to try to ensure that the victim is not trafficked again.

#### **Investigations and Prosecutions of Traffickers**

Human trafficking cases are among the most labor- and time-intensive matters undertaken by the Department of Justice. They often involve language barriers, multiple investigating agencies, overseas investigations, and in many cases severe sexual or physical trauma to victims and witnesses, requiring the expertise of various professionals including rape counselors, psychiatrists, physicians, and child interview specialists.

As of April 2004, the Criminal Section of the Civil Rights Division had 153 open trafficking investigations – twice as many as compared with three years earlier. Over one-half of these investigations were initiated as a result of the "Trafficking in Persons and Worker Exploitation Task Force Complaint Line," 1-888-428-7581, established in February 2000. In fiscal years 2001 through 2003, the Department of Justice's Civil Rights Division and US Attorneys Offices initiated prosecutions of 110 traffickers, nearly a three-fold increase compared to the previous three fiscal

years. In fiscal years 2001 through 2003, the Department of Justice secured 77 convictions and guilty pleas, a 50 percent increase over the previous three years.

In *United States v. Kil Soo Lee*, the largest trafficking prosecution ever brought by the Department of Justice, the Civil Rights Division led a long and difficult investigation resulting in a 22-count indictment against five defendants charged with subjecting workers to involuntary servitude in a garment factory in American Samoa. The indictment, filed in federal court in Hawaii, charged that the defendants transported more than 200 Vietnamese and Chinese nationals, mostly young women, to work as sewing machine operators in a Daewoosa garment factory. The victims, some of whom were held for up to two years, were forced to work through extreme food deprivation, beatings, and physical restraint.

The victims were held in barracks on a guarded company compound, and were threatened with confiscation of their passports, deportation, economic bankruptcy, severe economic hardship to family members, false arrest, and personal injury. One victim had an eye gouged out by a defendant who struck her with a jagged pipe in order to punish her for refusing to comply with the defendants' orders. On August 31, 2001 two of the five defendants entered guilty pleas to conspiracy for their involvement in the scheme. On February 21, 2003, a jury convicted Lee, the factory owner and ringleader, on nearly all counts. Sentencing will occur in June 2004. The other two defendants, his subordinates, were acquitted. In April, 2002, 270 Vietnamese and Chinese workers who labored in the Daewoosa garment factory on American Samoa won an important legal victory. The High Court of American Samoa ordered the factory and two Vietnamese government-owned labor agencies to pay \$3.5 million to the workers. Other cases are highlighted in the annual Department of Justice report.

#### **International Grant Activity**

The ideal way to combat trafficking is to prevent the victimization of people in the first place. Because the United States is a destination country for trafficked people, prevention activities in which the U.S. Government engages abroad are particularly important. Through the Department of State, the Department of Labor's Bureau of International Labor Affairs and the U.S. Agency for International Development, the U.S. Government offers a substantial amount of international assistance to help prevent trafficking in persons, and for improving the treatment of victims and the prosecution of traffickers abroad.

In FY 2003, the U.S. Government supported approximately 190 anti-trafficking programs totaling \$72.2 million, and benefiting over 92 countries, up from 118 programs in 55 countries in fiscal year 2001. The Government of the United States has invested \$147.5 million on anti-trafficking efforts over the last two fiscal years. The U.S. Government's international anti-trafficking efforts run the gamut from small projects to large multi-million-dollar programs to develop comprehensive regional and national strategies to combat the worst forms of child labor.

Based on U.S. Government findings over many years of international development work, assistance that has a positive impact on anti-trafficking efforts include: development or improvement of anti-trafficking laws; provision of equipment for law enforcement; economic alternative programs for vulnerable groups; education programs addressing both the supply and demand sides of trafficking in persons; training for government officials and medical personnel; anti-corruption measures; establishment or renovation of shelters, crisis centers, or safe-houses for victims; support for voluntary and humane return and reintegration assistance for victims; and support for psychological, legal, medical and counseling services for victims provided by NGOs, international organizations and governments.

#### **Report on the Worst Forms of Child Labor**

The Department of Labor also publishes an annual report, mandated by the Trade and Development Act of 2000, on efforts governments are taking to meet their international commitments to eliminate the worst forms of child labor, including the trafficking of children for exploitative labor and commercial sexual exploitation. The Trade and Development Act (TDA) provides that efforts to eliminate the worst forms of child labor count as an important eligibility criterion for countries that are recipients of trade benefits under the Generalized System of Preferences, the Caribbean Basin Trade Partnership Act, and the African Growth and Opportunity Act. The TDA Report released in

2003 chronicled the incidence of the worst forms of child labor, and government efforts to combat it, in over 140 countries and territories.

#### **International Engagement**

The U.S. Government also engages internationally through cooperation with countries that support the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention Against Transnational and Organized Crime, adopted by the UN General Assembly in November 2000; the United States signed the Convention and Protocol in December 2000 and the President has submitted them to the Senate for advice and consent to ratification.

Three other international instruments that address the sale of and trafficking in children have also been adopted - International Labor Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (which the United States ratified in February 1999), the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (which the United States ratified in December 2002), and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (which the United States ratified in December 2002). The Department of Labor works with the ILO to bring international attention to countries' obligations under ILO Convention 150, the Abolition of Forced Labor, as well.

#### **Training of NGOs**

Non-governmental organizations (NGOs) have been vital to the U.S. Government's efforts to identify and help trafficking victims as well as to prosecute trafficking cases. The U.S. Government engages in extensive outreach to NGOs, which are often the first point of contact with trafficking victims. These contacts foster good relations with groups that receive and shelter trafficking victims and are often in a position to encourage victims to come forward and report abuse. Additionally, in those situations in which law enforcement is actively involved in liberating victims from servitude, some NGOs can provide safe houses for the victims.

U.S. Government personnel have been working closely with NGOs across the country to train service providers on the provisions of the TVPA, as amended. Through such training, federal prosecutors, Federal Bureau of Investigation and ICE agents, immigration officials and Health and Human Services' personnel have forged strong relationships with NGOs, learned about potential new cases, acquired NGO assistance in procuring refuge and support for trafficking victims, educated non-governmental organizations on the requirements for identifying a victim of a severe form of trafficking, and trained service providers on the roles they can play to contribute toward the success of a trafficking investigation and prosecution.

#### **Labor Programs**

The Department of Labor (DOL) also supports programs through the International Organization's International Program on the Elimination of Child Labor as well as through non-governmental and faith-based organizations that address child trafficking in 20 countries around the world, either as the central focus of the project or as a component of a broader project. These projects rescue children from trafficking and exploitative work situations and provide them with rehabilitation services and educational opportunities.

Programs funded under DOL's Child Labor Education Initiative promote school attendance and provide educational opportunities for victims of child trafficking and children at risk of being trafficked. In the United States, DOL's Employment and Training Administration also assists victims with job training regardless of immigration status. This training includes job search assistance, career counseling, and occupational skills training.

#### **Senior Policy Operating Group on Trafficking in Persons**

In February 2002, pursuant to the TVPA, President George W. Bush established a Cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons. The Task Force is chaired by the Secretary of State and includes the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of Central Intelligence, the Director of the Office of Management and Budget, and the

Administrator of the U.S. Agency for International Development.

The Task Force's responsibilities include coordination and implementation of the Administration's anti-trafficking activities. In February 2003, the Congress passed and the President signed legislation creating the Senior Policy Operating Group on Trafficking in Persons (SPOG), chaired by the Director of the State Department's Office to Monitor and Combat Trafficking in Persons. The purpose of the SPOG is to bring together senior policy officials from the Task Force member agencies. This year the SPOG was responsible for a number of inter-agency policy developments including:

- Coordination of U.S. agency strategic plans to address trafficking in persons;
- Development of an inter-agency grant policy statement to help implement the President's National Security Presidential Directive on Trafficking in Persons;
- Creation of a website that lists member agency grants and grants opportunities; and
- Coordination of the President's \$50 million initiative announced at the U.N. to fight trafficking in persons abroad.

[Report Home Page](#)

*"Yes you will if you want your daughter back in the Czech Republic to live." After years of threats and forced prostitution Katya was rescued by a friendly cab driver. Katya is now working at a hospital and studying for a degree in social work.*

In 2000, the Congress passed and the President enacted the Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.) (TVPA), recently amended by the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193). The TVPA seeks to combat

human trafficking by punishing traffickers, protecting victims, and mobilizing U.S. government agencies to wage a global anti-trafficking campaign. The TVPA, as amended, contains significant mandates for the Departments of State, Justice, Labor, Homeland Security, Health and Human Services, and the U.S. Agency for International Development.

This report is mandated by the TVPA and is intended to raise global awareness and spur foreign governments to take effective actions to counter trafficking in persons. The report has increasingly focused the efforts of a growing community of nations

*Magar was one of thousands of Nepali girls who were trafficked into Indian brothels to work as prostitutes. She escaped that life and returned home. Now Magar works at the border checking every vehicle that passes for trafficking activity.*



### BUYING A VICTIM'S FREEDOM

Perhaps one of the more repugnant aspects of modern-day slavery is the commodification of human lives: the assignment of a monetary value to the life of a woman, man or child. Whether in an Indian brothel or a Sudanese slave camp, a price is placed on a victim's freedom.

Organizations and individuals seeking to rescue victims have sometimes opted to buy their freedom. Paying this ransom brings instant results. A victim is freed from the bonds of slavery. Yet the implications of this practice are more complicated.

If victims are freed from a brothel by an organization or individual, the trafficker can, using the proceeds from the sale, find new victims to perform the same service. It is difficult to determine whether there has been a net reduction in the number of victims. In any event, the enslavement may continue without any cost or punishment to the trafficker or exploiter.

A more lasting and effective way to secure a victim's freedom is through the application of law: holding traffickers and the exploiters of trafficking victims accountable under criminal justice systems. Through raids that rescue victims without monetary compensation, and arrests of those who enslave, judicial tools extract a high price from the merchants of this heinous trade. Applying criminal laws also provides society with a measure of justice, which is why U.S. law places a priority on governments criminalizing and punishing forms of trafficking in persons.

to share information and to partner in new and important ways to fight human trafficking. A country that fails to take significant actions to bring itself into compliance with the minimum standards for the elimination of trafficking in persons receives a negative assessment in this report. Such an assessment could trigger the withholding of non-humanitarian, non-trade-related assistance from the United States to that country.

We have much to learn about the scope and nature of human trafficking. We have tried in this report to point out areas where information is sparse and to raise issues that merit further investigation. Within these

constraints, the 2004 TIP Report represents an up-to-date and comprehensive look at the nature and scope of modern-day slavery, and the broad range of actions being taken in the global campaign for its elimination.

As a consequence of the TVPA and this annual report, strong leadership, enhanced government efforts, and increased attention from international organizations and NGOs, we are entering a new era of cooperation. Nations are increasingly working together to close down trafficking routes, prosecute and convict traffickers, and protect and reintegrate trafficking victims. We hope this report inspires even greater progress.



◀ After a failed attempt to escape to Brazil, Dilaver Bojku, the suspected leader of a sex-trafficking ring in Macedonia is escorted by special police officers in Macedonia.

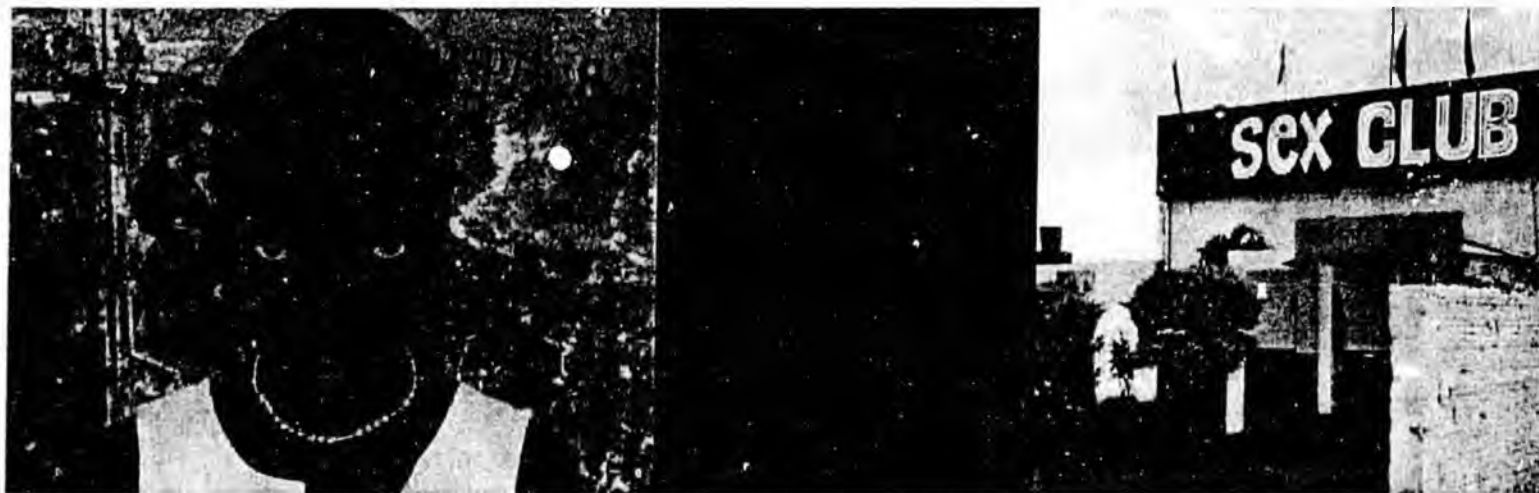
### CORRUPTION INHIBITS PROGRESS ON TRAFFICKING

Government corruption is a major impediment in the fight against trafficking for many countries. The scale of government corruption relating to trafficking in persons can range from localized to endemic. Countries facing such official corruption need to develop effective tools with which to tackle the problem. Some anti-corruption practices that have been effectively used by Central and Eastern European countries to bolster the fight against human trafficking include: performing psychological testing of law enforcement officers, including tests for stability, intelligence, character, ethics, and loyalty; requiring mandatory ethics briefings; issuing standard identification badges; conducting random integrity tests; distributing and using best practices manuals; randomly checking officials' personal belongings and cash; publicizing anonymous anti-corruption hotlines; rotating personnel, particularly at high volume border checkpoints; increasing wages; giving performance incentive awards; providing training to help personnel to better understand the importance of their work; requiring an oath of service; and, instituting routine administrative checks, for example, of immigration records.

*DENG, IN HER LATE 20'S, WAS RECRUITED in her native Thailand to travel voluntarily to Australia where she was told she could make lots of money as a prostitute. Upon arrival in Australia, however, she was met by traffickers who took away her passport and locked her in a house. She was told that she would have to pay off a debt of over \$30,000 by servicing 900 men. She was given little food to eat and was forcibly escorted to a brothel seven days a week, even when she was sick. She was told that if she tried to escape, criminal allies of the trafficking ring*

ments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Many nations misunderstand this definition, overlooking internal trafficking or characterizing any irregular migration as trafficking. The TVPA addresses "severe forms of trafficking," defined as:



*would catch her. Deng's exploitation ended when Australian Immigration officials raided the brothel in which she was enslaved.*

**What is trafficking?**

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, defines trafficking in persons as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of pay-

- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

These definitions do not require that a trafficking victim be physically transported from one location to another. They plainly apply to the recruitment, harboring, provision, or obtaining of a person for the enumerated purposes.

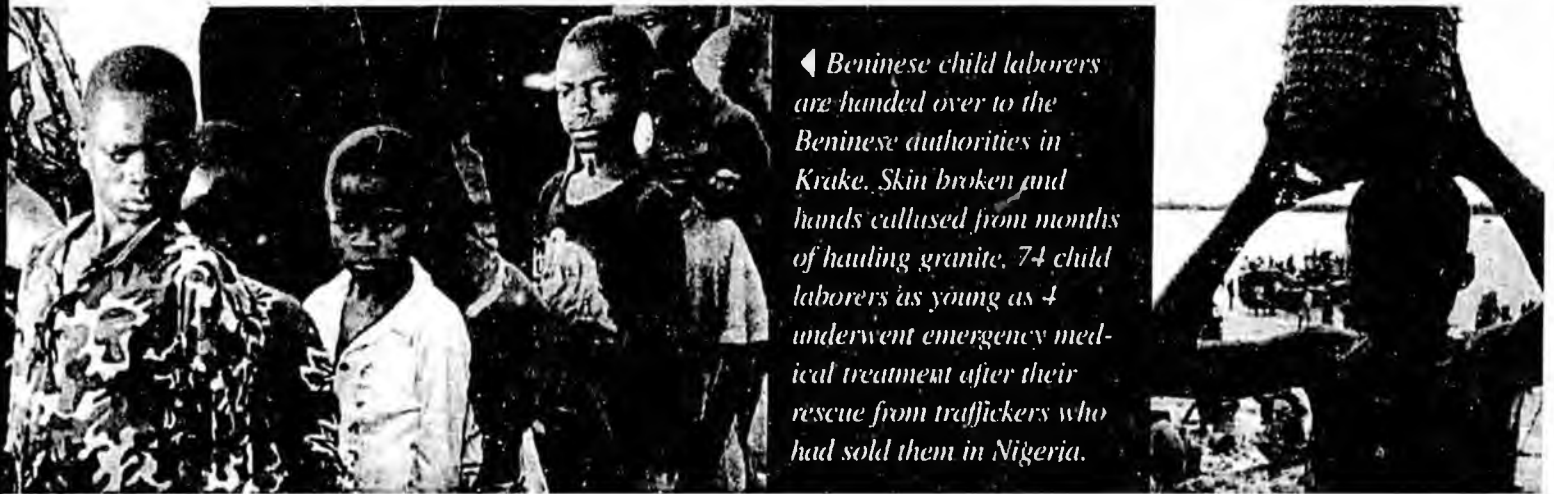
**What is the human and social toll of trafficking?**

Victims of human trafficking pay a horrible price. Physical and psychological harm, including disease and stunted growth, often has permanent effects, ostracizing trafficking victims from their families and communities. Trafficking victims often miss critical opportunities for social, moral, and spiritual development. In many cases the exploitation of trafficking victims is progressive: a child trafficked into one form of labor may be further abused in another. In Nepal, girls recruited to work in carpet factories, hotels, and restaurants have been forced later into the sex industry in India.

guage, compounding the psychological damage from isolation and domination.

Ironically, the human capacity to endure unspeakable hardship and deprivation leads many trapped victims to continue to work, hoping for eventual freedom.

*TINA, A TEENAGER FROM A RURAL Indonesian village, incurred hundreds of dollars in debt for four months of domestic service training and board at an Indonesian migrant labor center. From there Tina, like many other Indonesian girls, was transported to Malaysia, believing she would work as a*



◀ *Beninese child laborers are handed over to the Beninese authorities in Krake. Skin broken and hands callused from months of hauling granite, 74 child laborers as young as 4 underwent emergency medical treatment after their rescue from traffickers who had sold them in Nigeria.*

In the Philippines, and in many other countries, children who initially migrate or are recruited for the hotel and tourism industry, often end up trapped in brothels. A brutal reality of the modern-day slave trade is that its victims are all too often bought and sold many times over.

Victims forced into sex slavery are often subdued with drugs and suffer extreme violence. Victims trafficked for sexual exploitation suffer physical and emotional damage from premature sexual activity, forced substance abuse, and exposure to sexually transmitted diseases including HIV/AIDS. Some victims suffer permanent damage to their reproductive organs. Moreover, the victim is typically trafficked to a location where he or she cannot speak or understand the lan-

*maid for a Malaysian couple. Forced to work up to 15 hours a day in a family business where she slept on the floor, Tina was told her salary would be withheld until she finished her two-year contract. After many instances of physical abuse, she sought refuge at a victims' shelter of a Malaysian NGO. Tina has filed a complaint with the police against her employer and has been given an extension of her immigration visa in order to pursue her case in Malaysia.*

**Trafficking in Persons Is a Human Rights Violation.** Fundamentally, trafficking in persons violates the universal human right to life, liberty, and freedom from slavery in all its forms. Trafficking of children under-

## THE FACTS ABOUT CHILD SEX TOURISM

The commercial sexual exploitation of children affects millions of children each year, in countries on every continent. One form of this exploitation is the growing phenomenon of Child Sex Tourism (CST). Persons who travel from their own country to a foreign country to engage in a commercial sex act with a child commit CST. The crime is fueled by weak law enforcement, the Internet, ease of travel, and poverty.

Tourists engaging in CST typically travel from their home countries to developing countries. Sex tourists from Japan, for example, travel to Thailand, and Americans tend to travel to Mexico or Central America. "Situational abusers" do not intentionally travel to seek sex with a child but take advantage of children sexually once they are in country. "Preferential child sex abusers" or pedophiles travel for the purpose of exploiting children.

In response to the growing phenomenon of CST, intergovernmental organizations, the tourism industry, and governments have begun to address the issue. World Congresses Against Commercial Sexual Exploitation convened in Stockholm and Yokohama in 1996 and 2001, drawing significant international attention to the issue. The World Tourism Organization established a task force to combat CST and promulgated a Global Code of Conduct for Tourism in 1999. Over the last five years, there has been a worldwide increase in the prosecution of child sex tourism offenses. Today, 32 countries have extraterritorial laws that allow the prosecution of their nationals for crimes committed abroad, regardless of whether the



offense is punishable in the country where it occurred.

Several countries have taken commendable steps to combat child sex tourism. For example, France's Ministry of Education along with travel industry representatives developed guidelines on CST for tourism school curricula, and state-owned Air France allocates a portion of in-flight toy sales to fund CST awareness programs. Brazil implemented a national and international awareness campaign on sex tourism. Italy requires tour operators to provide information regarding its extraterritorial law on child sex offenses, and nearly every Swedish tour opera-

tor has signed a code of conduct agreeing to educate its staff about CST. Cambodia established police units focused on combating child sex tourism and has arrested and extradited foreign pedophiles. Japan prosecutes its citizens caught having sex with children in other countries.

The United States strengthened its ability to fight child sex tourism last year through passage of the Trafficking Victim Protection Reauthorization Act and the PROTECT Act. Together these laws enhance awareness through the development and distribution of CST information and increase penalties to up to 30 years for engaging in child sex tourism. In the first eight months of "Operation Predator" (a 2003 initiative to fight child exploitation, child pornography, and child sex tourism), U.S. law enforcement authorities arrested 25 Americans for child sex tourism offenses. Overall, the global community is awakening to the horrific issue of child sex tourism and is starting to take important initial steps.

mines the basic need of a child to grow up in a protective environment and the right to be free from sexual abuse and exploitation.

***Trafficking Promotes Social Breakdown.***

The loss of family and community support networks renders the trafficking victim vulnerable to the traffickers' demands and threats, and contributes in several ways to the breakdown of social structures.

Trafficking weakens parental authority, undermines extended family ties, and prevents the nurturing and moral development of children. Trafficking interrupts the passage of knowledge and cultural values from

parent to child and from generation to generation, weakening a core pillar of society. The profits from trafficking often allow the practice to take root in a particular community, which is then repeatedly exploited as a ready source of victims. The fear of becoming a trafficking victim can lead vulnerable groups such as children and young women to go into hiding, with adverse effects on their schooling or family structure. The loss of education reduces victims' future economic opportunities and increases their vulnerability to being trafficked in the future. Victims who are able to return to their communities often find themselves



◀ *An Albanian woman at her home with her son and the television set she was given by the Italian family to whom she gave one of her sons in 1999.*

**STATEMENT OF PRESIDENT GEORGE W. BUSH**  
**Excerpt of Address to the United Nations General Assembly**  
**The United Nations • New York, New York**  
**September 23, 2003**

**T**here's another humanitarian crisis spreading, yet hidden from view. Each year, ...human beings are bought, sold or forced across the world's borders. Among them are hundreds of thousands of teenage girls, and others as young as five, who fall victim to the sex trade. This commerce in human life generates billions of dollars each year—much of which is used to finance organized crime.

There's a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of the sex trade see little of life before they see the very worst of life—an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.

This problem has appeared in my own country, and we are working to stop it. The PROTECT Act,

stigmatized and ostracized, and require continuing social services. They are more likely to become involved in substance abuse and criminal activity.

*NOI CAME FROM A POOR COMMUNITY IN rural Thailand. At 15, seeking to escape rape and sexual abuse in her foster family, she found a foreign labor agent in Bangkok who advertised well-paid waitress jobs in Japan. She flew to Japan and later learned that she had entered Japan on a tourist visa under a false identity. On her arrival in Japan, she was taken to a karaoke bar where the owner raped*

*her, subjected her to a blood test and then bought her. "I felt like a piece of flesh being inspected," she recounted. The brothel madam told Noi that she had to pay off a large debt for her travel expenses. She was warned that girls who tried to escape were brought back by the Japanese mafia, severely beaten, and their debts doubled. The only way to pay off the debt was to see as many clients as quickly as possible. Some clients beat the girls with sticks, belts and chains until they bled. If the victims returned crying, they were beaten by the madam and told that they must have provoked the client.*



which I signed into law this year, makes it a crime for any person to enter the United States, or for any citizen to travel abroad, for the purpose of sex tourism involving children. The Department of Justice is actively investigating sex tour operators and patrons, who can face up to 30 years in prison. Under the Trafficking Victims Protection Act, the United States is using sanctions against governments to discourage human trafficking.

The victims of this industry also need help from members of the United Nations. And this begins with clear standards and the certainty of punishment under laws of every country. Today, some nations make it a crime to sexually abuse children abroad. Such conduct should be a crime in all nations. Governments should inform travelers of the harm this industry does, and the severe punishments that will fall on its patrons. The American government is committing \$50 million to support the good work of organizations that are rescuing women and children from exploitation, and giving them shelter and medical treatment and the hope of a new life. I urge other governments to do their part.

We must show new energy in fighting back an old evil. Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time.

*The prostitutes routinely used drugs before sex "so that we didn't feel so much pain." Most clients refused to use condoms. The victims were given pills to avoid pregnancy and pregnancies were terminated with home abortions. Victims who managed to pay off their debt and work independently were often arrested by the police before being deported. Noi finally managed to escape with the help of a Japanese NGO.*

**Trafficking Fuels Organized Crime.** The profits from human trafficking fuel other criminal activities. According to the UN,

human trafficking is the third largest criminal enterprise worldwide, generating an estimated 9.5 billion USD in annual revenue according to the U.S. intelligence community. It is also one of the most lucrative criminal enterprises, and is closely connected with money laundering, drug trafficking, document forgery, and human smuggling. There have also been documented ties to terrorism. Where organized crime flourishes, governments and the rule of law are weakened.

**Trafficking Deprives Countries of Human Capital.** Trafficking has a negative impact



### ABUSE OF "ARTISTIC" OR "ENTERTAINER" VISAS

In many countries, artistic or entertainer visas are obtained to facilitate the movement and exploitation of trafficking victims. Thousands of women are granted these temporary visas in the expectation of legitimate employment in the entertainment or hospitality industries. Such visas are typically granted upon presentation of a work contract or offer of engagement by a club owner, proof of financial resources, and/or medical test results. Employment agencies, often licensed under the laws of the origin and destination countries, play a key role in the deception and recruitment of these women. On arrival at their destination, victims are stripped of their passports and travel documents and forced into situations of sexual exploitation or bonded servitude. Having overstayed or otherwise violated the terms of the visa, victims are coerced by their exploiters with threats to turn them over to immigration authorities.

Governments of countries that issue these types of visas in large numbers, such as (but by no means limited to) Switzerland, Slovenia, Cyprus, and Japan, should recognize that traffickers heavily exploit this mechanism. For example, it is reported that Japan issued 55,000 entertainer visas to women from the Philippines in 2003, many of whom are suspected of having become trafficking victims. Authorities should scrutinize the requirements for issuing these types of visas and implement screening procedures particularly for repeat applicants and sponsors. Awareness campaigns should be conducted in source countries to alert artistic visa applicants to the ploys that traffickers use to lure women into labor exploitation and forced prostitution situations.

## HOW PROSTITUTION FUELS TRAFFICKING

Academic, NGO, and scientific research confirms a direct link between prostitution and trafficking. In fact, prostitution and its related activities, including pimping, and patronizing or maintaining brothels, contributes to trafficking in part as a front behind which traffickers for sexual exploitation operate. A recent study revealed that much of the vast profits generated by the global sex industry go directly into the pockets of human traffickers. The International Labour Organization estimates that each year 500,000 women are sold (trafficked) on markets in Europe.

Over 800,000 people trafficked across international borders every year, 70 percent are women and 50 percent are children. The majority of those women and girls are in commercial sex trade.

◀ *This Vietnamese woman was sentenced to 15 years for sex trafficking of underage girls in Cambodia.*



contributing to an irreparable loss of human resources. Some of the effects include depressed mental health, children left to care for an elderly persons, and intergenerational poverty. These effects result in a loss of future productivity. Forcing children to work long hours per day at an early age hinders their education and reinvents a cycle of poverty and illiteracy that hinders development.

### **Impacts on Public Health.**

Children often endure brutal conditions in physical, sexual, and emotional trauma. Sexually transmitted diseases and inflammatory dis-

eases, and HIV/AIDS are often the result of forced prostitution. Anxiety, insomnia, depression, and post-traumatic stress disorder are common psychological manifestations among trafficked victims. Unsanitary and crowded living conditions, coupled with poor nutrition, foster a host of adverse health conditions such as scabies, tuberculosis, and other communicable diseases. Children suffer growth and development problems and develop complex psychological and neurological consequences from deprivation and trauma.

The most egregious abuses are often borne by children, who are more easily controlled and forced into domestic service, armed conflict, and other hazardous forms of work. Children may be subjected to progressive

exploitation, i.e., resold several times and subjected to an array of physical, sexual and mental abuse. This abuse complicates their psychological and physical rehabilitation and jeopardizes their reintegration.

*TANYA'S STORY: "MY FRIEND ORGANIZED for me to get a job in Egypt. We traveled together from Chisinau to Moscow where I got a plane to Egypt. When I got to the airport in Egypt, I was paired with a man in order to walk through customs and immigration. People were waiting for me and they took me to a five-star hotel. I gave up my passport at*

#### ***Trafficking Subverts Government Authority.***

Many governments struggle to exercise full control over their national territory, particularly where corruption is prevalent. Armed conflicts, natural disasters, and political or ethnic struggles often create large populations of internally displaced persons. Human trafficking operations further undermine government efforts to exert its authority, threatening the security of vulnerable populations. Many governments are unable to protect women and children who are kidnapped from their homes and schools or from refugee camps. Moreover, the bribes paid by traffickers impede a government's ability to



◀ *Women rescued in brothels in Indian cities line up to identify an alleged trafficker at a shelter in Nepal.*



*the reception of the hotel and never saw it again. They put me in a car and we drove for a really long time. We went to a place where Bedouins are [Egypt's Sinai Peninsula] and those Bedouins took us through the desert. They kill you or beat you if they don't like your attitude. We had to walk for hours and hours through the desert where there were landmines. They pointed out the mines to us in the sand. We hardly ate and I lost 10 kilos by the time I got to Israel. When we got out of the desert, we were taken to a town in Israel, where the Bedouins arranged for us to be sold. Many girls were traveling with me, and all the girls going to Israel go through the same route and the same situation."*

battle corruption among law enforcement, immigration, and judicial officials.

*NASREEN WAS A TAJIK GIRL WHO WORKED IN Moscow. Her boss asked her to become his mistress, promising money, housing, a car, and a better life. Nasreen agreed to this arrangement. One day, a house-guest offered Nasreen the opportunity to work in Turkey. Nasreen's boss pressured her to accept the offer. Nasreen was tricked, and trafficked to Israel for forced prostitution. With the help of a sympathetic journalist, Nasreen was able to escape and return home.*

***Trafficking Imposes Enormous Economic Costs.*** There are tremendous economic bene-

fits to be gained from eliminating trafficking. The International Labor Organization (ILO) recently completed a study on the costs and benefits of eliminating the worst forms of child labor—which by definition include child trafficking. The ILO concluded the economic gains from eliminating the worst

forms of child labor are substantial (tens of billions of dollars annually) because of the added productive capacity a future generation of workers would gain from increased education and improved public health. The human and social consequences of trafficking often mirror those of the worst forms of child labor.

### THE FACTS ABOUT CHILD SOLDIERS

Child soldiering is a unique and severe manifestation of trafficking in persons. Tens of thousands of children under age 18 have been conscripted into armed conflicts, serving in government armies, armed militias, and rebel groups. Some children are kidnapped and forced to serve; others join in the face of threats, bribes, and false promises of compensation.

Hoping in many cases for food, clothing, and shelter, a child's decision to join an armed group cannot be considered a free choice. Children caught up in armed conflict are desperately searching for a means of survival. Because of their emotional and physical immaturity, children are easily manipulated and coerced into violence. Many child soldiers are forced to use alcohol or narcotics as a way to desensitize them to violence or to enhance their performance.

Children who are forcibly conscripted are typically inadequately trained, treated harshly, and rapidly pushed into combat. Boys and girls may be sent into combat or minefields ahead of older troops. Some children have been used for suicide missions or are forced to commit atrocities against their families and communities. Others, including some of the 15,000 involved in recent Liberian conflicts, are made to serve as porters, cooks, guards, servants, messengers, or spies. Many child soldiers, mostly girls, are sexually abused, and are at high risk of sexually transmitted infections and unwanted pregnancies.

Child soldiers are killed and wounded at far higher rates than their adult comrades. Some armed groups are known to "brand" child conscripts across the face or chest with a knife or broken glass. Survivors often suffer multiple traumas and psychological scarring from the violence and brutality they experienced. Their development as a person is often irreparably damaged. Their families and home communities often reject many former child soldiers seeking to return because of the violence they or their group inflicted on the community.

The use of children to fight adults' wars is a global phenomenon. The problem is most critical in Africa and Asia, but armed groups in the Americas, Eurasia, and the Middle East also use children. There has been a failure of political will among many countries to enforce laws and international obligations prohibiting or restricting the use of child soldiers. All nations must work together with international organizations and NGOs to take urgent action to disarm, demobilize, and reintegrate child soldiers.



### How do traffickers operate?

Slave traders prey on the vulnerable. Their targets are often children and young women, and their ploys are creative and ruthless, designed to trick, coerce, and win the confidence of potential victims. Very often these ruses involve promises of marriage, employment, educational opportunities, or a better life.

lages to serve as soldiers and sex slaves. In East Asia, traffickers may visit cities such as Bangkok or Phnom Penh, befriend a young woman at a hotel, restaurant, or store, and offer to take her to another country for a "vacation." Upon arrival, the woman's passport is taken, she is turned over to a brothel operator, and the brutal indoctrination into a life of sex slavery begins.

### WHAT IS THE DIFFERENCE BETWEEN TRAFFICKING IN PERSONS AND HUMAN SMUGGLING?

The differences between migrant smuggling and trafficking in persons can be confusing. This confusion can make it difficult to obtain accurate information, especially from transit countries. Trafficking often but not always involves smuggling; the victim may initially agree to be transported within a country or across borders. Distinguishing between the two activities often requires detailed information on the victim's final circumstances.

Smuggling is generally understood to be the procurement or transport for profit of a person for illegal entry into a country. But the facilitation of illegal entry into or through a country is not, standing alone, trafficking in persons, even though it is often undertaken in dangerous or degrading conditions. Smuggling sometimes involves migrants who have consented to the activity. Trafficking victims, on the other hand, have either never consented or, if they initially consented, their consent has been negated by the coercive, deceptive or abusive actions of the traffickers. Trafficking victims often are unaware that they will be forced into prostitution or exploitative labor situations. Smuggling may therefore become trafficking. The key component that distinguishes trafficking from smuggling is the element of fraud, force, or coercion.

Unlike smuggling, trafficking can occur regardless of whether the victim is moved internally or across a border. Under the TVPA it is not necessary for a victim to have been transported to an exploitative situation for a severe form of trafficking to occur. It is sufficient if the victim is recruited, harbored, provided, or obtained "for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."

In India, for example, a trafficker may pose as a successful trader, persuading a girl's parents that he is a suitable spouse. After the marriage, the girl is sexually abused and sold into prostitution. Some men are known to have "married" over a dozen women from different villages using this tactic.

In Uganda, rebels from the Lord's Resistance Army roam the countryside at night, abducting young children from vil-

A Ukrainian girl, only 16, meets a young man at a dance and is offered a job in Germany as a nurse. Smuggled across borders at night, she is turned over to a brothel and forced to work as a prostitute. A rural Indonesian girl may be drawn to a domestic service job in a neighboring country with the promise of a salary that is not paid as promised. A rural girl from southern China may be drawn to Malaysia seeking the benefits of a vibrant economy, but she is forced

into sexual servitude. Or a young Vietnamese villager, seeking economic opportunity, may agree to travel to an island in the Pacific to work in a factory, not realizing that his travel documents will be confiscated and that his wages will be so minimal that he will be unable to repay the travel costs. The young and the helpless are often the most brutally exploited.

*BOPHA LIVED IN A RURAL CAMBODIAN village and married at 17. Her husband immediately took her to a hotel in another village and left her. Bopha discovered the hotel was a brothel and*

tims constitute the supply, and abusive employers or sexual exploiters represent the demand.

The supply of victims is encouraged by many factors including poverty, the attraction of a perceived higher standard of living elsewhere, weak social and economic structures, a lack of employment opportunities, organized crime, violence against women and children, discrimination against women, government corruption, political instability, armed conflict, and cultural traditions such as traditional slavery. In some societies a tradition of fostering allows the third or fourth child to be sent to live and work in



◀ A group of school children commute to school in a specially-protected van in Bangladesh. Parents have stepped up their vigilance against kidnapping in a poor community where trafficking in humans is not uncommon.



*tried to escape, but she was forcibly detained and told she must pay off the price the hotel owner had paid for her. Bopha's debt kept increasing due to charges for her food, clothing, and other necessities. Bopha could not leave. Ravaged by HIV/AIDS, she was thrown out on the street and finally found her way to an NGO shelter in Phnom Penh. She has been there for two years receiving treatment; it is not known how much longer Bopha will live.*

#### **What are the causes of trafficking?**

There are many different causes of human trafficking. These causes are complex and often reinforce each other. Viewing trafficking in persons as a global market, vic-

an urban center with a member of the extended family (often, an "uncle"), in exchange for a promise of education and instruction in a trade. Taking advantage of this tradition, traffickers often position themselves as employment agents, inducing parents to part with a child, but then trafficking the child to work in prostitution, domestic servitude, or a commercial enterprise. In the end, the family receives few if any wage remittances, the child remains unschooled and untrained, and separated from his family, and the hoped-for economic opportunity never materializes.

On the demand side, factors driving trafficking in persons include the sex industry, and the growing demand for exploitable labor. Sex tourism and child pornography

have become worldwide industries, facilitated by technologies such as the Internet, which vastly expand choices available to consumers and permit instant and nearly undetectable transactions. Trafficking is also driven by the global demand for cheap, vulnerable, and illegal labor. For example, one of the biggest demands in prosperous countries of East Asia is for domestic servants who sometimes fall victim to exploitation or involuntary servitude.

A new source of demand for young women as brides and concubines is a consequence of widening gender gaps in densely populated India and China. In India, there

are now only 933 girls born for every 1,000 boys, due largely to the perception that a girl child is an economic liability in that country's strongly patriarchal society. Many couples use inexpensive and widely available sonograms to determine the gender of the fetus, and if a female is detected the child is aborted. Data from India's 2001 census, analyzed in 2003, show that the gap is most serious in the prosperous northwestern states of Haryana and the Punjab, where in some localities the gender gap has dropped below 825 girl births for every 1,000 boy births.

A similar gap has emerged in parts of China due to the government's "one-child"



◀ *A victim of child trafficking breaks into tears upon arriving at Manila's port from the central Philippines. Youngsters continue to be recruited for child labor and abused because their parents need money.*



### VICTIM RESCUE

**A**s this report shows, the number of trafficking victims the world over is enormous. Many victims are identified through the good work of NGOs and government agencies that investigate trafficking sites, such as brothels, sweatshops, and child soldier camps.

The need to rescue victims promptly is paramount but rescues do not always end the suffering. Some countries lack adequate protection facilities; victims, including children, are placed in jails and further traumatized. In others, foreign victims who lack adequate documentation may be deported summarily without regard to their health or safety. In such cases, many are re-trafficked with additional "debts" and abuses added to their misery.

The psychological and physical suffering by victims of sexual exploitation, involuntary servitude, bonded labor, or forced child soldiering present authorities with long-term challenges. Counseling, shelter, medical attention, and vocational training are required to fully rehabilitate the victims and successfully reintegrate them into their original communities.

Just as challenging as the rescue of victims is the long-term after-rescue care and rehabilitation, which requires planning and considerable resources. There is the need to deliver comprehensive services to ensure that victims are treated with dignity, and given viable opportunities to build a new life. The lack of well-developed protective facilities, however, should not serve as an excuse for not freeing the enslaved.

## INVOLUNTARY SERVITUDE

One of the severe forms of trafficking in persons most difficult to identify is involuntary servitude (see box on page 24 for legal definition). Many economic migrants who leave their homes in less developed communities and travel—short or far distances—to urban centers and other more developed communities for work are vulnerable to situations of involuntary servitude. The vast majority of economic migrants, often low-skilled laborers such as construction workers and domestic servants, find non-exploitative work situations that benefit them and their families.

However, some economic migrants suffer abuses by an employer. This could include verbal and physical abuse by the employer or the breach of the contract governing the employees' work—often seen in the form of withholding wages or denying time off from work. A yet smaller group find themselves exploited to the point that they perceive themselves to be captive.

So when does an exploitative, abusive work situation constitute involuntary servitude? The answer is guided by our law, the TVPA. When an employer uses verbal or physical abuse, or the threat of such abuse, in order to keep that worker in his or her service, this is involuntary servitude. If the employer intentionally causes the employee to believe that he or she cannot leave that work situation without facing abuse or physical restraint, this is involuntary servitude. Physically restraining the employee from leaving the workplace is not necessary if the employer's actions or threats induce a condition of servitude. An employer's withholding of an employee's travel documents—such as a passport, work permit, or identity card—is a form of physical restraint that may support a finding of involuntary servitude. For this reason, many governments have criminalized the holding of a foreign employee's travel documents—the key instruments that preserve the fundamental freedom of movement.

It is the employer's responsibility, and the responsibility of the government authority, to ensure that workers feel they are free to remove themselves from an abusive work environment and are afforded a fair hearing of any real or perceived abuses arising out of that labor.



policy, which has prompted many parents to abort pregnancies once the gender of the fetus is determined to be female. North Korean and Vietnamese girls and women reportedly are trafficked into Southern China as forced brides and prostitutes. These gaps between boy and girl births have existed for decades and now yield pro-

nounced deficits of brides in certain areas of both India and China.

### What strategies are effective in the war against trafficking?

Effective anti-trafficking strategies should target all three aspects of the trade: the supply side, the traffickers, and the demand side.

On the supply side, the conditions that drive trafficking must be addressed with programs that alert communities to the dangers of trafficking, improve educational opportunities and school systems, create economic opportunities, promote equality of rights, educate targeted communities on their legal rights, and create better and broader life opportunities.

At the trafficker level, law enforcement programs must identify and interdict trafficking routes; clarify legal definitions and coordinate law enforcement responsibilities; vigorously prosecute traffickers and those who aid and abet them; and, fight public

corruption that facilitates and profits from the trade, eroding the rule of law.

On the demand side, persons who exploit trafficked persons must be identified and prosecuted. Employers of forced labor and exploiters of victims trafficked for sexual exploitation must be named and shamed. Awareness-raising campaigns must be conducted in destination countries to make it harder for trafficking to be concealed or ignored. People must be withdrawn from slave-like working situations, and reintegrated into their families and communities.

Local, state, national, and regional programs to fight trafficking must be coordi-

▶ *Although the Government of the U.A.E. has imposed a restriction against the use of trafficked South Asian children as camel jockeys, the practice continues in other Gulf states.*



### WOULD LEGALIZING PROSTITUTION HELP CURB HUMAN TRAFFICKING?

The United States Government takes a firm stand against proposals to legalize prostitution because prostitution directly contributes to the modern-day slave trade and is inherently demeaning. When law enforcement tolerates or communities legalize prostitution, organized crime groups are freer to traffic in human beings. Where prostitution is legalized, the cost of sexual services includes brothel rent, medical examinations, and registration fees. Due in part to these costs, illegal prostitution has flourished in legalized areas as clients seek cheaper sex. In some countries where prostitution is legal there are from three to ten times as many non-registered women involved in prostitution as registered women. Many of these non-registered women are foreigners who have been trafficked. There is no evidence that legalization in any country has reduced the number of trafficking victims, and NGOs working in this field note that the number of trafficking victims often increases. In short, where prostitution is legalized, a "black market" in trafficking emerges, as exploiters seek to maximize profit by avoiding the scrutiny and regulatory costs of the legal prostitution market. Legalized prostitution is therefore a trafficker's best shield, allowing him to legitimize his trade in sex slaves, and making it more difficult to identify trafficking victims.

## ESTIMATES OF TRAFFICKING VICTIMS

**D**uring the last year, the U.S. Government estimated that 600,000 – 800,000 people were trafficked across transnational borders worldwide. Analyses of data reveal that 80 percent of the victims trafficked across international borders are female and 70 percent of those females are trafficked for sexual exploitation. Estimates of people trafficked into the United States ranged from 14,500 to 17,500. These recently revised estimates reflect the use of an improved methodology for estimating trafficking flows. Estimates that include global intra-country trafficking in persons range from two to four million.

Estimates of the number of trafficking victims found throughout the world are inherently difficult to produce. Trafficking in persons, like drug trafficking and arms smuggling, is a clandestine activity made even harder to quantify by its numerous forms. It often is hidden as a subset of alien smuggling or extreme abuse of foreign migrant labor. Moreover, the availability of data on trafficking varies considerably from region to region: there is a noted paucity of data, for example, of persons trafficked to, from, or through the Middle East. The U.S. Government estimates cited in this report focus on persons trafficked across international borders, as those victims are not as difficult to identify as the populations trafficked within all countries.



nated. By drawing public attention to the problem, governments can increase anti-trafficking resource allocations, improve understanding of the problem, and enhance their ability to develop effective strategies. Coordination and cooperation, whether national, bilateral, or regional, will leverage country efforts and recruit volunteers to the fight. International standards should be harmonized, and nations should cooperate more closely to deny traffickers legal sanctuary.

Knowledge about trafficking must be improved, and the network of anti-traffick-

ing organizations and efforts strengthened. Religious institutions, NGOs, schools, community associations, and traditional leaders need to be mobilized in the struggle. Victims and their families require skills training and alternative economic opportunities. Anti-trafficking strategies must be periodically examined to ensure they remain innovative and effective. Finally, government officials must be trained in anti-trafficking techniques, and trafficking flows must be tracked statistically to illuminate the nature and magnitude of the problem so that it may be better understood. ■

DEFINITION OF  
"SEVERE FORMS OF TRAFFICKING IN PERSONS"

The Trafficking Victims Protection Act defines "severe form of trafficking in persons" as

- (a) **sex trafficking** in which a **commercial sex act** is induced by force, fraud, or **coercion**, or in which the person induced to perform such an act has not attained 18 years of age; or
- (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to **involuntary servitude**, peonage, **debt bondage**, or slavery.

Definition of Terms Used in the Term "Severe Forms of Trafficking in Persons"

*"Sex trafficking"* means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

*"Commercial sex act"* means any sex act on account of which anything of value is given to or received by any person.

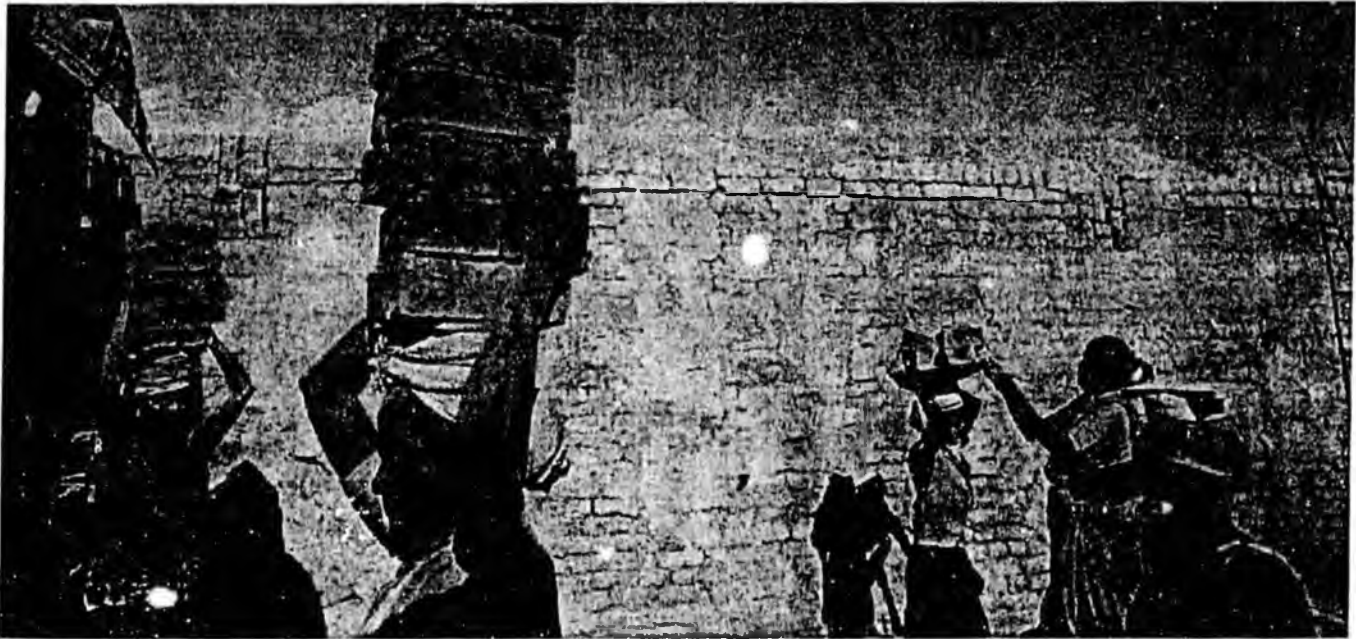
*"Involuntary servitude"* includes a condition of servitude induced by means of (a) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or (b) the abuse or threatened abuse of the legal process.

*"Debt bondage"* means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

*"Coercion"* means (a) threats of serious harm to or physical restraint against any person; (b) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or, (c) the abuse or threatened abuse of the legal process.

## ABOUT THE REPORT

The TIP Report is the most comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons. The TIP Report covers the period April 2003 through March 2004.



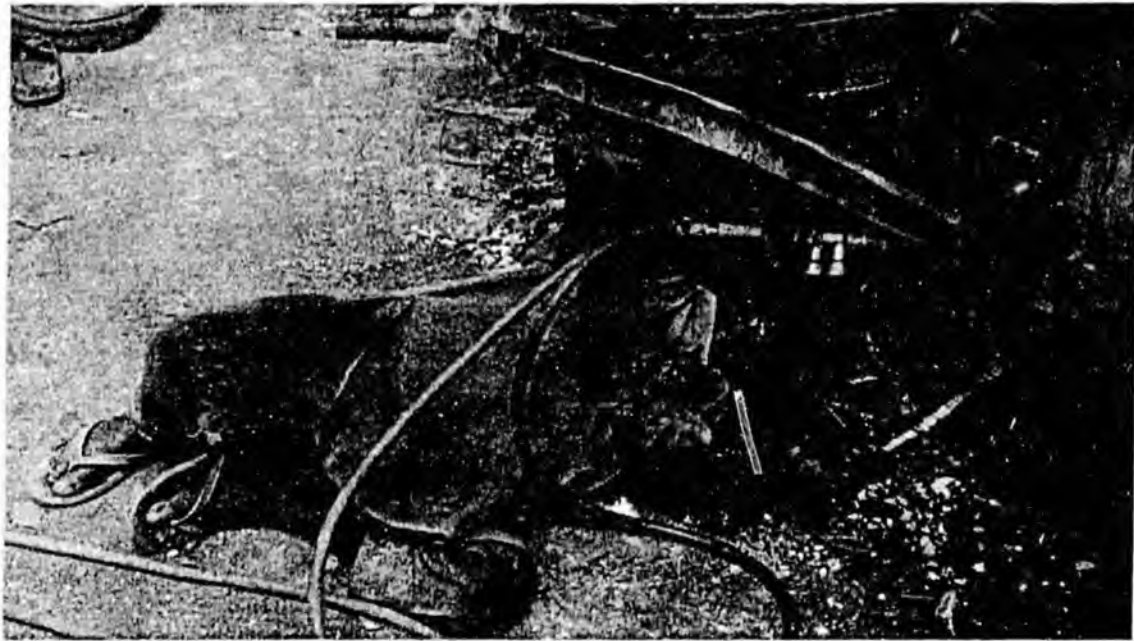
### What the Report Is and Is Not

The annual human trafficking report includes those countries<sup>1</sup> determined to be countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking. Since slavery probably extends to every country in the world, the omission of a country from the report may only indicate a lack of adequate information. The country narratives are organized by region and describe the scope and nature of the trafficking problem in the country, the reasons for including the country in the report, and the government's efforts to combat trafficking. The narrative also contains an assessment of the government's compliance with minimum standards, and includes suggestions for actions to combat trafficking. The remainder of the country narrative describes the government's efforts to enforce laws against trafficking, protect victims, and

prevent trafficking, and explains the basis for rating the country as Tier 1, Tier 2, the Tier 2 Special Watch List, or Tier 3.

Some countries have established task forces and action plans to create goals and benchmarks for anti-trafficking efforts. However, plans and task forces, on their own, are not weighted heavily in assessing country efforts. Rather, the report focuses on concrete actions governments have taken to fight trafficking, highlighting prosecutions, convictions, prison sentences for traffickers, victim protection, and prevention efforts. The report does not give great weight to laws in draft form or that have not yet been enacted, though task forces, action plans, or draft laws are sometimes noted in a country narrative as examples of preliminary actions governments have undertaken to combat trafficking. Finally, the report does not focus on other government efforts

<sup>1</sup>Under Section 4 (b) of the Taiwan Relations Act, "[w]herever the laws of the United States refer to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan."



that contribute indirectly to reducing trafficking, such as education programs, support for economic development, or programs aimed at enhancing gender equality, although these are worthwhile endeavors.

#### **What Is Different in This Year's Report?**

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) made several important changes to the TVPA.

Three of the four minimum standards for the elimination of trafficking remain unchanged. The minimum standards are:

1. The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
2. For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
3. For the knowing commission of any act of a severe form of trafficking in per-

sons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

4. The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

The fourth minimum standard was amended and supplemented, and now calls for consideration of ten criteria rather than seven:

Criterion (1) now requires consideration not only of investigations and prosecutions, but also of convictions and sentences, and whether the government of the country is responsive to the State Department's requests for law enforcement data. Criterion (7), relating to anti-corruption measures, now also requires consideration of prosecutions, convictions, and sentences of government officials complicit in trafficking in persons, and the host government's provision or failure to provide such data. Three new criteria require consideration of:

8. Whether the percentage of victims of severe forms of trafficking in the coun-

try that are non-citizens of such countries is insignificant;

9. Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts; and,
10. Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

The criteria used to assess whether a country is making serious and sustained efforts to come into compliance with the minimum standards for the elimination of trafficking are reproduced in an appendix to this report.

The TVPRA also created a "Special Watch List" of countries to receive special scrutiny during the following year. The list is composed of: 1) countries listed as Tier 1 in the current report that were listed as Tier 2 in the 2003 report; 2) countries listed as Tier 2 in the current report that were listed as Tier 3 in the 2003 report; and, 3) countries listed as Tier 2 in the current report, where

- a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

Countries on the Special Watch List will be reexamined in an interim assessment to be submitted to Congress by February 1, 2005.

#### **Why Does This Year's Report Contain More Country Assessments than Last Year's Report?**

The 2004 report includes an analysis of trafficking and government efforts to combat it in 140 countries, a net increase of 16 countries over last year. In previous years, some





## THE TIERS

**TIER 1:** Countries whose governments fully comply with the Act's minimum standards.

**TIER 2 :** Countries whose governments do not fully comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

**TIER 2 WATCH LIST:** Countries whose governments do not fully comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and:

- a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
- b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year

**TIER 3:** Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

countries have not been included because it was difficult to gather reliable and complete information due to: the illegal and underground nature of trafficking; the absence or nascence of government programs; the difficulty in distinguishing between trafficking and smuggling; and, the fear and silence of

trafficking victims, who often cross borders illegally or are physically abused or coerced. For some countries, there was information available, but the data did not support a finding that on the order of 100 or more persons were trafficked to, from, or within a country, the threshold for inclusion in the TIP report.

Over the past year, we have witnessed a stronger response from many governments, more public awareness campaigns alerting victims to protection services, and greater transparency in anti-trafficking efforts. As a result of these positive actions, the Department gathered information on more countries this year. The Department intends to include all countries with a significant number of trafficking victims in future reports, as more and better information becomes available.

#### How the Report Is Used

This report is a diplomatic tool for the U.S. Government to use as an instrument for continued dialogue, encouragement for the actions of some governments, and as a guide to help focus resources on prosecution, protection, and prevention programs and policies. After the release of this year's TIP Report, as in past years, the Department will continue to engage governments about the content of the report to strengthen cooperative efforts to eradicate trafficking. In the coming year, and particularly in the months before a determination is made regarding sanctions for Tier 3 countries and an interim assessment is made of Special Watch List countries, the Department will use the information gathered in the compilation of this report to more effectively target assistance

programs and to work with countries that need help in combating trafficking. The Department hopes the report will be a catalyst for government and non-government efforts to combat trafficking in persons around the world.

#### Methodology

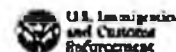
The State Department obtained information for this report from U.S. embassies and consulates around the world, foreign embassies in Washington, and non-governmental and international organizations working on human rights and trafficking issues. Our diplomatic posts reported on the trafficking situations and governmental actions based on thorough research, including meetings with a wide variety of government officials, local and international NGO representatives, international organizations, officials, journalists, academics, and victims.

The Office to Monitor and Combat Trafficking in Persons compiled an initial draft of the report using information from U.S. Embassy posts, meetings with foreign government officials, NGOs and international organizations, published reports, research trips to every region, and the information submitted to the e-mail address, [tipreport@state.gov](mailto:tipreport@state.gov), which was established for NGOs and individuals to report information on government progress in addressing



**I'm not a tourist attraction**

Stop child sex tourism.



trafficking. To compile this year's report, the Department took a fresh look at these sources of information on every country to make the following assessments. Assessing each government involved a two-step process:

**Step One: Significant Numbers of Victims**

First, the Department determined whether a country is "a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking," on the order of 100 or more victims, the same threshold applied in previous reports. Only those countries that reach this threshold are included in the report. Countries for which such information was not available were not included.

**Step Two: Tier Placement**

The Department placed each of the countries included on the 2003 TIP Report into one of the three lists, described here as tiers, mandated by the TVPA. This placement is based on the extent of a government's actions to combat trafficking. The Department first evaluates whether the government fully complies with the TVPA's minimum standards for

the elimination of trafficking. Governments that do are placed in Tier 1. For other countries, the Department considers whether their governments made significant efforts to bring themselves into compliance. Countries that make significant efforts are placed in Tier 2. Those countries whose governments do not fully comply with the minimum standards and are not making significant efforts to bring themselves into compliance are placed in Tier 3. Finally, the Special Watch List criteria are considered and, if applicable, countries are placed on the list.

As required by the TVPA, in making tier determinations between Tiers 2 and 3, the Department considers the overall extent of human trafficking in the country; the extent of governmental noncompliance with the minimum standards, particularly the extent to which government officials have participated in, facilitated, condoned, or are otherwise complicit in trafficking; and, what measures are reasonable to bring the government into compliance with the minimum standards in light of the government's resources and capabilities.





### Penalties

Governments of countries in Tier 3 may be subject to certain sanctions. The U.S. Government may withhold non-humanitarian, non-trade-related assistance. Countries that receive no such assistance would be subject to withholding of funding for participation in educational and cultural exchange programs. Consistent with the TVPA, such governments would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund and multilateral development banks such as the World Bank. These potential consequences would take effect at the beginning of the next fiscal year, October 1, 2004.

All or part of the TVPA's sanctions can be waived upon a determination by the President that the provision of such assistance to the government would promote the

purposes of the statute or is otherwise in the national interest of the United States. The TVPA also provides that sanctions shall be waived if necessary to avoid significant adverse effects on vulnerable populations, including women and children. Sanctions also would not apply if the President finds that, after this report is issued but before the imposition of sanctions, a government has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

Regardless of tier placement, every country can do more, including the United States. No country placement is permanent. All countries must maintain and increase efforts to combat trafficking. The United States will continue to monitor progress throughout the world and work with its partners to strengthen international efforts to eliminate all forms of modern-day slavery. ■

SB

20

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

February 11, 2005

RECEIVED  
FEB 15 2005

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Senator Fred Dyson  
Alaska State Senate  
State Capitol  
Juneau AK 99801-1182

Dear Senator Dyson:

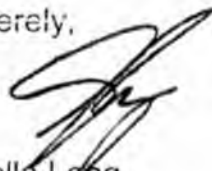
On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing Senate Bill 20, relating to offenses against unborn children.

The APOA State Board and Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

This legislation provides for the protection of the unborn child against criminal acts. There is currently no law that addresses this issue, and sadly, this has allowed for those who have committed such crimes to go unpunished. This bill allows for justice to be sought for those victims without a voice.

Thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,



Angella Long  
State President



SENATOR FRED DYSON

**MEMORANDUM**

February 23, 2005

To: Senator Gene Therriault, Chair  
Senate State Affairs Committee

From: Senator Fred Dyson

A handwritten signature in cursive that reads "Fred Dyson" with a circled "WLLC" underneath.

RE: Hearing Request, SB 20

I respectfully request the scheduling of SB 20, "An Act Related to Crimes Against the Unborn" at your earliest convenience. Thank You.



SENATOR FRED DYSON

### SPONSOR STATEMENT

#### SB 20—*"An Act relating to offenses against unborn children."*

In recent years, several high-profile cases from across the nation have highlighted the need for laws protecting unborn victims of criminal violence. Perhaps, most notably, the tragic deaths of Laci and Conner Peterson have focused much-needed attention on this critically important issue. Currently, thirty states provide some degree of protection for unborn victims of violence. Many legal challenges have been brought against state unborn victims laws, based on Roe and other constitutional arguments, but state and federal courts have rejected all such challenges.

Recently, a publicized case in Michigan has the citizens of the state closely evaluating Michigan laws and the related ethical implications. A 16 year old, who was entitled to get a legal abortion, had her boyfriend beat her stomach with a miniature baseball bat over the course of three weeks until she miscarried the baby.

SB 20 amends the Alaska Criminal Code to make the killing or injury of an unborn child<sup>1</sup> criminal under the same circumstances in which the killing or injury of a person born alive would be criminal. Nothing in this law shall apply to an act committed by the mother of an unborn child, to a medical procedure performed by a physician or other licensed medical professional at the request of a mother of an unborn child, or to the lawful dispensation or administration of lawfully prescribed medication. This bill also defines "unborn child" within the criminal statutes.

Recently, the U.S. Congress passed the Unborn Victims of Violence Act, and President Bush subsequently signed the bill into law. This federal law recognizes that when a person attacks a pregnant woman, and injures or kills her unborn child, the attacker has harmed two victims. It is narrowly drafted in that it only applies when death or injury of an unborn child is the result of a federal crime. The federal act does not supersede state unborn victim laws, nor does it impose such a state law on a state, like Alaska, that has not yet acted.

Pregnant women who have been harmed by violence, and their families, know that there are two victims -- the mother and the unborn child -- and both victims should be protected by law. Pregnant women are already protected by our Criminal Code; SB 20 includes the same protection for unborn victims. SB 20 establishes, in law, defense for the unborn victims of violent crime.

Updated 2/1/05



## Alaska State Legislature

Senate Majority Web: <http://www.akrepublicans.org>

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Sponsor: Senator Fred Dyson  
Current Version: SB 20  
Contact: Wes Keller. 465-2199

### Fact Sheet for: Senate Bill 20

**Short Title:** OFFENSES AGAINST UNBORN CHILDREN

**Summary:**

- Establishes the following crimes against an unborn child: murder, manslaughter, negligent homicide, and assault.
- Exempts legal abortion, consequences of actions resulting from therapeutic treatment or diagnostic testing, and a pregnant woman's actions against herself or her own unborn child.
- Defines "unborn child" for application of criminal law.

**Benefits:**

- Provides protection for unborn children.
- Clarifies Alaska Criminal law in the context of newly passed federal law of similar intent.

**Background:**

The federal H.R. 1997 passed at the end of January, 2004 and became Public Law 108-212 March 1, 2004. Known as the Unborn Victims of Violence Act of 2004, or Laci and Conner's Law, it provides that persons who commit certain federal violent crimes and thereby cause the death of, or bodily injury to, a child who is in utero is guilty of a separate offense. The federal law is limited in that it applies to crimes committed on federal property.

**First Degree Assault**

**Amended SB 20 VF**

**AS 11.41.200 - AS 11.41.230**

- recklessly + serious physical injury + dangerous instrument
- Intent to cause serious physical injury + serious physical injury
- knowingly + extreme indifference + serious physical injury
- recklessly + dangerous instrument + serious physical injury by repeated lesser assaults

- Recklessly + serious physical injury to include premature birth + dangerous instrument
- Intent to cause serious physical injury to include premature birth + serious physical injury
- knowingly + extreme indifference + serious physical injury
- Recklessly + dangerous instrument + serious physical injury to include premature birth by repeated lesser assaults

**Second Degree Assault**

**B Felony**

**Second Degree Assault of an Unborn Child**

- intent to cause physical injury + physical injury + dangerous instrument
- recklessly + serious physical injury
- recklessly + serious physical injury by repeated lesser assaults

- intent to cause physical injury + physical injury that requires medical treatment
- recklessly + serious physical injury to include pre mature birth

**Third Degree Assault**

**C Felony**

**Third Degree Assault of an Unborn Child**

- recklessly + in fear of serious physical injury + dangerous instrument
- recklessly + physical injury + dangerous instrument
- recklessly + physical injury to child requiring medical attention (- recklessly + knowingly >10)
- recklessly + physical injury to child more than once
- intent + fear + repeated threats
- criminal negligence + dangerous instrument + serious physical injury + protracted health, impairment, disfigurement, or illegal abortion

- Intentionally places a pregnant woman in fear of serious physical energy or death of her unborn child
- Recklessly + physical injury that reasonably requires medical treatment

**Fourth Degree Assault**

**A Misd.**

**Fourth Degree Assault of Unborn Child**

- recklessly + physical injury
- criminal negligence + physical injury + dangerous instrument
- recklessly + fear of imminent physical injury

- With criminal negligence places a pregnant woman in fear of serious physical energy or death of her unborn child
- criminal negligence + physical injury that reasonably requires medical treatment



## **Position Paper Senate Bill 20**

Planned Parenthood of Alaska (PPA) denounces all acts of violence against women. Our mission includes working for positive public policy and protecting the women and families in Alaska.

Planned Parenthood would like to thank Senator Dyson for his years of service and his commitment to families and children. Planned Parenthood agrees that the loss of a wanted pregnancy due to an act of violence is a tragic event. The perpetrators of such crimes need to answer for the loss suffered by the woman and her family. **But Planned Parenthood is unable to support the bill as currently written.**

### **Our concerns with SB 20:**

#### **This bill does not address the criminal penalties for violence against women.**

Acts of violence against women, including pregnant women, are tragic and should be punished. In fact, women – the principal victims of the violent attacks that sometimes result in the loss of a pregnancy– are not addressed in this legislation. The better approach is to strengthen Alaska's laws relating to violence against pregnant women.

#### **As written, this bill threatens a woman's reproductive choice.**

Though the bill exempts a pregnant woman from prosecution who gives consent to an abortion, it lays a foundation of giving separate legal rights to embryos and fetuses. If enacted, this legislation would be the first Alaska law to recognize an embryo or fetus as a person who can be an independent victim of a crime, and is directly contrary to existing Alaska law that defines a "person" as "a human being who has been born and was alive at the time of the criminal act." We view this as part of a national trend designed to erode the foundation of a woman's right to choose as set forth in *Roe v. Wade* by elevating the legal status of all stages of prenatal development under state law.

### **Solutions we would support:**

#### **Strengthen Alaska's laws relating to violence against pregnant women.**

PPFA recommends amending SB20 to provide enhanced penalties for those who perpetrate violence against a pregnant woman that results in miscarriage or stillbirth. There is room to address this type of crime in existing aggravator statutes. Successful legislation should acknowledge that the primary victim of the attack is the woman but also considers and additionally punishes the perpetrator for the loss a pregnant woman experiences when her choice to be pregnant is cut short by violence inflicted upon her.

### **Legislation that does not undermine *Roe v. Wade***

We cannot support legislation trying to give separate, legal standing to embryos and fetuses as persons. We support approaches that result in greater penalties for attacking a pregnant woman that results in the loss of her pregnancy. Planned Parenthood of Alaska believes that all women should have reproductive freedom including the right to a legal abortion. Women must also have the freedom to have a child if they wish, and the right to access reproductive health care and accurate information about their reproductive health. **We are eager to work with the committee to craft language that adequately punishes attackers, while avoiding an unnecessary fight about the legality of reproductive rights.**

### **Summary**

Planned Parenthood is confident that middle ground can be identified and that the main objective of criminalizing an attack on a pregnant woman that results in a miscarriage or stillbirth can be accomplished. We believe this should be viewed as an issue about violence against women and are eager to discuss the issue in that vein. We sincerely hope to work with legislators to craft language that will protect women and their families and respects our cherished reproductive freedoms.

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB020-DPS-ASTD-2-28-05  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
Title An Act relating to offenses against unborn children RDU Alaska State Troopers  
Component AST Detachments  
Sponsor Senator Dyson  
Requester Senate State Affairs Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Passage of this bill will have no fiscal impact on the Department of Public Safety.

Provisions of this bill create new sections in AS 11 for the murder of an unborn child, manslaughter of an unborn child, criminally negligent homicide of an unborn child, and assault of an unborn child in the first and second degree. It also creates a definition for "unborn child", and outlines penalties for convictions of these offenses.

Prepared by: Lieutenant Todd Sharp Phone 907-269-4532  
Division: Alaska State Troopers Date/Time 2/28/05 11:26 AM  
Approved by: Commissioner William Tandeske Date 2/28/2005  
Agency: Department of Public Safety

Section 1: A new section that:

- 11.41.150 Defines Murder of an unborn child that contains the elements of criminal code applicable to First and Second Degree murder. Murder of an unborn child is established as an unclassified felony.
- 11.41.160 Defines Manslaughter of an unborn child and establishes it as a Class A felony.
- 11.41.170 Defines Criminally negligent homicide of an unborn child and establishes it as a Class B felony.
- 11.41.180 Exempts the applicability of this Section to any action taken against an unborn child that is otherwise legal.

Section 2: A new section that:

- 11.41.280 Defines Assault of an unborn child in the first degree and establishes it as a Class B felony.
- 11.41.284 Defines Assault of an unborn child in the second degree and defines it as a Class A misdemeanor.
- 11.41.287 Exempts applicability of this Section to any action taken against an unborn child that is otherwise legal.

Section 3: Amends AS 11.81.250(a) to include "Murder of an unborn child" in the list of other serious crimes that are considered unclassified for purposes of sentencing.

Section 4: Amends AS 11.81.250(b) to include "Murder of an unborn child" in the list of other serious crimes that are not classified in the section defining them.

Section 5: Defines "unborn child" to mean a member of the species Homo sapiens, at any stage of development, who is carried in the womb.

Section 6: Amends 12.55.035(b) to include "Murder of an unborn child" in the list of other unclassified crimes for purposes of setting a guideline for fines.

Section 7: Amends 12.55.125(a) to include "Murder of an unborn child" as defined in AS 11.41.150(a)(1) with murder in the first degree for purposes of determining the imprisonment guideline for sentencing.

Section 8: Amends 12.55.125(b) to include "Murder of an unborn child" as defined in AS 11.41.150(a)(2)-(4) with murder in the second degree for purposes of determining the imprisonment guideline for sentencing.

**SB**

**24**


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**Senator Gary Stevens**  
**Alaska State Legislature**

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## Memorandum

**To:** Senator Gene Therriault, Chair  
Senate State Affairs Committee

**From:** Senator Gary Stevens 

**Date:** March 18, 2005

**Re:** Request for a hearing

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I would like to respectfully request that you schedule CS SS SB 24(HES), "An Act relating to Reemployment of Retirees", to be heard at your earliest convenience. Attached is the back up for your packet.

Thank you for your consideration of this request.

# Memorandum

State of Alaska

Department of Law

**TO:** Melanie Millhorn  
Director  
Division of Retirement & Benefits

**DATE:** September 14, 2004

**OUR FILE:** 661-05-0035

**FROM:** Toby N. Steinberger  
Assistant Attorney General  
Labor & State Affairs Section  
Anchorage

**TELEPHONE NO:** 269-5178

**SUBJECT:** Reemployed retirees – effect  
of HB 242 (2001) sunset  
provision

Virginia B. Ragle  
Assistant Attorney General  
Labor & State Affairs Section  
Juneau

## I. INTRODUCTION

You have asked about the effect of the “sunset” provision of HB 242, which was enacted in 2001 (ch. 57, SLA 2001). HB 242 amended Public Employees’ Retirement System (PERS) and Teachers’ Retirement System (TRS) statutes to allow certain retirees who returned to work in positions normally covered by the systems to waive coverage under the systems. Therefore they would not be required to contribute to PERS or TRS and they would not accrue additional service credits. However, the reemployment amendments allowed eligible reemployed retirees to continue to receive their retirement benefits while employed.<sup>1</sup> The bill specifically included provisions that repeal these amendments on July 1, 2005.

This memorandum confirms oral advice that, once the re-employment amendments are repealed, the statutes that previously required reemployed retirees and their employers to contribute to the applicable retirement system and terminate retirement benefit payments upon reemployment will apply. Therefore any member who has been receiving retirement benefits while employed by a TRS or PERS employer would, as of July 1, 2005, no longer receive retirement benefits while employed but would again start accruing additional service credits and making contributions to PERS/TRS.

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<sup>1</sup> Prior to the enactment of HB 242, under the Public Employees’ Retirement System and Teachers’ Retirement System statutes, if a retiree member returned to PERS/TRS employment, his/her retirement benefits ceased and the member and his/her employer would resume making contributions to PERS/TRS. The member would accrue additional service credits.

## II. BACKGROUND

### A. Legislative history

Before July 1, 2001, with limited exceptions, the PERS and TRS statutes required employees of PERS employers and teachers hired by TRS employers to participate in the applicable retirement system. AS 14.25.040; AS 39.35.120. The statutes also prohibited payment of retirement benefits to reemployed retirees during the period of reemployment. AS 14.25.043; AS 39.35.150.<sup>2</sup>

HB 242 was introduced in the 2001 legislative session. Among other things, the bill amended AS 14.25.043, relating to the reemployment of retired TRS members, and AS 39.35.150, relating to the reemployment of retired PERS members. Sections 4 and 8 of HB 242 amended these statutes to provide that if a retired member of TRS or PERS returns to employment, the member could elect to continue to receive retirement benefits during the period of reemployment but would not continue to accrue credited service. AS 14.25.043(b) and AS 39.35.150(b). In addition, no deductions would be made from the member's salary for contributions to his/her retirement system and the employer would make no contributions on behalf of the member. AS 14.25.043(b) and AS 39.35.150(b). This option would only be available to members who took normal

<sup>2</sup> Prior to HB 242, AS 14.25.043(a) provided:

If a retired member again becomes an active member, benefit payments may not be made during the period of employment. The retirement benefit must be suspended for the entire school year if the teacher is reemployed as an active teacher for a period equivalent to a year of service. During the period of reemployment, deductions from the member's salary will be made in accordance with AS 14.25.050.

AS 39.35.150(a) provided:

If a retired employee subsequently becomes an active member, benefit payments may not be made during the period of reemployment. During the period of reemployment, deductions from the employee's salary shall be made in accordance with AS 39.35.160. Upon subsequent retirement, the retired employee is entitled to receive an additional pension based on the credited service and the average monthly compensation earned during the period of re-employment in accordance with AS 39.35.370.

retirement; a member who participated in an earlier retirement incentive program or took early retirement would not be eligible to take advantage of these amendments. AS 14.25.043(b) and AS 39.35.150(b). The amendments provided that the election was irrevocable during the period of reemployment. AS 14.25.043(b) and AS 39.35.150(b).

With respect to TRS, at section 1 of the bill, the legislature provided that a teacher could only take advantage of the reemployment amendments if the school district or Rural Educational Attendance Area (REAA) had made a declaration of an anticipated shortage of teachers in particular disciplines. AS 14.20.135.

Section 12 of the bill repealed the reemployment amendments as of July 1, 2005. At section 15 of the bill, the legislature reinstated the law as it existed prior to July 1, 2001. Section 13 of the bill required that the administrator of TRS annually report to the legislature on the effects of the bill on the retirement system.

Guy Bell, Director of the Division of Retirement and Benefits (DR&B), and employers and employee organizations testified in support of the reemployment amendment during committee hearings. That testimony explained that the amendments were meant to provide incentives for PERS and TRS retirees to return to work for school districts, the state, and other PERS employers, in order to alleviate workforce shortages and the "brain drain" resulting from retirement of the baby boom generation, among other causes.

The legislative history of the sunset provision of HB 242 is not extensive. The bill was introduced on April 10, 2001, and was passed less than a month later, on May 8, 2001. House Finance Committee members first raised the suggestion of a sunset provision for the reemployment amendments at a hearing on April 23, 2001.<sup>3</sup> The

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<sup>3</sup> A similar sunset provision was proposed for TRS reemployment provisions included in SB 149, at an April 20, 2001, Senate Health, Education and Social Services' committee hearing. The minutes indicate that Division Director Guy Bell testified that he believed "it is a good idea to include a sunset provision so that the legislature can re-evaluate this program in the future." Vice-Chair Leman "said his intention was to get something into effect that will work this year and next year and then take another look at it." At the Senate Finance committee hearing on April 25, 2001, the staff to Senator Leman testified that SB 149 provided for an annual report to the legislature regarding the impact of the reemployment of retired teachers on the retirement program itself. He further indicated that the legislation has a sunset clause "in the event the teacher shortage situation changes." SB 149 was enacted as chapter 58, SLA 2001. SB 149 included a July 1, 2005 sunset date for the TRS retiree reemployment provisions.