

109TH CONGRESS
1ST SESSION

H. R. 3657

To regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize the services of international marriage brokers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2005

Mr. LARSEN of Washington (for himself and Mr. WOLF) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize the services of international marriage brokers, and for other purposes.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “International Marriage Broker Regulation Act of 2005”.

6 (b) **FINDINGS.**—Congress finds the following:

7 (1) There is a substantial international mar-
8 riage broker business worldwide. A 1999 report by

1 the Immigration and Naturalization Service (INS)
2 estimated that there were at least 200 such compa-
3 nies operating in the United States, and that as
4 many as 4,000 to 6,000 individuals in the United
5 States, almost all male, found foreign spouses
6 through for-profit international marriage brokers
7 each year. The international marriage broker busi-
8 ness has grown significantly in recent years, greatly
9 facilitated by the Internet. Studies now suggest that
10 500 such companies operate in the United States. In
11 addition, the total number of foreign fiancé(e)s en-
12 tering the United States each year more than dou-
13 bled between 1998 and 2002. It is currently esti-
14 mated, then, that at least 8,000 to 12,000 individ-
15 uals in the United States find foreign spouses
16 through for-profit international marriage brokers
17 each year.

18 (2) The 1999 INS report notes that “The per-
19 vasiveness of domestic violence in our society has al-
20 ready been documented, and with the burgeoning
21 number of unregulated international matchmaking
22 organizations and clients using their services, the po-
23 tential for abuse in mail-order marriages is consider-
24 able.” The author of the study commissioned for the
25 1999 INS report noted further that American men

1 who use the services of an international marriage
2 broker tend to seek relationships with women whom
3 they feel they can control.

4 (3) The dangers posed to foreign women who
5 meet their American husbands through international
6 marriage brokers are underscored by the growing
7 number of cases across the United States of foreign
8 women who have been abused or killed by those
9 men. Two highly publicized examples are the mur-
10 ders in Washington State of Susanna Remunerata
11 Blackwell of the Philippines and Anastasia Solovieva
12 King of Kyrgyzstan. In addition, a 2003 survey of
13 programs providing legal services to battered immi-
14 grant women across the country found that over 50
15 percent of these programs had served immigrant
16 women clients battered by American men they met
17 through international marriage brokers.

18 (4) 30.4 percent of all women in the United
19 States are physically abused by their husbands or
20 male-cohabitants at some point in their lives. 49.3
21 percent of immigrants reported physical abuse by an
22 intimate partner during their lifetimes with 42.1
23 percent reporting severe physical or sexual abuse.
24 Among immigrants who were married or formerly
25 married the lifetime abuse rate raises as high as

1 59.5 percent. 72.3 percent of abusive United States
2 citizen or lawful resident spouses never file immigra-
3 tion papers for their abused spouses and the 27.7
4 percent who eventually do file wait approximately
5 four years to do so. In 1994 Congress included im-
6 migration protections in the Violence Against
7 Women Act (“VAWA”) to remove the ability of abu-
8 sive United States citizens and lawful permanent
9 residents to fully control their alien spouse’s ability
10 to gain legal immigration status. By removing the
11 threat of automatic deportation, VAWA aims to en-
12 able battered immigrants to take actions to protect
13 themselves and their children, such as filing for a
14 civil protection order, filing criminal charges, or call-
15 ing the police.

16 (5) Aliens seeking to enter the United States to
17 marry citizens of the United States currently lack
18 the ability to access and fully verify personal history
19 information about their prospective American
20 spouses.

21 (6) Many individuals entering the United States
22 on K nonimmigrant visas to marry citizens of the
23 United States are unaware of United States laws re-
24 garding—

1 (A) domestic violence, including protections
 2 for immigrant victims of domestic violence, sex-
 3 ual assault, and stalking;

4 (B) prohibitions on involuntary servitude;

5 (C) protections from automatic deporta-
 6 tion; and

7 (D) the role of police and the courts in
 8 providing assistance to victims of domestic vio-
 9 lence and other crimes.

10 (c) TABLE OF CONTENTS.—The table of contents of
 11 this Act is as follows:

Sec. 1. Short title; findings; table of contents.

Sec. 2. Regulation of international marriage brokers.

Sec. 3. Information about legal rights and resources for immigrant victims of
 domestic violence.

Sec. 4. Changes in processing K nonimmigrant visas; consular confidentiality.

Sec. 5. Study and report.

Sec. 6. Effective date.

12 **SEC. 2. REGULATION OF INTERNATIONAL MARRIAGE BRO-**
 13 **KERS.**

14 (a) PROHIBITION ON MARKETING CHILDREN.—An
 15 international marriage broker shall not provide any United
 16 States client or other person with the personal contact in-
 17 formation, photograph, or general information about the
 18 background or interests of any individual under the age
 19 of 18.

20 (b) OBLIGATION OF INTERNATIONAL MARRIAGE
 21 BROKER WITH RESPECT TO INFORMED CONSENT.—

1 (1) LIMITATION ON SHARING INFORMATION
2 ABOUT FOREIGN NATIONAL CLIENTS.—An inter-
3 national marriage broker shall not provide any
4 United States client or other person with the per-
5 sonal contact information of any foreign national cli-
6 ent or other individual 18 years of age or older un-
7 less and until the international marriage broker
8 has—

9 (A) collected certain background informa-
10 tion from the United States client or other per-
11 son to whom the personal contact information
12 would be provided, as specified in subsection
13 (c);

14 (B) provided a copy of that background in-
15 formation to the foreign national client or other
16 individual in the primary language of that client
17 or individual;

18 (C) provided to the foreign national client
19 or other individual in such primary language
20 certain information about legal rights and re-
21 sources available to immigrant victims of do-
22 mestic violence and other crimes in the United
23 States, developed under section 3;

24 (D) received from the foreign national cli-
25 ent or other individual in such primary lan-

1 guage a signed, written consent to release such
2 personal contact information to the specific
3 United States client or other person to whom
4 the personal contact information would be pro-
5 vided; and

6 (E) informed the United States client or
7 other person from whom background informa-
8 tion has been collected that, after filing a peti-
9 tion for a K nonimmigrant visa, the United
10 States client or other person will be subject to
11 a criminal background check.

12 (2) CONFIDENTIALITY.—In fulfilling its obliga-
13 tions under this subsection, an international mar-
14 riage broker shall not disclose the name or locational
15 information of individuals who were granted a re-
16 straining or protection order as described in sub-
17 paragraph (A) of subsection (c)(2), or of any other
18 victims of crimes as described in subparagraphs (B)
19 through (D) of such subsection, but shall disclose
20 the relationship of the United States client or other
21 person to such individuals or victims.

22 (c) OBLIGATIONS OF INTERNATIONAL MARRIAGE
23 BROKER WITH RESPECT TO MANDATORY COLLECTION
24 OF INFORMATION.—

1 (1) IN GENERAL.—Each international marriage
2 broker shall collect the background information list-
3 ed in paragraph (2) from each United States client
4 or other person to whom the personal contact infor-
5 mation of a foreign national client or any other indi-
6 vidual would be provided. The background informa-
7 tion must be in writing and signed (which may be
8 in electronic form, such as an electronic signature)
9 by the United States client or other person to whom
10 the personal contact information of a foreign na-
11 tional client or any other individual would be pro-
12 vided.

13 (2) BACKGROUND INFORMATION.—The back-
14 ground information required to be collected with re-
15 spect to a United States client or other person under
16 paragraph (1) includes information about each of
17 the following:

18 (A) Any court order restricting the client’s
19 or person’s physical or other contact with, be-
20 havior towards, or communication with another
21 person, including any temporary or permanent
22 civil restraining order or protection order.

23 (B) Any arrest or conviction of the client
24 or person for homicide, murder, manslaughter,
25 assault, battery, domestic violence, rape, sexual

1 assault, abusive sexual contact, sexual exploi-
2 tation, incest, child abuse or neglect, torture,
3 trafficking, peonage, holding hostage, involun-
4 tary servitude, slave trade, kidnapping, abduc-
5 tion, unlawful criminal restraint, false imprison-
6 ment, stalking, or any similar activity in viola-
7 tion of Federal, State, or local criminal law.

8 (C) Any arrest or conviction of the client
9 or person for solely, principally, or incidentally
10 engaging in prostitution; or for any direct or in-
11 direct attempts to procure prostitutes or per-
12 sons for the purpose of prostitution; or any re-
13 ceiving, in whole or in part, of the proceeds of
14 prostitution.

15 (D) Any arrest or conviction of the client
16 or person for offenses related to controlled sub-
17 stances or alcohol.

18 (E) Marital history of the client or person,
19 including if the client or individual is currently
20 married, if the client or person has previously
21 been married and how many times, how pre-
22 vious marriages of the client or person were ter-
23 minated and the date of termination, and if the
24 client or person has previously sponsored an

1 alien to whom the client or person was engaged
2 or married.

3 (F) The ages of any of the client's or per-
4 son's children under the age of 18.

5 (G) All States in which the client or person
6 has resided since the age of 18.

7 (d) PENALTIES.—

8 (1) FEDERAL CIVIL PENALTY.—

9 (A) VIOLATION.—An international mar-
10 riage broker that violates subsection (a), (b), or
11 (c) is subject to a civil penalty of not less than
12 \$20,000 for each such violation.

13 (B) PROCEDURES FOR IMPOSITION OF
14 PENALTY.—A penalty may be imposed under
15 paragraph (A) by the Secretary of Homeland
16 Security only after notice and an opportunity
17 for an agency hearing on the record in accord-
18 ance with subchapter II of chapter 5 of title 5,
19 United States Code.

20 (2) FEDERAL CRIMINAL PENALTY.—An inter-
21 national marriage broker that, within the special
22 maritime and territorial jurisdiction of the United
23 States, violates subsection (a), (b), or (c) shall be
24 fined in accordance with title 18, United States

1 Code, or imprisoned for not less than 1 year and not
2 more than 5 years, or both.

3 (3) STATE ENFORCEMENT.—In any case in
4 which the Attorney General of a State has reason to
5 believe that an interest of the residents of that State
6 has been, or is threatened to be, adversely affected
7 by a violation by an international marriage broker of
8 subsection (a), (b), or (c), the State, as *parens*
9 *patriae*, may bring a civil action on behalf of the
10 residents of the State in a district court of the
11 United States with appropriate jurisdiction to—

12 (A) enjoin that practice;

13 (B) enforce compliance with this section;

14 or

15 (C) obtain damages.

16 (4) ADDITIONAL REMEDIES.—The penalties and
17 remedies under this subsection are in addition to
18 any other penalties or remedies available under law.

19 (e) NONPREEMPTION.—Nothing in this section shall
20 preempt—

21 (1) any State law that provides additional pro-
22 tections for aliens who are utilizing the services of
23 an international marriage broker or other inter-
24 national matchmaking organization; or

1 (2) any other or further right or remedy avail-
2 able under law to any party utilizing the services of
3 an international marriage broker or other inter-
4 national matchmaking organization.

5 (f) DEFINITIONS.—For purposes of this Act:

6 (1) UNITED STATES CLIENT.—The term
7 “United States client” means a United States cit-
8 izen or other individual who resides in the United
9 States and who makes a payment or incurs a debt
10 in order to utilize the services of an international
11 marriage broker.

12 (2) CRIME OF VIOLENCE.—The term “crime of
13 violence” has the meaning given such term in section
14 16 of title 18, United States Code.

15 (3) DOMESTIC VIOLENCE.—The term “domestic
16 violence” means any crime of violence, or other act
17 forming the basis for past or outstanding protective
18 orders, restraining orders, no-contact orders, convic-
19 tions, arrests, or police reports, committed against a
20 person by—

21 (A) a current or former spouse of the per-

22 son;

23 (B) an individual with whom the person

24 shares a child in common;

1 (C) an individual who is cohabiting with or
2 has cohabited with the person;

3 (D) an individual similarly situated to a
4 spouse of the person under the domestic or
5 family violence laws of the jurisdiction where
6 the offense occurs; or

7 (E) any other individual if the person is
8 protected from that individual's acts under the
9 domestic or family violence laws of the United
10 States or any State, Indian tribal government,
11 or unit of local government.

12 (4) K NONIMMIGRANT VISA.—The term “K
13 nonimmigrant visa” means a nonimmigrant visa
14 under clause (i) or (ii) of section 101(a)(15)(K) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1101(a)(15)(K)).

17 (5) FOREIGN NATIONAL CLIENT.—The term
18 “foreign national client” means a person who is not
19 a United States citizen or national or an alien law-
20 fully admitted to the United States for permanent
21 residence and who utilizes the services of an inter-
22 national marriage broker, and includes an alien re-
23 siding in the United States who is in the United
24 States as a result of utilizing the services of an
25 international marriage broker.

1 (6) INTERNATIONAL MARRIAGE BROKER.—

2 (A) IN GENERAL.—The term “inter-
3 national marriage broker” means a corporation,
4 partnership, business, individual, or other legal
5 entity, whether or not organized under any law
6 of the United States, that charges fees for pro-
7 viding dating, matrimonial, matching services,
8 or social referrals between United States citi-
9 zens or nationals or aliens lawfully admitted to
10 the United States as permanent residents and
11 foreign national clients by providing personal
12 contact information or otherwise facilitating
13 communication between individuals.

14 (B) EXCEPTIONS.—Such term does not in-
15 clude—

16 (i) a traditional matchmaking organi-
17 zation of a cultural or religious nature that
18 operates on a nonprofit basis and other-
19 wise operates in compliance with the laws
20 of the countries in which it operates, in-
21 cluding the laws of the United States; or

22 (ii) an entity that provides dating
23 services between United States citizens or
24 residents and other individuals who may be
25 aliens, but does not do so as its principal

1 business, and charges comparable rates to
2 all individuals it serves regardless of the
3 gender or country of citizenship or resi-
4 dence of the individual.

5 (7) PERSONAL CONTACT INFORMATION.—

6 (A) IN GENERAL.—The term “personal
7 contact information” means information or a
8 forum that would permit individuals to contact
9 each other and includes—

10 (i) the name, telephone number, post-
11 al address, electronic mail address, or voice
12 message mailbox of an individual; or

13 (ii) the provision of an opportunity for
14 an in-person meeting.

15 (B) EXCEPTION.—Such term does not in-
16 clude a photograph or general information
17 about the background or interests of a person.

18 (8) STATE.—The term “State” includes the
19 District of Columbia, Puerto Rico, the Virgin Is-
20 lands, Guam, and American Samoa.

21 (g) REPEAL OF MAIL-ORDER BRIDE PROVISION.—

22 Section 652 of the Illegal Immigration Reform and Immig-
23 rant Responsibility Act of 1996 (division C of Public Law
24 104–208; 8 U.S.C. 1375) is hereby repealed.

1 **SEC. 3. INFORMATION ABOUT LEGAL RIGHTS AND RE-**
2 **SOURCES FOR IMMIGRANT VICTIMS OF DO-**
3 **MESTIC VIOLENCE.**

4 (a) IN GENERAL.—The Department of State and the
5 Department of Homeland Security shall ensure the con-
6 sistency and accuracy of information disseminated—

7 (1) to foreign national clients or other individ-
8 uals by international marriage brokers pursuant to
9 section 2(b)(1)(C); and

10 (2) to beneficiaries of petitions filed by United
11 States citizens for K nonimmigrant visas.

12 Such departments shall develop the pamphlet working in
13 consultation with non-profit, non-governmental immigrant
14 victim advocacy organizations with expertise on the legal
15 rights of immigrant victims of battery, extreme cruelty,
16 sexual assault and other crimes.

17 (b) INFORMATION PAMPHLET.—The information
18 pamphlet required to be developed under subsection (a)
19 shall include information on the following:

20 (1) The K nonimmigrant visa application proc-
21 ess and the marriage-based immigration process, in-
22 cluding conditional residence and adjustment of sta-
23 tus.

24 (2) The requirement that international mar-
25 riage brokers provide foreign national clients with
26 background information collected from United

1 States clients regarding their marital history and do-
2 mestic violence or other violent criminal history, but
3 that such information may not be complete or accu-
4 rate.

5 (3) The illegality of domestic violence, sexual
6 assault, and child abuse in the United States.

7 (4) Information on the dynamics of domestic vi-
8 olence.

9 (5) Domestic violence and sexual assault serv-
10 ices in the United States, including the National Do-
11 mestic Violence Hotline and the National Sexual As-
12 sault Hotline.

13 (6) Immigration relief available to immigrant
14 victims of domestic violence, sexual assault, traf-
15 ficking and other crimes under the Violence Against
16 Women Act, section 101(a)(15)(U) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1101(a)(15)(U)),
18 and section 101(a)(15)(T) of the Immigration and
19 Nationality Act (8 U.S.C. 1101(a)(15)(T)).

20 (7) The legal rights of immigrant victims of
21 abuse and other crimes in immigration, criminal jus-
22 tice, family law and other matters.

23 (8) The obligations of parents to provide child
24 support for children.

1 (9) Notice that knowingly entering into mar-
2 riage for the purpose of evading the immigration
3 laws of the United States constitutes the crime of
4 marriage fraud and carries serious penalties.

5 (c) TRANSLATION.—

6 (1) IN GENERAL.—In order to best serve the
7 language groups most recruited by international
8 marriage brokers and having the greatest concentra-
9 tion of K nonimmigrant visa applicants, the informa-
10 tion pamphlet under this section shall, subject to
11 paragraph (2), be translated by the Department of
12 State and the Department of Homeland Security
13 into the following languages: Russian, Spanish, Ta-
14 galog, Vietnamese, Chinese, Ukrainian, Thai, Ko-
15 rean, Polish, Japanese, French, Arabic, Portuguese,
16 and Hindi.

17 (2) REVISION.—The specific languages to which
18 the information pamphlet is translated are subject to
19 change as a result of the report made under section
20 8.

21 (d) AVAILABILITY AND DISTRIBUTION.—The infor-
22 mation pamphlet under this subsection shall be made
23 available and distributed as follows:

24 (1) TO INTERNATIONAL MARRIAGE BROKERS
25 AND VICTIM ADVOCACY ORGANIZATIONS.—It shall be

1 made available to any international marriage broker
2 and to any governmental and non-governmental vic-
3 tim advocacy organization.

4 (2) TO K NONIMMIGRANT VISA APPLICANTS;
5 POSTING ON NVC WEBSITE.—It shall be mailed by
6 the National Visa Center to each applicant for a K
7 nonimmigrant visa at the same time that Form DS-
8 3032 is mailed to such applicant. The pamphlet so
9 mailed shall be in the primary language of the appli-
10 cant, or in English if no translation into the appli-
11 cant’s primary language is available. The pamphlet
12 shall also be posted on the National Visa Center
13 website as well as on the websites of all consular
14 posts processing K nonimmigrant visa applications.
15 In addition, the pamphlet shall be distributed di-
16 rectly to such applicants at all consular interviews
17 for K nonimmigrant visas. If no written translation
18 into the applicant’s primary language is available,
19 the consular officer conducting the visa interview
20 shall review the pamphlet with the applicant orally
21 in the applicant’s primary language, in addition to
22 distributing the pamphlet to the applicant in
23 English.

1 **SEC. 4. CHANGES IN PROCESSING K NONIMMIGRANT VISAS;**
2 **CONSULAR CONFIDENTIALITY.**

3 (a) K NONIMMIGRANT VISA PROCESSING.—Section
4 214(d) of the Immigration and Nationality Act (8 U.S.C.
5 1184(d)) is amended—

6 (1) by striking “Attorney General” and insert-
7 ing “Secretary of Homeland Security” each place it
8 appears;

9 (2) by inserting “(1)” before “A visa”; and

10 (3) by adding at the end the following:

11 “(2) A United States citizen may not file a petition
12 under paragraph (1) if there is such a petition filed by
13 that petitioner for another alien fiancé(e) that is pending
14 or that has been approved and is still valid.

15 “(3) The Department of Homeland Security shall
16 provide to the Department of State criminal background
17 information on the petitioner for a visa under clause (i)
18 or (ii) of section 101(a)(15)(K) to which it has access
19 under existing authority in the course of adjudicating the
20 petition.

21 “(4) Each petitioner for a visa under clause (i) or
22 (ii) of section 101(a)(15)(K) shall provide, as part of the
23 petition and in writing and signed under penalty of per-
24 jury, information described in section 2(c)(2) of the Inter-
25 national Marriage Broker Regulation Act of 2005.

1 “(5) The Secretary of State shall provide that an ap-
2 plicant for a visa under clause (i) or (ii) of section
3 101(a)(15)(K)—

4 “(A) shall be provided, by mail—

5 “(i) a copy of the petition for such visa
6 submitted by the United States citizen peti-
7 tioner; and

8 “(ii) any information that is contained in
9 the background check described in paragraph
10 (3) relating to any court orders, arrests, or con-
11 victions described in subparagraphs (A) through
12 (D) of section 2(c)(2) of the International Mar-
13 riage Broker Regulation Act of 2005;

14 “(B) shall be informed that petitioner informa-
15 tion described in subparagraph (A) is based on avail-
16 able records and may not be complete; and

17 “(C) shall be asked in the primary language of
18 the visa applicant whether an international marriage
19 broker has facilitated the relationship between the
20 visa applicant and the United States petitioner and
21 whether that international marriage broker complied
22 with the requirements of section 2 of such Act.

23 The Secretary also shall provide for the disclosure of such
24 information to the visa applicant at the consular interview
25 in the primary language of the visa applicant.

1 “(6) The fact that an alien described in clause (i)
2 or (ii) of section 101(a)(15)(K) is aware of any informa-
3 tion disclosed under paragraph (5) shall not be used
4 against the alien in any determination of eligibility for re-
5 lief under this Act or the Violence Against Women Act.

6 “(7) In fulfilling the requirements of paragraph
7 (5)(A)(ii), a consular officer shall not disclose the name
8 or locational information of any person who was granted
9 a restraining or protective order against the petitioner, but
10 shall disclose the relationship of the person to the peti-
11 tioner.”.

12 (b) SHARING OF CERTAIN INFORMATION.—Section
13 222(f) of the Immigration and Nationality Act (8 U.S.C.
14 1202(f)) shall not be construed to prevent the sharing of
15 information under section 214(d) of such Act (8 U.S.C.
16 1184(d)).

17 (c) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply to petitions filed after the date
19 of the enactment of this Act.

20 **SEC. 5. STUDY AND REPORT.**

21 (a) STUDY.—The Secretary of Homeland Security,
22 through the Director of the U.S. Citizenship and Immigra-
23 tion Services, shall conduct a study—

24 (1) regarding the number of international mar-
25 riage brokers doing business in the United States

1 and the number of marriages resulting from the
2 services provided, and the extent of compliance with
3 the applicable requirements of this Act;

4 (2) that assesses information gathered under
5 this Act from clients and petitioners by international
6 marriage brokers and the U.S. Citizenship and Im-
7 migration Services;

8 (3) that examines, based on the information
9 gathered, the extent to which persons with a history
10 of violence are using the services of international
11 marriage brokers and the extent to which such per-
12 sons are providing accurate information to inter-
13 national marriage brokers in accordance with section
14 2;

15 (4) that assesses the accuracy of the criminal
16 background check at identifying past instances of
17 domestic violence; and

18 (5) that assesses the extent to which the lan-
19 guages of translation required under section 3(e)(1)
20 continue to accurately reflect the highest markets
21 for recruitment by international marriage brokers
22 and the greatest concentrations of K nonimmigrant
23 visa applicants.

24 (b) REPORT.—Not later than 3 years after the date
25 of the enactment of this Act, the Secretary shall submit

1 a report to the Committees on the Judiciary of the Senate
2 and the House of Representatives setting forth the results
3 of the study conducted under subsection (a).

4 **SEC. 6. EFFECTIVE DATE.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), section 2 and the amendments made by section 4 shall
7 take effect on the date that is 60 days after the date of
8 the enactment of this Act.

9 (b) ADDITIONAL TIME ALLOWED FOR INFORMATION
10 PAMPHLET.—The requirement of sections 2(b)(1)(C), and
11 section 3 insofar as it relates to such requirement, shall
12 first take effect on the date that is 120 days after the
13 date of the enactment of this Act.

○