

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
July 7, 2004

I am pleased to see this subcommittee today turn its attention away from divisive proposals to amend the Constitution and focus on an issue that should concern us all - the prevalence of human trafficking and slavery around the world. We cannot know how many people are trafficked but many believe that nearly a million people worldwide every year are bought, sold, or trafficked, with about 20,000 of those people trafficked to the United States. These people are forced into involuntary servitude or, often, prostitution. Until recently, this issue was not a priority for governments around the world, but we are seeing signs of change, some prompted by our passage of the Trafficking Victims Protection Act ("TVPA").

In 2000, I served on the conference committee for the TVPA, which passed in the House and Senate by overwhelming margins and was signed by President Clinton, whose Justice Department was intimately involved in the legislative process. This bill - on which our late colleague Senator Wellstone worked so tirelessly - signaled a bipartisan congressional commitment to the prosecution of traffickers and the protection of their victims. I am proud to have played a role in creating the law, which was reauthorized last year, and I look forward to learning from our witnesses about how it is working and what changes may be needed.

In forging the TVPA, Senators Wellstone and Brownback, and Congressmen Christopher Smith and Gejdensen, sought both to eliminate trafficking at home and to make combating trafficking and slavery a foreign policy priority. The State Department now issues a detailed report on the trafficking and slavery policies of nations around the world, which has provided a substantial incentive for countries across the globe to take trafficking more seriously and pass their own anti-trafficking laws. The Justice Department has talked frequently about prosecutions under the law, and I hope that this hearing will produce specific numbers detailing the use of the law by the Justice Department and by U.S. Attorneys throughout the nation.

I would like to raise a specific concern about how the TVPA is working. I am concerned by anecdotal reports suggesting that provisions in the law that were designed to provide refuge for trafficking victims are not working as Congress intended. The TVPA created the T visa, which is available to those who have been trafficked into the United States, those who have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, and who would face extreme hardship if returned to their native countries. The T visa was never intended to be available only to those who participate in actual criminal prosecutions - cooperation with law enforcement requests, if any, was sufficient. Congress created the S visa specifically for participants in criminal investigations. By contrast, the T visa is available to anyone except for those who refuse to assist law enforcement.

The Department of Homeland Security regulations for granting legal immigration status, however, place substantial emphasis on Law Enforcement Agency ("LEA") endorsements of trafficking victims. I fear that the hurdle for obtaining such endorsements is set too high. For example, I have been told of a case in which requests for an LEA endorsement were denied even after the victim participated actively in a Federal criminal investigation, meeting on a number of occasions for interviews with law enforcement officials and providing the names of potential witnesses. The woman eventually obtained a T visa without the endorsement - a credit to the DHS officials in Vermont who process the applicants - but the process appears to have been more arduous than it should have been. DHS should make it clear that if a victim assists prosecutors, they deserve an LEA endorsement, regardless of whether a prosecution ensues. I would be curious to learn of any experiences our witnesses have had with applicants seeking the T visa.

On a related note, I was pleased to work last year with the Department of Homeland Security to ensure that all applications for U visas - also created by the TVPA - would be processed by the Violence Against Women Unit at the Vermont Service Center in St. Albans.

Finally, I hope this subcommittee's oversight of the Justice Department's efforts to protect the civil rights of all of our nation's residents does not end with this hearing. I have spoken repeatedly about the need for this Committee to turn its attention to the Voting Rights Act and the need to make it permanent. I hope we can at least make a start on this issue before the end of the Congress.