

110TH CONGRESS
1ST SESSION

H. R. 3887

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2007

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “William Wilberforce Trafficking Victims Protection Re-
 4 authorization Act of 2007”.

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

Sec. 1. Short title and table of contents.

**TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN
 PERSONS**

- Sec. 101. Interagency Task Force to Monitor and Combat Trafficking.
- Sec. 102. Office to Monitor and Combat Trafficking.
- Sec. 103. Prevention and prosecution of trafficking in foreign countries.
- Sec. 104. Assistance for victims of trafficking in other countries.
- Sec. 105. Increasing effectiveness of anti-trafficking programs.
- Sec. 106. Minimum standards for the elimination of trafficking.
- Sec. 107. Actions against governments failing to meet minimum standards.
- Sec. 108. Research on domestic and international trafficking in persons.
- Sec. 109. Presidential Award for Extraordinary Efforts to Combat Trafficking
 in Persons.
- Sec. 110. Responsibilities of consular officers of the Department of State.
- Sec. 111. Report on activities of the Department of Labor to monitor and com-
 bat forced labor and child labor.
- Sec. 112. Sense of Congress regarding multilateral framework between labor
 exporting and labor importing countries.

**TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE
 UNITED STATES**

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

- Sec. 201. Protecting trafficking victims against retaliation.
- Sec. 202. Information for work-based nonimmigrants on legal rights and re-
 sources.
- Sec. 203. Relief for certain victims pending actions on petitions and applica-
 tions for relief.
- Sec. 204. Expansion of authority to permit continued presence in the United
 States.
- Sec. 205. Implementation of Trafficking Victims Protection Reauthorization
 Act of 2005.

Subtitle B—Assistance for Trafficking Victims

- Sec. 211. Victim of trafficking certification process.
- Sec. 212. Assistance for certain nonimmigrant status applicants.
- Sec. 213. Interim assistance for child victims of trafficking.
- Sec. 214. Ensuring assistance for all victims of trafficking in persons.

Subtitle C—Penalties Against Traffickers and Other Crimes

- Sec. 221. Enhancing trafficking and other related offenses.
- Sec. 222. Jurisdiction in certain trafficking offenses.
- Sec. 223. Amendment of other crimes related to trafficking.
- Sec. 224. New model statute provided to States.

Subtitle D—Activities of the United States Government

- Sec. 231. Annual report by the Attorney General.
- Sec. 232. Anti-trafficking survey and conferences.
- Sec. 233. Senior Policy Operating Group.
- Sec. 234. Efforts by Departments of Justice and Labor to combat human trafficking.
- Sec. 235. Preventing United States travel by traffickers.
- Sec. 236. Enhancing efforts to combat the trafficking of children.
- Sec. 237. Temporary increase in fee for certain consular services.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

- Sec. 301. Trafficking Victims Protection Act of 2000.
- Sec. 302. Trafficking Victims Protection Reauthorization Act of 2005.
- Sec. 303. Rule of construction.
- Sec. 304. Technical amendments.

TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Findings.
- Sec. 404. Sense of Congress.
- Sec. 405. Prohibition on provision of military assistance to foreign governments that recruit or use child soldiers.
- Sec. 406. Reports.
- Sec. 407. Training for Foreign Service officers.

1 **TITLE I—COMBATTING INTER-**
 2 **NATIONAL TRAFFICKING IN**
 3 **PERSONS**

4 **SEC. 101. INTERAGENCY TASK FORCE TO MONITOR AND**
 5 **COMBAT TRAFFICKING.**

6 Section 105(b) of the Trafficking Victims Protection
 7 Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting
 8 “the Secretary of Education,” after “the Secretary of
 9 Homeland Security,”.

1 **SEC. 102. OFFICE TO MONITOR AND COMBAT TRAFFICKING.**

2 (a) IN GENERAL.—Section 105(e) of the Trafficking
3 Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is
4 amended to read as follows:

5 “(e) OFFICE TO MONITOR AND COMBAT TRAF-
6 FICKING.—

7 “(1) ESTABLISHMENT.—The Secretary of State
8 shall establish within the Department of State an
9 Office to Monitor and Combat Trafficking, which
10 shall be headed by a Director, who shall be ap-
11 pointed by the President, by and with the advice and
12 consent of the Senate, with the rank of Ambassador-
13 at-Large.

14 “(2) RESPONSIBILITIES.—The Director shall
15 have the following responsibilities:

16 “(A) The Director shall have primary re-
17 sponsibility for assisting the Secretary of State
18 in carrying out the purposes of this division,
19 shall provide assistance to the Task Force, and
20 may have additional responsibilities as deter-
21 mined by the Secretary of State.

22 “(B) The Director shall consult with non-
23 governmental organizations and multilateral or-
24 ganizations, and with trafficking victims or
25 other affected persons. The Director shall have

1 the authority to take evidence in public hear-
2 ings or by other means.

3 “(C) The Director shall, in coordination
4 and cooperation with the Assistant Secretary
5 for International Labor Affairs and other offi-
6 cials at the Department of State involved in
7 corporate responsibility and other relevant offi-
8 cials of the United States Government, be re-
9 sponsible for promoting, building, and sus-
10 taining partnerships between the United States
11 Government and private entities (including
12 foundations, universities, corporations, commu-
13 nity-based organizations, and other nongovern-
14 mental organizations) to ensure that United
15 States citizens do not use any item, product, or
16 material produced or extracted with the use of
17 labor from victims of severe forms of trafficking
18 and to ensure that such entities do not con-
19 tribute to trafficking in persons involving sexual
20 exploitation, such as through work with the air-
21 lines and tourism industries.

22 “(D) The Director shall be solely respon-
23 sible for all policy, funding, and programming
24 decisions regarding funds made available for

1 trafficking in persons programs that are cen-
2 trally controlled by the Department of State.

3 “(3) COORDINATION.—Any trafficking in per-
4 sons programs of the Department of State or the
5 United States Agency for International Development
6 that are not centrally controlled by the Department
7 of State shall be carried out with concurrence of the
8 Director.”.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) the Secretary of State should make every
12 effort to locate the Office to Monitor and Combat
13 Trafficking, established pursuant to section 105(e)
14 of the Trafficking Victims Protection Act of 2000
15 (as amended by subsection (a) of this section), at
16 the headquarters for the Department of State,
17 known as the Harry S. Truman Federal Building,
18 located in the District of Columbia; and

19 (2) the Office to Monitor and Combat Traf-
20 ficking should be assigned office space in such build-
21 ing that reflects the importance of the implementa-
22 tion of such Act and the broad and historic mission
23 of the Office to end modern-day slavery.

1 **SEC. 103. PREVENTION AND PROSECUTION OF TRAF-**
2 **FICKING IN FOREIGN COUNTRIES.**

3 (a) PREVENTION.—Section 106 of the Trafficking
4 Victims Protection Act of 2000 (22 U.S. C. 7104) is
5 amended by adding at the end the following new sub-
6 section:

7 “(i) ADDITIONAL MEASURES TO PREVENT AND
8 DETER TRAFFICKING.—The President shall establish and
9 carry out programs to prevent and deter trafficking in per-
10 sons. Such programs may include—

11 “(1) technical assistance and other support for
12 the capacity of foreign governments to investigate,
13 identify, and carry out inspections of private entities,
14 including labor recruitment centers, at which traf-
15 ficking victims may be exploited, particularly exploi-
16 tation involving forced and child labor;

17 “(2) technical assistance and other support for
18 foreign governments and nongovernmental organiza-
19 tions to provide immigrant populations with infor-
20 mation regarding the rights of such populations in
21 the foreign country and any information regarding
22 in-country nongovernmental organization-operated
23 hotlines of the type described in section
24 107(a)(1)(A) of this Act, with such information to
25 be provided in the native languages of the major im-
26 migrant groups of such populations;

1 shall be carried out in a manner which takes
2 into account the cross-border, regional, and
3 transnational aspects of trafficking in persons”;
4 and

5 (B) by adding at the end the following new
6 subparagraph:

7 “(F) In cooperation and coordination with
8 the United Nations High Commissioner for
9 Refugees, the International Organization of Mi-
10 gration, and other relevant organizations (in-
11 cluding private nongovernmental organizations
12 that contract with the United States Govern-
13 ment to assist refugees and internally displaced
14 persons), support for increased protections for
15 refugees and internally displaced persons, in-
16 cluding outreach and education efforts to pre-
17 vent such refugees and internally displaced per-
18 sons from being exploited by traffickers and en-
19 suring performance of best interest determina-
20 tions for unaccompanied and separated children
21 to identify child trafficking victims and assist
22 their safe integration, reintegration, and reset-
23 tlement.”; and

24 (2) in paragraph (2), by adding at the end the
25 following new sentence: “In carrying out this para-

1 graph, the Secretary and the Administrator shall
2 take all appropriate steps to ensure that cooperative
3 efforts among foreign countries are undertaken on a
4 regional basis.”.

5 **SEC. 105. INCREASING EFFECTIVENESS OF ANTI-TRAF-**
6 **FICKING PROGRAMS.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) United States assistance programs require
10 enhanced monitoring and evaluation to ensure that
11 United States funds are appropriately spent.

12 (2) Such monitoring and evaluation should
13 measure results—the actual effects of assistance—as
14 well as outcomes—the numerical product of assist-
15 ance, such as the number of individuals assisted,
16 systems established, and funds provided through
17 programs.

18 (3) While the results of programs related to
19 trafficking in persons may be difficult to measure
20 because of the criminal and underground nature of
21 trafficking in persons, making efforts to measure
22 such results are critical to learning the extent to
23 which United States assistance programs affect the
24 nature and severity of trafficking and change the
25 fundamental conditions that facilitate trafficking.

1 (b) AMENDMENT.—The Trafficking Victims Protec-
2 tion Act of 2000 (22 U.S.C. 7101 et seq.) is amended by
3 inserting after section 107 the following new section:

4 **“SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAF-**
5 **FICKING PROGRAMS.**

6 “(a) AWARDING OF GRANTS, COOPERATIVE AGREE-
7 MENTS, AND CONTRACTS.—The head of each department
8 and agency of the United States Government that admin-
9 isters funds made available for programs described in this
10 division and the amendments made by this division in the
11 United States and foreign countries shall—

12 “(1) make solicitations of grants, cooperative
13 agreements, and contracts for such programs pub-
14 licly available;

15 “(2) award grants, cooperative agreements, and
16 contracts on a full and open competitive basis, con-
17 sistent with existing law; and

18 “(3) ensure that internal department or agency
19 review process for such grants, cooperative agree-
20 ments, and contracts is not subject to ad hoc or
21 intermittent review by individuals or organizations
22 outside the United States Government not otherwise
23 provided for in the process described in paragraphs
24 (1) and (2).

25 “(b) EVALUATION OF TRAFFICKING PROGRAMS.—

1 “(1) IN GENERAL.—The President shall estab-
2 lish and implement a system to monitor and evaluate
3 the effectiveness and efficiency of assistance pro-
4 vided under anti-trafficking programs established
5 and carried out under this division and the amend-
6 ments made by this division on a program-by-pro-
7 gram basis in order to maximize the long-term sus-
8 tainable development impact of such assistance.

9 “(2) REQUIREMENTS.—In carrying out para-
10 graph (1), the President shall—

11 “(A) establish performance goals for as-
12 sistance described in paragraph (1) and express
13 such goals in an objective and quantifiable
14 form, to the extent practicable;

15 “(B) ensure that performance indicators
16 are used for each United States program au-
17 thorized by this division and the amendments
18 made by this division to measure and assess the
19 achievement of the performance goals described
20 in subparagraph (A); and

21 “(C) provide a basis for recommendations
22 for adjustments to assistance described in para-
23 graph (1) to enhance the impact of such assist-
24 ance.

1 “(c) TARGETED USE OF TRAFFICKING PROGRAMS.—
2 The Director of the Office to Monitor and Combat Traf-
3 ficking shall undertake efforts to provide assistance to for-
4 eign countries and nongovernmental organizations under
5 this division and the amendments made by this division
6 based on the priorities and country assessments contained
7 in the most recent report submitted by the Secretary of
8 State to Congress pursuant to section 110(b) of this Act.

9 “(d) CONSISTENCY WITH OTHER PROGRAMS.—The
10 President shall take steps to ensure that the design, moni-
11 toring, and evaluation of United States assistance pro-
12 grams for emergency relief, development, and poverty alle-
13 viation under part I and chapter 4 of part II of the For-
14 eign Assistance Act of 1961 and other similar United
15 States assistance programs are carried out in a manner
16 that takes into account and are consistent with United
17 States policies and other United States programs relating
18 to combatting trafficking in persons.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—For
20 each of the fiscal years 2008 through 2011, up to 2 per-
21 cent of the amounts made available to carry out this divi-
22 sion and the amendments made by this division may be
23 used to carry out this section.”.

1 **SEC. 106. MINIMUM STANDARDS FOR THE ELIMINATION OF**
2 **TRAFFICKING.**

3 (a) MINIMUM STANDARDS.—Subsection (a) of section
4 108 of the Trafficking Victims Protection Act of 2000 (22
5 U.S.C. 7106) is amended in the matter preceding para-
6 graph (1) by striking “a significant number of”.

7 (b) CRITERIA.—Subsection (b) of such section is
8 amended—

9 (1) in paragraph (1)—

10 (A) in the first sentence, by inserting at
11 the end before the period the following: “, in-
12 cluding in all appropriate cases requiring incar-
13 ceration of individuals convicted of such acts”;
14 and

15 (B) by inserting after the first sentence
16 the following new sentence: “For purposes of
17 the preceding sentence, suspended or signifi-
18 cantly-reduced sentences for convictions of prin-
19 cipal actors in cases of severe forms of traf-
20 ficking in persons shall not be considered to be
21 an indicator of serious and sustained efforts to
22 eliminate severe forms of trafficking in per-
23 sons.”;

24 (2) in paragraph (2), by inserting at the end
25 before the period the following: “, including by pro-
26 viding training to law enforcement and immigration

1 officials in the identification and treatment of traf-
2 ficking victims using approaches that focus on the
3 needs of the victims”;

4 (3) in paragraph (3), by striking “, measures to
5 reduce the demand for commercial sex acts and for
6 participation in international sex tourism by nation-
7 als of the country” and inserting “, measures to es-
8 tablish the identity of local populations, including
9 birth registration, citizenship, and nationality”; and

10 (4) by adding at the end the following new
11 paragraph:

12 “(11) Whether the government of the country
13 has made serious and sustained efforts to reduce the
14 demand for—

15 “(A) commercial sex acts; and

16 “(B) participation in international sex
17 tourism by nationals of the country.”.

18 **SEC. 107. ACTIONS AGAINST GOVERNMENTS FAILING TO**

19 **MEET MINIMUM STANDARDS.**

20 (a) COUNTRIES ON SPECIAL WATCH LIST RELATING
21 TO TRAFFICKING IN PERSONS FOR TWO CONSECUTIVE
22 YEARS.—Subsection (b)(3) of section 110 of the Traf-
23 ficking Victims Protection Act of 2000 (22 U.S.C. 7107)
24 is amended by adding the following at the end the fol-
25 lowing new subparagraph:

1 “(D) COUNTRIES ON SPECIAL WATCH LIST
2 FOR TWO CONSECUTIVE YEARS.—If a country is
3 included on the special watch list described in
4 subparagraph (A) for two consecutive years,
5 such country shall be included on the list of
6 countries described in paragraph (1)(C), unless
7 the Secretary of State determines that (i) the
8 country has a written plan to begin making sig-
9 nificant efforts to bring itself into compliance
10 with the minimum standards for the elimination
11 of trafficking, (ii) the plan, if implemented,
12 would constitute making such significant ef-
13 forts, and (iii) the country is devoting sufficient
14 resources to implement the plan, and, as part
15 of the report required by paragraph (1) and the
16 interim assessment required by subparagraph
17 (B), the Secretary provides to the appropriate
18 congressional committees credible evidence that
19 the country meets the requirements of clauses
20 (i) through (iii). The Secretary may make a de-
21 termination under the preceding sentence with
22 respect to a country for not more than two con-
23 secutive years.”.

24 (b) CLARIFICATION OF MEASURES AGAINST CERTAIN
25 FOREIGN COUNTRIES.—Subsection (d)(1)(A)(ii) of such

1 section is amended by striking “the United States will not
2 provide” and inserting “the United States will not provide
3 such assistance to the government of the country for the
4 subsequent fiscal year and will not provide”.

5 (c) TRANSLATION OF TRAFFICKING IN PERSONS RE-
6 PORT.—

7 (1) TRANSLATION REQUIRED.—The Secretary
8 of State shall expand the timely translation of the
9 annual report required under section 110(b) of the
10 Trafficking Victims Protection Act of 2000 (22
11 U.S.C. 7107(b)) into the principal languages of as
12 many countries as possible, with particular emphasis
13 on those countries on the lists described in subpara-
14 graphs (B) and (C) of paragraph (1) of such section
15 and shall ensure that such translations are made
16 available to the public, including through postings on
17 appropriate Internet websites.

18 (2) MATTERS TO BE INCLUDED.—The trans-
19 lation required by paragraph (1) shall include the in-
20 troduction, other sections of general interest, and
21 the relevant country narratives of the annual report.
22 The Secretary of State shall ensure that such trans-
23 lations are available on the Internet website of the
24 Department of State.

1 **SEC. 108. RESEARCH ON DOMESTIC AND INTERNATIONAL**
2 **TRAFFICKING IN PERSONS.**

3 (a) IN GENERAL.—Subsection (a)(5) of section 112A
4 of the Trafficking Victims Protection Act of 2000 (22
5 U.S.C. 7109a) is amended by adding at the end the fol-
6 lowing new sentence: “Such mechanism shall include, not
7 later than two years after the date of the enactment of
8 the William Wilberforce Trafficking Victims Protection
9 Reauthorization Act of 2007, the establishment of an inte-
10 grated data base by combining all applicable data collected
11 by each Federal department and agency represented on
12 the Interagency Task Force to Monitor and Combat Traf-
13 ficking (established under section 105 of this Act) and,
14 to the maximum extent practicable, applicable data from
15 relevant international organizations, for the purposes of
16 improving coordination of the collection of data related to
17 trafficking in persons by each agency of the United States
18 Government that collects such data, promoting uniformity
19 of such data collection and standards and systems related
20 to such collection, and undertaking a meta-analysis of pat-
21 terns of trafficking in persons, slavery, and slave-like con-
22 ditions.”.

23 (b) ROLE OF GOVERNMENT.—Subsection (b) of such
24 section is amended by inserting after “subsection (a)(4)”
25 the following: “and the second sentence of subsection
26 (a)(5)”.

1 **SEC. 109. PRESIDENTIAL AWARD FOR EXTRAORDINARY EF-**
2 **FORTS TO COMBAT TRAFFICKING IN PER-**
3 **SONS.**

4 The Trafficking Victims Protection Act of 2000 (22
5 U.S.C. 7101 et seq.) is amended by inserting after section
6 112A the following new section:

7 **“SEC. 112B. PRESIDENTIAL AWARD FOR EXTRAORDINARY**
8 **EFFORTS TO COMBAT TRAFFICKING IN PER-**
9 **SONS.**

10 “(a) ESTABLISHMENT OF AWARD.—The President is
11 authorized to establish an award for extraordinary efforts
12 to combat trafficking in persons, to be known as the ‘Pres-
13 idential Award for Extraordinary Efforts to Combat Traf-
14 ficking in Persons’. To the maximum extent practicable,
15 the Secretary should make the award annually to up to
16 5 individuals or organizations, including individuals who
17 are United States citizens or foreign nationals and United
18 States or foreign nongovernmental organizations.

19 “(b) SELECTION.—The President shall establish pro-
20 cedures for selecting recipients of the award authorized
21 under subsection (a).

22 “(c) CEREMONY.—The President shall host an an-
23 nual ceremony for recipients of the award authorized
24 under subsection (a) at the time the report required by
25 section 110(b) of this Act is submitted by the Secretary
26 of State to Congress pursuant to such section. The Sec-

1 retary of State is authorized to pay the costs associated
2 with travel by each recipient and a guest of the recipient
3 to the ceremony.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
5 carry out this section, there are authorized to be appro-
6 priated such sums as may be necessary for each of the
7 fiscal years 2008 through 2011.”.

8 **SEC. 110. RESPONSIBILITIES OF CONSULAR OFFICERS OF**
9 **THE DEPARTMENT OF STATE.**

10 (a) INTERVIEWS.—

11 (1) IN GENERAL.—In the case of a consular
12 interview of an alien for an employment- or edu-
13 cation-based nonimmigrant visa, the consular officer
14 conducting the interview shall ensure that the alien
15 has received, both orally in a language that the ap-
16 plicant understands and through the pamphlet re-
17 quired under section 202, information relating to the
18 following:

19 (A) The illegality of slavery, peonage, traf-
20 ficking in persons, sexual assault, extortion,
21 blackmail and worker exploitation in the United
22 States, and the right of the alien to retain the
23 alien’s passport in the alien’s possession at all
24 times.

1 (B) The availability of services for victims
2 of human trafficking and worker exploitation in
3 the United States, including the contact infor-
4 mation for relevant community organizations
5 that provide services to trafficking victims (to
6 the extent practicable), Federal law enforce-
7 ment and victim services complaint lines, and a
8 general description of the types of victims serv-
9 ices available if an individual is subject to traf-
10 ficking in persons.

11 (C) The legal rights of immigrant victims
12 of trafficking in persons, worker exploitation,
13 and other related crimes under immigration,
14 labor, and employment law, including the right
15 to report abuse without retaliation, the avail-
16 ability of immigration and public benefits to
17 such victims, and the right to seek redress in
18 United States courts.

19 (D) If applicable, the requirements that
20 section 202(g)(2) places upon persons engaging
21 in foreign labor contracting activity.

22 (2) REVIEW.—Before conducting an interview
23 described in paragraph (1), the consular officer shall
24 review the summary of the pamphlet required under
25 section 202.

1 (3) DEFINITION.—In this subsection, the term
2 “employment- or education-based nonimmigrant
3 visa” has the meaning given such term in section
4 202(h).

5 (b) SPECIAL PROVISIONS RELATING TO ALIENS
6 ISSUED A-3 AND G-5 VISAS.—

7 (1) ELEMENTS OF MANDATORY INTERVIEW.—
8 The interview required under subsection (a) shall be
9 required for the issuance to an alien of a non-
10 immigrant visa under subparagraph (A)(iii) or
11 (G)(v) of section 101(a)(15) of the Immigration and
12 Nationality Act (8 U.S.C. 1101(a)(15)). The con-
13 sular officer conducting the interview shall ensure
14 that the employment contract of the alien is in a
15 language that the alien can understand.

16 (2) FEASIBILITY OF OVERSIGHT OF EMPLOYEES
17 OF DIPLOMATS AND REPRESENTATIVES OF OTHER
18 INSTITUTIONS.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of
20 State shall submit to the Committee on Foreign Af-
21 fairs of the House of Representatives and the Com-
22 mittee on Foreign Relations of the Senate a report
23 on the feasibility of—

24 (A) establishing a system to monitor the
25 treatment of aliens who have been admitted to

1 the United States as nonimmigrants described
2 in subparagraph (A)(iii) or (G)(v) of section
3 101(a)(15) of the Immigration and Nationality
4 Act; and

5 (B) a range of compensation approaches,
6 such as a bond program, compensation fund, or
7 insurance scheme, to ensure that non-
8 immigrants described in subparagraph (A)(iii)
9 or (G)(v) of section 101(a)(15) of the Immigra-
10 tion and Nationality Act receive appropriate
11 compensation if their employer violates the
12 terms of their employment contract and, with
13 respect to each proposed compensation ap-
14 proach, an evaluation and proposal of how
15 claims of rights violations will be adjudicated,
16 compensation determinations will be made, and
17 the program, fund, or scheme will be adminis-
18 tered.

19 (3) ASSISTANCE TO LAW ENFORCEMENT INVE-
20 TIGATIONS.—The Secretary of State shall cooperate,
21 to the fullest extent possible consistent with the
22 United States obligations under the Vienna Conven-
23 tion on Diplomatic Relations, done at Vienna, April
24 18, 1961, (23 U.S.T. 3229), with any investigation
25 by United States law enforcement authorities of

1 crimes related to trafficking in persons, worker ex-
2 ploitation, or other related violations of United
3 States law with respect to an alien described in
4 paragraph (1).

5 (4) ZERO TOLERANCE FOR ABUSE.—

6 (A) LIMITATION.—The Secretary of State
7 shall direct consular officers not to issue a visa
8 to an alien who applies for a visa under sub-
9 paragraph (A)(iii) or (G)(v) of section
10 101(a)(15) of the Immigration and Nationality
11 Act if the person who would employ such an
12 alien serves at a diplomatic mission or an inter-
13 national institution described in subparagraph
14 (B) of this paragraph.

15 (B) MISSION OR INSTITUTION.—A diplo-
16 matic mission or international institution is re-
17 ferred to in subparagraph (A) if—

18 (i) the Secretary of State determines
19 that an alien described in paragraph (1)
20 has been subjected to trafficking of per-
21 sons, worker exploitation, or other related
22 violations of United States law, by an indi-
23 vidual serving at such a mission or institu-
24 tion during the two year period before the

1 date of the application for a visa referred
2 to in subparagraph (A); or

3 (ii) an individual serving at such a
4 mission or institution has departed the
5 United States and there is credible evi-
6 dence that such individual trafficked, ex-
7 ploited, or otherwise abused an alien de-
8 scribed in paragraph (1).

9 (C) EXCEPTION.—The Secretary of State
10 may suspend the application of the limitation
11 under subparagraph (A) if the Secretary deter-
12 mines and reports to the committees specified
13 in paragraph (2) that a mechanism is in place
14 to ensure that such trafficking, exploitation, or
15 abuse does not occur again with respect to any
16 alien employed by such mission or institution.

17 (5) REPORT.—Not later than June 1, 2008,
18 and annually thereafter, the Secretary of State shall
19 submit to the Committee on Foreign Affairs of the
20 House of Representatives and the Committee on
21 Foreign Relations of the Senate a report describing
22 the diplomatic missions or international institutions
23 that are subject to the visa restriction referred to in
24 subparagraph (A) of paragraph (4), any exceptions
25 that have been made pursuant to subparagraph (C)

1 of such paragraph (4), and any requests for waivers
2 of diplomatic immunity that have been made that
3 are related to actions involving trafficking of per-
4 sons, worker exploitation, or other related violations
5 of United States law. Such report may be combined
6 with the annual report required by section 110(b) of
7 the Trafficking Victims Protection Act of 2000 (22
8 U.S.C. 7107(b)).

9 **SEC. 111. REPORT ON ACTIVITIES OF THE DEPARTMENT OF**
10 **LABOR TO MONITOR AND COMBAT FORCED**
11 **LABOR AND CHILD LABOR.**

12 (a) INTERIM REPORT.—Not later than 120 days
13 after the date of the enactment of this Act, the Secretary
14 of Labor shall submit to the appropriate congressional
15 committees an interim report on the implementation of
16 section 105(b) of the Trafficking Victims Protection Reau-
17 thorization Act of 2005 (22 U.S.C. 7112(b)), which shall
18 include a description of the progress made toward devel-
19 oping the list of goods described in paragraph (2)(C) of
20 such section.

21 (b) FINAL REPORT; PUBLIC AVAILABILITY OF
22 LIST.—Not later than January 15, 2009, the Secretary
23 of Labor shall—

24 (1) submit to the appropriate congressional
25 committees a final report on the implementation of

1 section 105(b) of the Trafficking Victims Protection
2 Reauthorization Act of 2005, which shall include an
3 initial list of goods described in paragraph (2)(C) of
4 such section; and

5 (2) make available to the public such list of
6 goods in accordance with paragraph (2)(C) of such
7 section.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” has the meaning given the term in sec-
11 tion 103 of the Trafficking Victims Protection Act of 2000
12 (22 U.S.C. 7102).

13 **SEC. 112. SENSE OF CONGRESS REGARDING MULTILAT-**
14 **ERAL FRAMEWORK BETWEEN LABOR EX-**
15 **PORTING AND LABOR IMPORTING COUN-**
16 **TRIES.**

17 It is the sense of Congress that the Secretary of
18 State, in conjunction with the International Labor Organi-
19 zation, the United Nations Office of Drug and Crime Pre-
20 vention, and other relevant international and nongovern-
21 mental organizations, should seek to establish a multilat-
22 eral framework between labor exporting and labor import-
23 ing countries to ensure that workers migrating between
24 such countries are protected from trafficking in persons
25 and worker exploitation of any kind.

1 **TITLE II—COMBATTING TRAF-**
2 **FICKING IN PERSONS IN THE**
3 **UNITED STATES**

4 **Subtitle A—Ensuring Availability**
5 **of Possible Witnesses and In-**
6 **formants**

7 **SEC. 201. PROTECTING TRAFFICKING VICTIMS AGAINST RE-**
8 **TALIATION.**

9 (a) T VISAS.—Section 101(a)(15)(T) of the Immigra-
10 tion and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is
11 amended—

12 (1) in clause (i)—

13 (A) in the matter preceding subclause (I),
14 by striking “Security and the Attorney General
15 jointly;” and inserting “Security, in consulta-
16 tion with the Attorney General;”;

17 (B) in subclause (I), by striking the
18 comma at the end and inserting a semicolon;

19 (C) in subclause (II), by adding at the end
20 the following: “including physical presence on
21 account of the alien having been allowed entry
22 into the United States for participation in in-
23 vestigative or judicial processes;”;

24 (D) in subclause (III)—

1 (i) in item (aa), by striking “or” at
2 the end;

3 (ii) in item (bb), by striking “, and”
4 at the end and inserting “; and”;

5 (iii) by redesignating item (bb) as
6 item (cc); and

7 (iv) by inserting after item (aa) the
8 following:

9 “(bb) in the Secretary’s sole and
10 unreviewable discretion, in consultation with the
11 Attorney General, that the alien is unlikely or
12 unable to cooperate with such a request due to
13 physical or psychological trauma; or”; and

14 (E) in subclause (IV), by adding “and” at
15 the end;

16 (2) in clause (ii)—

17 (A) in subclause (I), by striking “or” at
18 the end;

19 (B) in subclause (II), by striking “and” at
20 the end and inserting “or”; and

21 (C) by adding the following at the end:

22 “(III) any parents or siblings of an alien
23 described in subclause (I) or (II) who face a
24 present danger of retaliation, as attested to by
25 a representative of a law enforcement agency,

1 as a result of the alien’s escape from the severe
2 form of trafficking or cooperation with law en-
3 forcement.”; and

4 (3) by striking clause (iii).

5 (b) REQUIREMENTS FOR T VISA ISSUANCE.—Section
6 214(o) of the Immigration and Nationality Act (8 U.S.C.
7 1184(o)) is amended—

8 (1) in paragraph (7)(B)—

9 (A) by striking “subparagraph (A) if a
10 Federal” and inserting the following:

11 “subparagraph (A) if—

12 “(i) a Federal”;

13 (B) by striking the period at the end and
14 inserting “; or”; and

15 (C) by adding at the end the following:

16 “(ii) the Secretary of Homeland Security deter-
17 mines, as a matter of the Secretary’s sole discretion,
18 that an extension of the period of such non-
19 immigrant status is warranted due to exceptional
20 circumstances.”; and

21 (2) by adding at the end the following:

22 “(8) In determining whether extreme hardship de-
23 scribed in section 101(a)(15)(T)(i)(IV) exists, the Sec-
24 retary of Homeland Security, in consultation with the At-
25 torney General and relevant investigators, prosecutors,

1 and individuals responsible for working with victims and
2 witnesses, may consider whether the country to which the
3 alien is likely to be removed can adequately address secu-
4 rity concerns and the mental and physical health needs
5 of the alien and of persons described in section
6 101(a)(15)(T)(ii).”.

7 (c) CONDITIONS ON NONIMMIGRANT STATUS FOR
8 CERTAIN CRIME VICTIMS.—Section 214(p)(6) of the Im-
9 migration and Nationality Act (8 U.S.C. 1184(p)(6)) is
10 amended by adding at the end the following: “The Sec-
11 retary of Homeland Security may extend the authorized
12 period of status of an alien as a nonimmigrant under sec-
13 tion 101(a)(15)(U) of this title for a period exceeding 4
14 years if the Secretary determines, as a matter of the Sec-
15 retary’s sole discretion, that an extension of such period
16 is warranted due to exceptional circumstances.”.

17 (d) ADJUSTMENT OF STATUS FOR TRAFFICKING VIC-
18 TIMS.—Section 245(l) of the Immigration and Nationality
19 Act (8 U.S.C. 1255(l)) is amended—

20 (1) in paragraph (1), in the matter preceding
21 subparagraph (A), by striking “the Attorney Gen-
22 eral,” and inserting “the Secretary of Homeland
23 Security in consultation with the Attorney General,”;

24 (2) in paragraph (1)(B), by inserting “subject
25 to paragraph (6),” after “(B)”;

1 (3) in paragraph (1)(C)(ii), by striking “, or in
2 the case of subparagraph (C)(i), the Attorney Gen-
3 eral,”;

4 (4) in paragraph (3), by striking the period at
5 the end and inserting the following: “, unless the ab-
6 sence is in order to assist in the investigation or
7 prosecution or unless an official involved in the in-
8 vestigation or prosecution certifies that the absence
9 was otherwise justified.”; and

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

11 “(6) For purposes of paragraph (1)(B), the Secretary
12 of Homeland Security, in the Secretary’s sole and
13 unreviewable discretion, may waive consideration of a dis-
14 qualification from good moral character (described in sec-
15 tion 101(f)) with respect to an alien if the disqualification
16 was caused by, or was incident to, the trafficking de-
17 scribed in section 101(a)(15)(T)(i)(I).”.

18 (e) ADJUSTMENT OF STATUS FOR CRIME VICTIMS.—
19 Section 245(m)(1) of the Immigration and Nationality Act
20 (8 U.S.C. 1255(m)(1)) is amended, in the matter pre-
21 ceding subparagraph (A), by striking “unless the Attorney
22 General” and inserting “unless the Secretary, in consulta-
23 tion with the Attorney General,”.

1 **SEC. 202. INFORMATION FOR WORK-BASED NON-**
2 **IMMIGRANTS ON LEGAL RIGHTS AND RE-**
3 **SOURCES.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity, in consultation with the Secretary of State, the Attor-
6 ney General, and the Secretary of Labor, shall develop an
7 information pamphlet, as described in subsection (b), on
8 legal rights and resources for aliens applying for
9 employment- or education-based nonimmigrant visas, and
10 shall distribute and make such pamphlet available as de-
11 scribed in subsection (e). In preparing the information
12 pamphlet, the Secretary of Homeland Security shall con-
13 sult with nongovernmental organizations with expertise on
14 the legal rights of workers and victims of severe forms of
15 trafficking in persons.

16 (b) INFORMATION PAMPHLET.—The information
17 pamphlet developed under subsection (a) shall include in-
18 formation on employment- or education-based non-
19 immigrant visas or on student or cultural exchanges, as
20 follows:

21 (1) The nonimmigrant visa application proc-
22 esses, including information about whether the par-
23 ticular employment- or education-based non-
24 immigrant visa program includes portability of em-
25 ployment or educational institution.

1 (2) The illegality of slavery, peonage, traf-
2 ficking in persons, sexual assault, extortion, black-
3 mail, and worker exploitation in the United States.

4 (3) Services for victims of severe forms of traf-
5 ficking in persons and worker exploitation in the
6 United States, including Federal law enforcement
7 and victim services complaint lines.

8 (4) The legal rights of immigrant victims of
9 worker exploitation and other crimes in immigration,
10 criminal justice, family law, and other matters, in-
11 cluding the right of access to immigrant and labor
12 rights groups, the right to seek redress in United
13 States courts, and the right to report abuse without
14 retaliation.

15 (5) The requirements that subsection (g) places
16 upon a person engaging in foreign labor contracting
17 activity, including the disclosure of any debts.

18 (c) SUMMARIES.—The Secretary of Homeland Secu-
19 rity, in consultation with the Attorney General and the
20 Secretary of State, shall develop summaries of the infor-
21 mation pamphlet developed under subsection (a) that shall
22 be used by Federal officials when reviewing the pamphlet
23 in interviews required by section 110.

24 (d) TRANSLATION.—

1 (1) IN GENERAL.—In order to best serve the
2 language groups having the greatest concentration of
3 employment- or education-based nonimmigrant visas,
4 the information pamphlet developed under sub-
5 section (a) shall, subject to paragraph (2), be trans-
6 lated by the Secretary of State into foreign lan-
7 guages, including Russian, Spanish, Tagalog, Viet-
8 nameese, Chinese, Ukrainian, Thai, Korean, Polish,
9 Japanese, French, Creole, Arabic, Portuguese,
10 Hindi, and such other languages as the Secretary of
11 State, in the Secretary’s discretion, may specify.

12 (2) REVISION.—Every two years, the Secretary
13 of Homeland Security, in consultation with the At-
14 torney General and the Secretary of State, shall de-
15 termine at least 14 specific languages into which the
16 information pamphlet shall be translated based on
17 the languages spoken by the greatest concentrations
18 of employment- or education-based nonimmigrant
19 visas.

20 (e) AVAILABILITY AND DISTRIBUTION.—

21 (1) POSTING ON FEDERAL WEBSITES.—The in-
22 formation pamphlet developed under subsection (a)
23 shall be posted on the websites of the Department
24 of State and the Department of Homeland Security,
25 as well as on the websites of all United States con-

1 sular posts processing applications for nonimmigrant
2 visas.

3 (2) OTHER DISTRIBUTION.—The information
4 pamphlet developed under subsection (a) shall also
5 be made available to any foreign labor broker, gov-
6 ernment agency, or nongovernmental advocacy orga-
7 nization.

8 (f) DEADLINE FOR PAMPHLET DEVELOPMENT AND
9 DISTRIBUTION.—The information pamphlet developed
10 under subsection (a) shall be distributed and made avail-
11 able (including in the languages specified under subsection
12 (d)) not later than 180 days after the date of the enact-
13 ment of this Act.

14 (g) PROTECTIONS FOR WORKERS RECRUITED
15 ABROAD.—

16 (1) DEFINITIONS.—In this section—

17 (A) the term “foreign labor contractor”
18 means any person who for any money or other
19 consideration paid or promised to be paid, per-
20 forms any foreign labor contracting activity;

21 (B) the term “foreign labor contracting ac-
22 tivity” means recruiting, soliciting, hiring, em-
23 ploying, or furnishing, an individual who resides
24 outside of the United States to be employed in
25 the United States; and

1 (C) the term “worker” means an individual
2 who is the subject of foreign labor contracting
3 activity.

4 (2) DISCLOSURE.—Any person who engages in
5 foreign labor contracting activity shall ascertain and
6 disclose in writing, in English and in a language un-
7 derstood by the worker being recruited, to each
8 worker who is recruited for employment, at the time
9 of the worker’s recruitment, the following informa-
10 tion:

11 (A) The location and period of employ-
12 ment, and any travel or transportation expenses
13 to be assessed.

14 (B) The compensation for the employment
15 and any other employee benefit to be provided
16 and any costs to be charged for each benefit.

17 (C) A description of employment require-
18 ments and activities.

19 (D) The existence of any labor organizing
20 effort, strike, lockout, or other labor dispute at
21 the place of employment.

22 (E) The existence of any arrangement with
23 any person involving the receipt of a commis-
24 sion or any other benefit for the provision of
25 items or services to workers.

1 (F) The extent to which workers will be
2 compensated through workers' compensation,
3 private insurance, or other means for injuries or
4 death.

5 (G) Any education or training to be pro-
6 vided or required, including the nature and cost
7 of such training and the person who will pay
8 such costs, and whether the training is a condi-
9 tion of employment, continued employment, or
10 future employment.

11 (3) RESTRICTION.—No foreign labor contractor
12 or employer who engages in foreign labor con-
13 tracting activity shall knowingly provide materially
14 false or misleading information to any worker con-
15 cerning any matter required to be disclosed under
16 paragraph (2). The disclosure required by this sec-
17 tion is a document concerning the proper adminis-
18 tration of a matter within the jurisdiction of a de-
19 partment or agency of the United States for the pur-
20 poses of section 1519 of title 18, United States
21 Code.

22 (4) REGISTRATION.—

23 (A) IN GENERAL.—Before engaging in any
24 foreign labor contracting activity, any person
25 who is a foreign labor contractor shall obtain a

1 certificate of registration from the Secretary of
2 Labor pursuant to regulations promulgated by
3 the Secretary under subparagraph (B).

4 (B) ISSUANCE.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 Secretary shall promulgate regulations to estab-
7 lish an efficient electronic process for the timely
8 investigation and approval of an application for
9 a certificate of registration of foreign labor con-
10 tractors, including—

11 (i) requirements under paragraphs
12 (1), (4), and (5) of section 102 of the Mi-
13 grant and Seasonal Agricultural Worker
14 Protection Act (29 U.S.C. 1812);

15 (ii) an expeditious means to update
16 registrations and renew certificates; and

17 (iii) any other requirements that the
18 Secretary may prescribe.

19 (C) TERM OF REGISTRATION.—Unless sus-
20 pended or revoked, a certificate under this sub-
21 paragraph shall be valid for two years.

22 (D) REFUSAL TO ISSUE; REVOCATION.—In
23 accordance with regulations promulgated by the
24 Secretary of Labor, the Secretary shall refuse
25 to issue or renew, or shall revoke, after notice

1 and an opportunity for a hearing, a certificate
2 of registration under this subparagraph if—

3 (i) the applicant for, or holder of, the
4 certification has knowingly made a mate-
5 rial misrepresentation in the application
6 for such certificate;

7 (ii) the applicant for, or holder of, the
8 certification is not the real party in inter-
9 est in the application or certificate of reg-
10 istration and the real party in interest—

11 (I) is a person who has been re-
12 fused issuance or renewal of a certifi-
13 cate;

14 (II) has had a certificate revoked;

15 or

16 (III) does not qualify for a cer-
17 tificate under this paragraph;

18 (iii) the applicant for, or holder of, the
19 certification has been convicted within the
20 preceding five years of any crime described
21 in subparagraph (A) or (B) of section
22 103(a)(5) of the Migrant and Seasonal Ag-
23 ricultural Worker Protection Act (29
24 U.S.C. 1813(a)(5)); or

1 (iv) the applicant for, or holder of, the
2 certification has knowingly or recklessly
3 failed to comply with this subsection.

4 (E) COMPLAINTS AND INVESTIGATIONS.—

5 The Secretary of Labor shall establish a process
6 for the receipt, investigation, and disposition of
7 complaints filed by any person, including com-
8 plaints initiated by the Secretary, respecting a
9 foreign labor contractor's compliance with this
10 subsection. No investigation or hearing shall be
11 conducted on a complaint concerning a violation
12 of this subsection unless the complaint was filed
13 not later than 12 months after the date of the
14 violation. The Secretary may conduct an inves-
15 tigation under this paragraph if there is reason-
16 able cause to believe that such a violation oc-
17 curred.

18 (F) MAINTENANCE OF LISTS.—

19 (i) IN GENERAL.—The Secretary shall
20 maintain a list of all foreign labor contrac-
21 tors registered under this subsection; and

22 (ii) PUBLIC AVAILABILITY.—The Sec-
23 retary shall make the list described in
24 clause (i) publicly available, including
25 through publication on the Internet.

1 (G) RE-REGISTRATION OF VIOLATORS.—

2 The Secretary shall provide a procedure by
3 which a foreign labor contractor that has had
4 its registration revoked may seek to re-register
5 under this paragraph by demonstrating to the
6 Secretary's satisfaction that the foreign labor
7 contractor has not violated this subsection in
8 the previous 5 years.

9 (5) AMENDMENT TO IMMIGRATION AND NA-
10 TIONALITY ACT.—Section 214 of the Immigration
11 and Nationality Act is amended by adding at the
12 end the following:

13 “(s) A visa shall not be issued under the subpara-
14 graph (A)(iii), (B)(i) (but only for domestic servants de-
15 scribed in clause (i) or (ii) of section 274a.12(c)(17) of
16 title 8, Code of Federal Regulations (as in effect on De-
17 cember 4, 2007)), (G)(v), (H), (J), (L), (Q), or (R) of
18 section 101(a)(15) until the consular officer—

19 “(1) has provided to and reviewed with the ap-
20 plicant, in the applicant's language (or a language
21 the applicant understands), a copy of the informa-
22 tion and resources pamphlet required by section 202
23 of the William Wilberforce Trafficking Victims Pro-
24 tection Reauthorization Act of 2007; and

1 “(2) has reviewed and made a part of the visa
2 file the foreign labor recruiter disclosures required
3 by such section 202.”.

4 (6) ENFORCEMENT PROVISIONS.—

5 (A) ADMINISTRATIVE ENFORCEMENT.—

6 The Secretary of Labor may impose against
7 any foreign labor contractor, for knowingly or
8 recklessly failing to comply with the require-
9 ments of this subsection—

10 (i) a fine in an amount not more than
11 \$4,000 per violation; and

12 (ii) upon the occasion of a third viola-
13 tion or a failure to comply with representa-
14 tions, a fine of not more than \$10,000 per
15 violation.

16 (B) CIVIL ACTION.—

17 (i) IN GENERAL.—The Secretary of
18 Labor may bring a civil action against any
19 foreign labor contractor in any court of
20 competent jurisdiction—

21 (I) to seek remedial action, in-
22 cluding injunctive relief;

23 (II) to recover damages on behalf
24 of any worker harmed by a violation
25 of this subsection; and

1 (III) to ensure compliance with
2 requirements of this subsection.

3 (ii) SUMS RECOVERED.—Any sums re-
4 covered by the Secretary on behalf of a
5 worker under clause (i) shall be held in a
6 special deposit account and shall be paid,
7 on order of the Secretary, directly to each
8 employee affected. Any such sums not paid
9 to an employee because of inability to do
10 so within a period of three years shall be
11 credited as an offsetting collection to the
12 appropriations account of the Secretary of
13 Labor for expenses for the administration
14 of this subsection and shall remain avail-
15 able to the Secretary until expended.

16 (iii) REPRESENTATION.—Except as
17 provided in section 518(a) of title 28,
18 United States Code, the Solicitor of Labor
19 may appear for and represent the Sec-
20 retary of Labor in any civil litigation
21 brought under this paragraph. All such
22 litigation shall be subject to the direction
23 and control of the Attorney General.

24 (C) AGENCY LIABILITY.—Beginning 180
25 days after the Secretary of Labor has promul-

1 gated regulations pursuant to paragraph
2 (4)(B), an employer who retains the services of
3 a foreign labor contractor shall only use those
4 foreign labor contractors who are registered
5 under paragraph (4). An employer who uses a
6 foreign labor contractor who is not registered
7 under paragraph (4) after such time period, or
8 who uses a foreign labor contractor knowing or
9 in reckless disregard that such contractor has
10 violated any provision of this subsection, shall
11 be subject to the provisions of this paragraph
12 for violations committed by such foreign labor
13 contractor to the same extent as if the employer
14 were the foreign labor contractor who had com-
15 mitted the violation.

16 (D) RETALIATION.—An individual who is a
17 victim of a violation of section 1512(A)(2)(D),
18 1512(b)(4), or 1513(B)(3) of title 18, United
19 States Code, may, in a civil action, recover ap-
20 propriate relief (including reasonable attorneys'
21 fees) with respect to that violation. Any civil ac-
22 tion under this subparagraph shall be stayed
23 during the pendency of any criminal action aris-
24 ing out of the violation.

1 (E) RULE OF CONSTRUCTION.—Nothing in
2 this section shall be construed to preempt or
3 alter any other rights or remedies, including
4 any causes of action, available under any other
5 Federal or State law.

6 (h) DEFINITIONS.—In this section:

7 (1) EMPLOYMENT- OR EDUCATION-BASED NON-
8 IMMIGRANT VISA.—The term “employment- or edu-
9 cation-based nonimmigrant visa” means a non-
10 immigrant visa issued for the purpose of employ-
11 ment, education, or training in the United States,
12 including a visas issued under subparagraph (A)(iii),
13 (B)(i) (but only for domestic servants described in
14 clause (i) or (ii) of section 274a.12(c)(17) of title 8,
15 Code of Federal Regulations (as in effect on Decem-
16 ber 4, 2007)), (G)(v), (H), (J), (L), (Q), or (R) of
17 section 101(a)(15) of the Immigration and Nation-
18 ality Act (8 U.S.C. 1101(a)(15)).

19 (2) SEVERE FORMS OF TRAFFICKING IN PER-
20 SONS.—The term “severe forms of trafficking in
21 persons” has the meaning given the term in section
22 103 of the Trafficking Victims Protection Act of
23 2000 (22 U.S.C. 7102).

1 **SEC. 203. RELIEF FOR CERTAIN VICTIMS PENDING AC-**
2 **TIONS ON PETITIONS AND APPLICATIONS**
3 **FOR RELIEF.**

4 Section 237 of the Immigration and Nationality Act
5 (8 U.S.C. 1227) is amended by adding at the end the fol-
6 lowing:

7 “(d)(1) In the case of an alien in the United States
8 for whom an application for nonimmigrant status (wheth-
9 er as a principal alien or a derivative relative) under sec-
10 tion 101(a)(15)(T) has been filed, if the application sets
11 forth a prima facie case for approval, the Secretary of
12 Homeland Security may grant the alien a stay of removal
13 or deportation until the application is approved or the ap-
14 plication is denied after exhaustion of administrative ap-
15 peals. Any appeal of the denial of a stay of removal or
16 deportation under this paragraph must accompany any
17 appeal of the underlying substantive petition or applica-
18 tion for benefits.

19 “(2) During a period in which an alien is provided
20 a stay of removal under this subsection, the alien shall
21 not be removed or deported.

22 “(3) Nothing in this subsection shall be construed as
23 limiting the authority of the Secretary of Homeland Secu-
24 rity to grant a stay of removal or deportation in any case
25 not described in this subsection.”.

1 **SEC. 204. EXPANSION OF AUTHORITY TO PERMIT CONTIN-**
2 **UED PRESENCE IN THE UNITED STATES.**

3 (a) **EXPANSION OF AUTHORITY.—**

4 (1) **IN GENERAL.—**Section 107(c)(3) of the
5 Trafficking Victims Protection Act of 2000 (22
6 U.S.C. 7105(c)(3)) is amended to read as follows:

7 “(3) **AUTHORITY TO PERMIT CONTINUED PRES-**
8 **ENCE IN THE UNITED STATES.—**

9 “(A) **TRAFFICKING VICTIMS.—**

10 “(i) **IN GENERAL.—**Upon application
11 from a Federal law enforcement official
12 that makes a prima facie showing that an
13 alien is a victim of a severe form of traf-
14 ficking and a potential witness to such
15 trafficking, in order to effectuate investiga-
16 tion and prosecution of those responsible,
17 the Secretary of Homeland Security may
18 permit an alien’s continued presence in the
19 United States.

20 “(ii) **SAFETY.—**Federal law enforce-
21 ment officials described in clause (i), in in-
22 vestigating and prosecuting traffickers,
23 shall endeavor to protect the safety of traf-
24 ficking victims, including taking measures
25 to protect trafficked persons and their
26 family members from intimidation, threats

1 of reprisals, and reprisals from traffickers
2 and their associates.

3 “(iii) CONTINUATION OF PRES-
4 ENCE.—The Secretary shall continue to
5 permit the continued presence of an alien
6 described in clause (i) if such alien has
7 filed a civil action under section 1595 of
8 title 18, United States Code, until such ac-
9 tion is concluded. Failure to exercise due
10 diligence in pursuing such a civil action, as
11 determined by the Secretary in consulta-
12 tion with the Attorney General, may result
13 in revocation of continued presence.

14 “(B) PAROLE FOR RELATIVES.—Pursuant
15 to section 240A(b)(6) of the Immigration and
16 Nationality Act (8 U.S.C. 1229b(b)(b)), as
17 added by section 204(b) of the William Wilber-
18 force Trafficking Victims Protection Reauthor-
19 ization Act of 2007, law enforcement officials
20 may submit a written request to the Secretary
21 of Homeland Security to permit the parole into
22 the United States of certain relatives of an
23 alien described in subparagraph (A)(i).

24 “(C) STATE AND LOCAL LAW ENFORCE-
25 MENT.—The Secretary of Homeland Security,

1 in consultation with the Attorney General, shall
2 develop materials for State and local law en-
3 forcement on working with Federal law enforce-
4 ment to obtain continued presence for victims
5 of a severe form of trafficking in cases inves-
6 tigated or prosecuted at the State or local level,
7 for distribution to State and local law enforce-
8 ment by each Immigration and Customs En-
9 forcement Special Agent in Charge.”.

10 (2) EFFECTIVE DATE.—The amendment made
11 by paragraph (1) shall take effect on the date of the
12 enactment of this Act and shall apply to requests for
13 continued presence filed pursuant to section
14 107(c)(3) of the Trafficking Victims Protection Act
15 (22 U.S.C. 7105(c)(3)) before, on, or after such
16 date, except that this paragraph does not permit the
17 application of section 107(c)(3)(A) of such Act, as
18 added by paragraph (1), to an alien who is not
19 present in the United States.

20 (b) PAROLE FOR DERIVATIVES OF TRAFFICKING VIC-
21 TIMS.—Section 240A(b) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1229b(b)) is amended by adding at
23 the end the following:

24 “(6) RELATIVES OF TRAFFICKING VICTIMS.—

1 “(A) IN GENERAL.—Upon written request
2 by a law enforcement official, the Secretary of
3 Homeland Security may grant parole under sec-
4 tion 212(d)(5) to any alien who is a relative of
5 an alien granted continued presence pursuant
6 to section 107(c)(3)(A) of the Trafficking Vic-
7 tims Protection Act (22 U.S.C. 7105(c)(3)(A)),
8 if the relative—

9 “(i) was, on the date on which law en-
10 forcement applied for such continued pres-
11 ence—

12 “(I) in the case of an alien grant-
13 ed continued presence who is under
14 21 years of age, the spouse, child,
15 parent, or unmarried sibling under 18
16 years of age, of the alien; or

17 “(II) in the case of an alien
18 granted continued presence who is 21
19 years of age or older, the spouse or
20 child of the alien, or

21 “(ii) is a parent or sibling of the alien
22 who, in the judgment of the requesting law
23 enforcement official, is in present danger
24 of retaliation as a result of the alien’s es-
25 cape from the severe form of trafficking or

1 cooperation with law enforcement, irrespec-
2 tive of age.

3 “(B) DURATION OF PAROLE.—

4 “(i) IN GENERAL.—The grant of pa-
5 role under subparagraph (A) shall extend
6 until the date an application filed by the
7 principal alien under section
8 101(a)(15)(T)(ii) has been finally adju-
9 dicated.

10 “(ii) OTHER LIMITS ON DURATION.—
11 If no such application is filed, the grant of
12 parole shall extend until the later of—

13 “(I) the date on which the prin-
14 cipal alien’s continued presence in the
15 United States under section
16 107(c)(3)(A) of the Trafficking Vic-
17 tims Protection Act (22 U.S.C.
18 7105(c)(3)(A)) is terminated; or

19 “(II) the date on which a civil ac-
20 tion filed by the principal alien under
21 section 1595 of title 18, United States
22 Code, is concluded.

23 “(iii) DUE DILIGENCE.—Failure by
24 the principal alien to exercise due diligence
25 in filing a visa petition on behalf of an

1 alien described in clause (i) or (ii) of sub-
2 paragraph (A), or in pursuing the civil ac-
3 tion described in clause (ii)(II) (as deter-
4 mined by the Secretary of Homeland Secu-
5 rity in consultation with the Attorney Gen-
6 eral), may result in revocation of parole.”.

7 **SEC. 205. IMPLEMENTATION OF TRAFFICKING VICTIMS**
8 **PROTECTION REAUTHORIZATION ACT OF**
9 **2005.**

10 Not later than 120 days after the date of the enact-
11 ment of this Act, the Secretary of Homeland Security shall
12 issue interim regulations regarding the adjustment of sta-
13 tus to permanent residence for nonimmigrants admitted
14 into the United States under section 101(a)(15)(T) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1101(a)(15)(T)). If the regulations are not issued before
17 such deadline, the Secretary shall submit a report to the
18 Committee on Foreign Affairs and the Committee on the
19 Judiciary of the House of Representatives and the Com-
20 mittee on Foreign Relations and the Committee on the
21 Judiciary of the Senate explaining in detail the reasons
22 such regulations have not been issued.

1 **Subtitle B—Assistance for**
2 **Trafficking Victims**

3 **SEC. 211. VICTIM OF TRAFFICKING CERTIFICATION PROC-**
4 **ESS.**

5 Section 107(b)(1)(E) of the Trafficking Victims Pro-
6 tection Act of 2000 (22 U.S.C. 7105(b)(1)(E)), is amend-
7 ed—

8 (1) in clause (i)—

9 (A) in the matter preceding subclause (I),
10 by striking “consultation” and all that follows
11 through “person” and inserting “consultation
12 with the Attorney General and the Secretary of
13 Homeland Security, that the person”;

14 (B) in subclause (I), by adding at the end
15 before the semicolon the following: “or is un-
16 likely or unable to cooperate with such a re-
17 quest due to physical or psychological trauma;”;
18 and

19 (C) in subclause (II)(bb), by striking
20 “United States” and all that follows through
21 “ensuring” and inserting “United States the
22 Secretary of Homeland Security is ensuring”;
23 and

24 (2) in clause (ii), by striking “so long as” and
25 all that follows through “determines” and inserting

1 “so long as the Secretary of Homeland Security de-
2 termines”.

3 **SEC. 212. ASSISTANCE FOR CERTAIN NONIMMIGRANT STA-**
4 **TUS APPLICANTS.**

5 (a) IN GENERAL.—Section 431(c) of the Personal
6 Responsibility and Work Opportunity Reconciliation Act
7 of 1996 (8 U.S.C. 1641(c)) is amended—

8 (1) by striking “or” at the end of paragraph
9 (2)(B);

10 (2) by striking the period at the end of para-
11 graph (3)(B) and inserting “; or”; and

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

13 “(4) an alien who has had approved, or has
14 pending, a petition that sets forth a prima facie case
15 for status as a nonimmigrant under section
16 101(a)(15)(T) of the Immigration and Nationality
17 Act (8 U.S.C. 1101(a)(15)(T)).”.

18 (b) CONSTRUCTION.—The provisions of section
19 431(c)(4) of the Personal Responsibility and Work Oppor-
20 tunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(4)),
21 as added by subsection (a), are in addition to the access
22 to public benefits provided in the Trafficking Victims Pro-
23 tection Act of 2000 and the Trafficking Victims Reauthor-
24 ization Act of 2003.

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsection (a) apply to applications for public benefits and
3 public benefits provided on or after the date of the enact-
4 ment of this Act without regard to whether regulations
5 to carry out such amendments are implemented.

6 **SEC. 213. INTERIM ASSISTANCE FOR CHILD VICTIMS OF**
7 **TRAFFICKING.**

8 (a) IN GENERAL.—Subsection (b)(1) of section 107
9 of the Trafficking Victims Protection Act of 2000 (22
10 U.S.C. 7105) is amended by adding at the end the fol-
11 lowing new subparagraphs:

12 “(F) ELIGIBILITY OF INTERIM ASSISTANCE
13 FOR CHILD VICTIMS.—

14 “(i) DETERMINATION.—With respect
15 to a person referred to in subparagraph
16 (C)(ii)(I) who is seeking assistance under
17 this paragraph, if credible information is
18 presented on behalf of the person that the
19 person has been subjected to a severe form
20 of trafficking in persons, the Secretary of
21 Health and Human Services shall promptly
22 make a determination of the person’s eligi-
23 bility under this paragraph.

24 “(ii) EXCLUSIVE AUTHORITY.—The
25 Secretary of Health and Human Services

1 shall have exclusive authority in making
2 determinations of eligibility under clause
3 (i).

4 “(iii) DURATION.—Assistance pro-
5 vided under this paragraph for an indi-
6 vidual determined to be eligible under
7 clause (i) may be provided for up to 90
8 days and may be extended for an addi-
9 tional 30 days.

10 “(iv) SENSE OF CONGRESS.—It is the
11 sense of Congress that—

12 “(I) to ensure the best interests
13 of the child and to create an increased
14 chance of cooperation by child victims
15 of severe forms of trafficking in per-
16 sons, the United States Government
17 should provide assistance to protect
18 and care for such child victims during
19 the pendency of proceedings to deter-
20 mine whether a child is a victim of se-
21 vere forms of trafficking; and

22 “(II) in order to further the ob-
23 jective of subclause (I), the Secretary
24 of Health and Human Services should
25 make the determination of eligibility

1 for assistance under clause (i) on the
2 basis of the information provided and
3 the Secretary's own assessment of
4 such information without regard to
5 the assessments by other departments
6 and agencies of the United States
7 Government regarding whether such
8 child victim's application for relief or
9 benefits under this Act or the Immi-
10 gration and Nationality Act will be
11 approved.

12 “(G) NOTIFICATION OF CHILD VICTIMS
13 FOR INTERIM ASSISTANCE.—

14 “(i) FEDERAL OFFICIALS.—Any Fed-
15 eral official who has reason to believe that
16 a person may be a juvenile victim of traf-
17 ficking referred to in subparagraph
18 (C)(ii)(I) shall notify the Secretary of
19 Health and Human Services not later than
20 48 hours after the official first learns that
21 the person may be a juvenile victim of traf-
22 ficking for the purpose of facilitating the
23 provision of interim assistance under sub-
24 paragraph (F).

1 “(ii) STATE AND LOCAL OFFICIALS.—
2 Any State or local official who has reason
3 to believe that a person may be a juvenile
4 victim of trafficking referred to in subpara-
5 graph (C)(ii)(I) shall notify the Secretary
6 of Health and Human Services not later
7 than 72 hours after the official first learns
8 that the person may be a juvenile victim of
9 trafficking for the purpose of facilitating
10 the provision of interim assistance under
11 subparagraph (F).”.

12 (b) TRAINING OF GOVERNMENT PERSONNEL.—Sub-
13 section (c)(4) of such section is amended—

14 (1) by striking “and the Department of Jus-
15 tice” and inserting “, the Department of Homeland
16 Security, and the Department of Health and Human
17 Services”;

18 (2) by inserting before the period at the end the
19 following: “, including the identification of juvenile
20 victims of trafficking”; and

21 (3) by adding at the end the following new sen-
22 tence: “The Attorney General and the Secretary of
23 Heath and Human Services shall provide education
24 and guidance to State and local officials on the iden-
25 tification of aliens who are the victims of severe

1 forms of trafficking, and in particular child victims
2 of trafficking, including education and guidance on
3 the requirements of subsection (b)(1)(G)(ii).”.

4 **SEC. 214. ENSURING ASSISTANCE FOR ALL VICTIMS OF**
5 **TRAFFICKING IN PERSONS.**

6 (a) AMENDMENTS TO THE TRAFFICKING VICTIMS
7 PROTECTION ACT OF 2000.—

8 (1) ASSISTANCE FOR UNITED STATES CITIZENS
9 AND LAWFUL PERMANENT RESIDENTS.—Section
10 107 of the Trafficking Victims Protection Act of
11 2000 (22 U.S.C. 7105) is amended by adding at the
12 end the following:

13 “(h) ASSISTANCE FOR UNITED STATES CITIZENS
14 AND LAWFUL PERMANENT RESIDENTS.—

15 “(1) IN GENERAL.—The Secretary of Health
16 and Human Services and the Attorney General, in
17 consultation with the Secretary of Labor, are au-
18 thorized to establish a program to provide assistance
19 to citizens of the United States, and aliens who are
20 lawfully admitted for permanent residence (as de-
21 fined in section 101(a)(20) of the Immigration and
22 Nationality Act (8 U.S.C. 1101(a)(20))), who are
23 victims of severe forms of trafficking. In determining
24 the types of assistance that would be most beneficial
25 for such victims, the Secretary of Health and

1 Human Services and the Attorney General shall con-
2 sult with nongovernmental organizations that pro-
3 vide services to victims of severe forms of trafficking
4 in the United States.

5 “(2) USE OF EXISTING PROGRAMS.—In addi-
6 tion to such other specialized services as may be re-
7 quired for victims described in paragraph (1), the
8 program established pursuant to paragraph (1) shall
9 facilitate communication and coordination between
10 the providers of assistance to such victims, and pro-
11 vide a means of identifying such providers and mak-
12 ing referrals to programs for which such victims are
13 already eligible (including programs administered by
14 the Department of Justice and the Department of
15 Health and Human Services).

16 “(3) GRANTS.—The Secretary of Health and
17 Human Services and the Attorney General may
18 make grants to States, Indian tribes, units of local
19 government, and non-profit, nongovernmental vic-
20 tims’ service organizations to develop, expand, and
21 strengthen victim service programs authorized under
22 this subsection. The Federal share of a grant made
23 under this subsection may not exceed 75 percent of
24 the total costs of the projects described in the appli-
25 cation submitted.”.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—
2 Section 113 of such Act (22 U.S.C. 7110) is amend-
3 ed—

4 (A) in subsection (b), by adding at the end
5 the following new sentence: “To carry out the
6 purposes of section 107(h), there are authorized
7 to be appropriated to the Secretary of Health
8 and Human Services \$2,500,000 for fiscal year
9 2008, \$5,000,0000 for fiscal year 2009,
10 \$10,000,000 for fiscal year 2010, and
11 \$15,000,000 for fiscal year 2011.”; and

12 (B) in subsection (d), by adding at the end
13 the following new sentence: “To carry out the
14 purposes of section 107(h), there are authorized
15 to be appropriated to the Attorney General
16 \$2,500,000 for fiscal year 2008, \$5,000,0000
17 for fiscal year 2009, \$10,000,000 for fiscal year
18 2010, and \$15,000,000 for fiscal year 2011.”.

19 (3) TECHNICAL ASSISTANCE.—Section
20 107(b)(2)(B)(ii) of the Trafficking Victims Protec-
21 tion Act of 2000 (22 U.S.C. 7105(b)(2)(B)(ii)) is
22 amended to read as follows:

23 “(ii) five percent for training and
24 technical assistance, including increasing
25 capacity and expertise on security for and

1 protection of service providers from intimi-
2 dation or retaliation for their activities.”.

3 (b) ASSISTANCE FOR POTENTIAL VICTIMS OF TRAF-
4 FICKING AND RELATED CRIMES.—

5 (1) VICTIMS OF CRIME ACT.—The Victims of
6 Crime Act of 1984 (42 U.S.C. 10601 et seq.) is
7 amended by inserting after section 1404E the fol-
8 lowing new section:

9 **“SEC. 1404F. VICTIMS OF COMMERCIAL SEXUAL EXPLOI-
10 TATION AND OTHER CRIMES.**

11 “Notwithstanding any statutory or regulatory limita-
12 tion on providing assistance for offender rehabilitation or
13 for any individual who may have violated Federal or State
14 law, and except as provided in sections 1404B and 1404C,
15 in this chapter the terms ‘victim’, ‘crime victim’, and ‘vic-
16 tim of crime’ include an individual who is exploited or oth-
17 erwise victimized by any person who is in violation of an
18 offense described by chapter 117 of title 18, United States
19 Code, or section 1328 of title 8, United States Code, or
20 any similar offense under State law, regardless of whether
21 such offense involves participation by such individual in
22 any commercial sex act (as defined in section 2429 of title
23 18, United States Code).”.

24 (2) USE OF EXISTING PROGRAMS.—The Presi-
25 dent is authorized to facilitate communication and

1 coordination between the providers of assistance to
2 persons victimized in cases brought under chapter
3 117 of title 18, United States Code, and to provide
4 a means of identifying such providers and making
5 referrals to programs for which such victims are al-
6 ready eligible (including programs administered by
7 the Department of Justice and the Department of
8 Health and Human Services).

9 (3) EFFECT ON OTHER PROGRAMS.—Nothing
10 in this section or the amendments made by this sec-
11 tion shall derogate from the programs for victims of
12 sexual abuse or commercial sexual exploitation or
13 survivors of sexual abuse or commercial sexual ex-
14 ploitation authorized by section 202 of the Traf-
15 ficking Victims Protection Reauthorization of 2005.

16 (c) PARTNERSHIPS AMONG ORGANIZATIONS.—Begin-
17 ning not later than 120 days after the date of the enact-
18 ment of this Act, all applications for grants made by the
19 Attorney General or the Secretary of Health and Human
20 Services to States, Indian tribes, units of local govern-
21 ment, and nonprofit, nongovernmental victims' service or-
22 ganizations to establish or maintain assistance programs
23 for victims of severe forms of trafficking in persons or sex
24 trafficking that occurs, in whole or in part, within the ter-
25 ritorial jurisdiction of the United States shall include a

1 statement by the applicant of whether the services will be
2 available to both United States citizens and foreign traf-
3 ficking victims, or if the applicant intends to specialize in
4 serving a particular victim population, what referral mech-
5 anisms or collaborative relationships they will undertake
6 to ensure that all victims are assisted regardless of
7 alienage. The statement required by this section will not
8 be used to make a determination regarding the award of
9 the grant.

10 (d) STUDY.—

11 (1) REQUIREMENT.—Not later than one year
12 after the date of the enactment of this Act, the At-
13 torney General and the Secretary of Health and
14 Human Services shall submit to the appropriate con-
15 gressional committees a report identifying the exist-
16 ence or extent of any service gap between foreign
17 and United States citizen victims of severe forms of
18 trafficking and victims of sex trafficking, as defined
19 in section 103 of the Trafficking Victims Protection
20 Act of 2000.

21 (2) ELEMENTS.—In carrying out the study
22 under subparagraph (1), the Attorney General and
23 Secretary of Health and Human Services shall—

24 (A) investigate factors relating to the legal
25 ability of foreign and United States citizen vic-

1 tims of trafficking to access government-funded
2 social services in general, including the applica-
3 tion of the Personal Responsibility and Work
4 Opportunity Reconciliation Act of 1996 (8
5 U.S.C. 1641(e)(5)) and the Illegal Immigration
6 and Immigrant Responsibility Act of 1996 (di-
7 vision C of Public Law 104–208; 110 Stat.
8 3009 et seq.);

9 (B) investigate any other impediments to
10 the access of foreign and United States citizen
11 victims of trafficking to government-funded so-
12 cial services in general;

13 (C) investigate any impediments to the ac-
14 cess of foreign and United States citizen victims
15 of trafficking to government-funded services
16 targeted to victims of severe forms of traf-
17 ficking and victims of sex trafficking;

18 (D) investigate the effect of trafficking
19 service-provider infrastructure development,
20 continuity of care, and availability of case-
21 workers on the eventual restoration and reha-
22 bilitation of foreign and United States citizen
23 victims of trafficking; and

24 (E) include findings, best practices, and
25 recommendations based on the study of the ele-

1 ments in subparagraphs (A) through (D) and
2 any other related information.

3 **Subtitle C—Penalties Against**
4 **Traffickers and Other Crimes**

5 **SEC. 221. ENHANCING TRAFFICKING AND OTHER RELATED**
6 **OFFENSES.**

7 (a) TRANSFER AND MODIFICATION OF SECTION
8 1591.—

9 (1) NEW SECTION.—Chapter 117 of title 18,
10 United States Code, is amended by adding at the
11 end the following:

12 **“§ 2429. Aggravated sex trafficking**

13 “(a) Whoever knowingly—

14 “(1) in or affecting interstate or foreign com-
15 merce, or within the special maritime and territorial
16 jurisdiction of the United States, recruits, entices,
17 harbors, transports, provides, or obtains by any
18 means a person; or

19 “(2) benefits, financially or by receiving any-
20 thing of value, from participation in a venture which
21 has engaged in an act described in violation of para-
22 graph (1),

23 knowing that force, fraud, or coercion will be used to cause
24 the person to engage in a commercial sex act, or, in the
25 case of a person who has not attained the age of 18 years,

1 that the person will be caused to engage in a commercial
2 sex act, or attempts to do so, shall be punished as provided
3 in subsection (b).

4 “(b) In a prosecution under this subsection, the Gov-
5 ernment need not prove that the defendant knew that the
6 person had not attained the age of 18 years.

7 “(c) The punishment for an offense under this section
8 is—

9 “(1) if the offense was effected by force, fraud,
10 or coercion or if the person recruited, enticed, har-
11 bored, transported, provided, or obtained had not at-
12 tained the age of 14 years at the time of such of-
13 fense, by a fine under this title and imprisonment
14 for any term of years not less than 15 or for life;
15 or

16 “(2) if the offense was not so effected, and the
17 person recruited, enticed, harbored, transported,
18 provided, or obtained had attained the age of 14
19 years but had not attained the age of 18 years at
20 the time of such offense, by a fine under this title
21 and imprisonment for not less than 10 years or for
22 life.

23 “(d)(1) Section 1593 (relating to mandatory restitu-
24 tion) applies to an offense under this section to the same

1 extent and in the same manner as it applies to an offense
2 under chapter 77.

3 “(2) Section 1595 (relating to civil remedy) applies
4 with respect to a violation of this section to the same ex-
5 tent and in the same manner it applies to a violation of
6 a section to which section 1595 is made applicable by sec-
7 tion 1595.

8 “(e) In this section—

9 “(1) the term ‘commercial sex act’ means any
10 sex act, on account of which anything of value is
11 given to or received by any person;

12 “(2) the term ‘coercion’ means—

13 “(A) threats of serious harm to or physical
14 restraint against any person;

15 “(B) any scheme, plan, or pattern intended
16 to cause a person to believe that failure to per-
17 form an act would result in serious harm to or
18 physical restraint against any person; or

19 “(C) the abuse or threatened abuse of law
20 or the legal process; and

21 “(3) the term ‘venture’ means any group of two
22 or more individuals associated in fact, whether or
23 not a legal entity.”.

1 (2) REPEAL OF TRANSFERRED SECTION.—Sec-
2 tion 1591 of title 18, United States Code, is re-
3 pealed.

4 (3) ELIMINATION OF CROSS REFERENCES TO
5 REPEALED SECTION.—

6 (A) Section 1594 of title 18, United States
7 Code, is amended by striking “1590, or 1591”
8 and inserting “or 1591”.

9 (B) Section 1595 of title 18, United States
10 Code, is amended by striking “, 1590, or 1591”
11 and inserting “or 1591”.

12 (4) CLERICAL AMENDMENTS TO TABLES OF
13 SECTIONS.—

14 (A) The table of sections for chapter 77 of
15 title 18, United States Code, is amended by
16 striking the item relating to section 1591.

17 (B) The table of sections for chapter 117
18 of title 18, United States Code, is amended by
19 adding at the end the following new item:

“2429. Aggravated sex trafficking.”.

20 (5) CHANGE IN CHAPTER HEADINGS.—

21 (A) The heading for chapter 77 of title 18,
22 United States Code, is amended to read as fol-
23 lows:

1 **“CHAPTER 77—PEONAGE, SLAVERY, AND**
 2 **TRAFFICKING INTO SERVITUDE”.**

3 (B) The heading for chapter 117 of title
 4 18, United States Code, is amended to read as
 5 follows:

6 **“CHAPTER 117—SEX TRAFFICKING, SEX**
 7 **TOURISM, AND OTHER TRANSPOR-**
 8 **TATION FOR ILLEGAL SEXUAL ACTIV-**
 9 **ITY”.**

10 (C) The table of chapters at the beginning
 11 of part I of title 18, United States Code, is
 12 amended—

13 (i) so that the item relating to chapter
 14 77 reads as follows:

“77. Peonage, Slavery, and Trafficking into Servitude1581”; and

15 (ii) so that the item relating to chap-
 16 ter 117 reads as follows:

“117. Sex Trafficking, Sex Tourism, and Other Transportation for Ille-
 gal Sexual Activity 2421”.

17 (b) **COMPELLED SERVICE.—**

18 (1) **IN GENERAL.—**Section 1592 of title 18,
 19 United States Code, is amended to read as follows:

20 **“§ 1592. Unlawful compelled service**

21 “(a) **GENERALLY.—**Whoever knowingly, with intent
 22 to obtain or maintain the labor or services of a person

1 or to obtain or maintain a person for use in a commercial
2 sex act (as defined in section 2429)—

3 “(1) destroys, conceals, removes, confiscates, or
4 possesses any actual or purported passport or other
5 immigration document, or any other actual or pur-
6 ported government identification document, of an-
7 other person to prevent or restrict or to attempt to
8 prevent or restrict, without lawful authority, the per-
9 son’s ability to move or travel;

10 “(2) acts or fails to act, or threatens to do so,
11 under color of official right;

12 “(3) blackmails another person; or

13 “(4) causes or exploits financial harm or a fear
14 of financial harm on the part of that person;

15 shall be fined under this title or imprisoned not more than
16 5 years, or both.

17 “(b) DEFINITION.—For purposes of this paragraph,
18 ‘financial harm’ includes the factors set forth in section
19 892(b) of this title, and fees charged for foreign labor con-
20 tracting activity, as defined in section 202(g) of the Wil-
21 liam Wilberforce Trafficking Reauthorization Act of 2007,
22 that are not reasonably related to services provided to the
23 foreign worker.”.

24 (2) CLERICAL AMENDMENT.—The item relating
25 to section 1592 in the table of sections at the begin-

1 ning of chapter 77 of title 18, United States Code,
2 is amended to read as follows:

“1592.Unlawful compelled service.”.

3 (c) RESTITUTION OF FORFEITED ASSETS.—(1) Sec-
4 tion 1593(b) of title 18, United States Code, is amended
5 by inserting at the end the following:

6 “(4) The distribution of proceeds among multiple vic-
7 tims in an order of restitution under this section shall gov-
8 ern the distribution of forfeited funds through the proc-
9 esses of remission or restoration under this section or any
10 other statute that explicitly authorizes restoration or re-
11 mission of forfeited property.”

12 (2) Section 1594 of title 18, United States Code, is
13 amended—

14 (A) in subsection (b), by striking “The court,”
15 and inserting “Subject to remission or restoration,
16 the court,”; and

17 (B) in subsection (c), by adding at the end the
18 following:

19 “(3) The Attorney General shall grant restoration or
20 remission of property to victims of an offense under this
21 chapter that result in forfeiture under this section or
22 under any other statute that explicitly authorizes restora-
23 tion or remission of forfeited property.

24 “(4) In a prosecution brought under any other provi-
25 sion of Federal law, the Attorney General may grant res-

1 toration or remission of property to victims of severe forms
2 of trafficking as defined in section 103 of the Trafficking
3 Victims Protection Act of 2000, in accordance with section
4 1594(b)(4).”.

5 (d) ENHANCEMENT OF CIVIL ACTION.—Section 1595
6 of title 18, United States Code, is amended—

7 (1) in subsection (a) by—

8 (A) by striking “of section 1589, 1590, or
9 1591”; and

10 (B) by inserting “(or any person who
11 knowingly benefits, financially or by receiving
12 anything of value from participation in a ven-
13 ture which has engaged in an act in violation of
14 this chapter)” after “perpetrator”.

15 (2) by adding at the end the following:

16 “(c) No action shall be maintained under this section
17 unless it is commenced within 10 years after the cause
18 of action arose.”.

19 (e) RETALIATION IN FOREIGN LABOR CON-
20 TRACTING.—Title 18, United States Code, is amended—

21 (1) in section 1512(a)(2)—

22 (A) by striking “or” at the end of subpara-
23 graph (B);

1 (B) by striking “proceedings;” at the end
2 of subparagraph (C) and inserting “pro-
3 ceedings; or”; and

4 (C) by inserting immediately after sub-
5 paragraph (C) the following:

6 “(D) hinder, delay or prevent the disclosure of
7 information concerning a violation with respect to
8 aliens of the requirements of an employment-based
9 visa or any Federal labor or employment law;”;

10 (2) in section 1512(b)—

11 (A) by striking “or” at the end of para-
12 graph (2);

13 (B) by striking “proceedings;” at the end
14 of paragraph (3) and inserting “proceedings;
15 or”; and

16 (C) by inserting immediately after para-
17 graph (3) the following:

18 “(4) hinder, delay, or prevent the cooperation of
19 any person in an investigation or other proceeding
20 concerning compliance with respect to aliens with
21 the requirements of employment-based visas or any
22 Federal labor or employment law;”;

23 (3) in section 1513(b)—

24 (A) by striking “or” at the end of para-
25 graph (1);

1 (B) by inserting “or” at the end of para-
2 graph (2); and

3 (C) by inserting immediately after para-
4 graph (2) the following:

5 “(3) hinder, delay, or prevent the cooperation of
6 any person in an investigation or other proceeding
7 concerning compliance with respect to aliens with
8 the requirements of employment-based visas or any
9 other Federal labor or employment law;”; and

10 (4) in section 1515(a)—

11 (A) by striking “and” at the end of para-
12 graph (5);

13 (B) by striking the period at the end of
14 paragraph (6) and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(7) the term ‘employment-based visa’ means a
17 nonimmigrant visa issued for the purpose of employ-
18 ment, student exchange employment, or job training
19 in the United States, including those issued under
20 subparagraph (A)(iii), (B)(i) (but only for domestic
21 servants described in clause (i) or (ii) of section
22 274a.12(c)(17) of title 8, Code of Federal Regula-
23 tions (as in effect on December 4, 2007)), (G)(v),
24 (H), (J), (L), (Q), or (R) of section 101(a)(15) of
25 the Immigration and Nationality Act.”.

1 (f) SEX TRAFFICKING.—

2 (1) NEW OFFENSE.—Chapter 117 of title 18,
3 United States Code, is amended by inserting at the
4 end the following:

5 **“§ 2430. Sex trafficking**

6 “Whoever knowingly, in or affecting interstate or for-
7 eign commerce, within the special maritime and territorial
8 jurisdiction of the United States, or in any territory or
9 possession of the United States, persuades, induces, or en-
10 tices any individual to engage in prostitution for which
11 any person can be charged with an offense, or attempts
12 to do so, shall be fined under this title or imprisoned not
13 more than 10 years, or both”.

14 (2) AMENDMENT TO THE TABLE OF SEC-
15 TIONS.—The table of sections at the beginning of
16 chapter 117 of title 18, United States Code, is
17 amended by inserting at the end the following new
18 item:

“2430. Sex trafficking.”.

19 (g) SEX TOURISM.—

20 (1) GENERALLY.—Chapter 117 of title 18,
21 United States Code, is amended by inserting at the
22 end the following:

23 **“§ 2431. Sex tourism**

24 “(a) ARRANGING TRAVEL AND RELATED CON-
25 DUCT.—Whoever, for the purpose of commercial advan-

1 tage or private financial gain, knowingly arranges, in-
2 duces, or procures the travel of a person in foreign com-
3 merce for the purpose of engaging in any commercial sex
4 act (as defined in section 2429), or attempts to do so,
5 shall be fined under this title, imprisoned not more than
6 10 years, or both.

7 “(b) INCREASED PENALTY FOR OFFENSES INVOLV-
8 ING CHILDREN.—If the commercial sex act is with a per-
9 son under 18 years of age, the maximum term of impris-
10 onment for an offense under this section is 30 years.”;

11 (2) AMENDMENT TO TABLE OF SECTIONS.—

12 The table of sections at the beginning of chapter
13 117 of title 18, United States Code, is amended by
14 inserting at the end the following new item:

“2431. Sex tourism.”.

15 (h) AMENDMENT TO THE SENTENCING GUIDE-
16 LINES.—Pursuant to its authority under section 994 of
17 title 28, United States Code, and in accordance with this
18 section, the United States Sentencing Commission shall
19 review and, if appropriate, amend the sentencing guide-
20 lines and policy statements applicable—

21 (1) to persons convicted of offenses created by
22 this section other than those created by subsections
23 (f) and (g), to ensure conformity with the United
24 States Sentencing Guidelines, sections 2H4.1 (peon-
25 age offenses) and 2H4.2 (labor offenses); and

1 “(2) an alleged offender is present in the
2 United States, irrespective of the nationality of the
3 alleged offender.

4 “(b) LIMITATION ON PROSECUTIONS OF OFFENSES
5 PROSECUTED IN OTHER COUNTRIES.—No prosecution
6 may be commenced against a person under this section
7 if a foreign government, in accordance with jurisdiction
8 recognized by the United States, has prosecuted or is pros-
9 ecuting such person for the conduct constituting such of-
10 fense, except upon the approval of the Attorney General
11 or the Deputy Attorney General (or a person acting in
12 either such capacity), which function of approval may not
13 be delegated.”.

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

“1596. Additional jurisdiction in certain trafficking offenses.”.

18 **SEC. 223. AMENDMENT OF OTHER CRIMES RELATED TO**
19 **TRAFFICKING.**

20 (a) ALIENS ENTERING THE UNITED STATES.—

21 (1) IN GENERAL.—Section 278 of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1328) is amend-
23 ed to read as follows:

1 “ALIENS IN PROSTITUTION

2 “SEC. 278. (a) GENERALLY.—Whoever, for the pur-
3 poses of prostitution or for any other sexual activity for
4 which any person can be charged with a criminal offense—

5 “(1) knowingly imports or attempts to import
6 any alien; or

7 “(2) knowing or in reckless disregard of the
8 fact that an individual is an alien who lacks lawful
9 authority to come to, enter, or reside in the United
10 States, knowingly holds, keeps, maintains, supports,
11 employs, or harbors the individual in any place in
12 the United States, including any building or any
13 means of transportation, or attempts to do so,
14 shall be fined under title 18, United States Code, or im-
15 prisoned not more than 10 years, or both.

16 “(b) SPECIAL EVIDENTIARY RULE.—In all prosecu-
17 tions under this section, the testimony of a husband or
18 wife shall be admissible and competent evidence against
19 each other.”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents of the Immigration and Nationality Act is
22 amended by amending the item relating to section
23 278 to read as follows:

“Sec. 278. Aliens in prostitution.”.

24 (b) AMENDMENT TO THE SENTENCING GUIDE-
25 LINES.—Pursuant to its authority under section 994 of

1 title 28, United States Code, and in accordance with this
2 section, the United States Sentencing Commission shall
3 review and, if appropriate, amend the sentencing guide-
4 lines and policy statements applicable to persons convicted
5 of offenses created by this section to ensure conformity
6 with the United States Sentencing Guidelines, section
7 2H4.1 (peonage offenses) in violations involving a holding
8 under section 278(a)(2) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1328(a)(2)), and section.2G1.1 other-
10 wise.

11 (c) **IMBRA VIOLATIONS.**—Section 833(d)(5)(B) of
12 the Violence Against Women and Department of Justice
13 Reauthorization Act of 2005 (Public Law 109–162) is
14 amended by striking “interstate or foreign commerce, an
15 international marriage broker that, within the special mar-
16 itime and territorial jurisdiction of the United States, vio-
17 lates” and inserting “interstate or foreign commerce or
18 within the special maritime and territorial jurisdiction of
19 the United States, an international marriage broker that
20 violates”.

21 **SEC. 224. NEW MODEL STATUTE PROVIDED TO STATES.**

22 (a) **NEW MODEL STATUTE.**—The Attorney General
23 shall provide a new model law for State anti-trafficking
24 offenses that shall reflect all concepts relating to traf-
25 ficking in persons included in Chapters 77 and 117 of title

1 18, United States Code, as amended by this title, includ-
2 ing crimes related to forced labor, sex trafficking, and re-
3 lated offenses, with the elements of force, fraud or coer-
4 cion or age in sex trafficking used as the bases for aggra-
5 vated crimes or sentencing enhancements

6 (b) DISTRIBUTION.—The model law described in sub-
7 section (a) shall be posted on the website of the Depart-
8 ment of Justice and shall be distributed to the States and
9 at the anti-trafficking conference described in section
10 201(a)(2) of the Trafficking Victims Protection Reauthor-
11 ization Act of 2005 (42 U.S.C. 14044(a)).

12 (c) ADOPTION OF MODEL STATUTE.—

13 (1) ASSISTANCE.—The Attorney General shall
14 provide assistance to States and local governments
15 to adopt and apply the model law described in sub-
16 section (a).

17 (2) REPORT.—Not later than six months after
18 the enactment of this Act, and annually thereafter,
19 the Attorney General shall submit to the Committees
20 on Foreign Affairs and the Judiciary of the House
21 and the Committees on Foreign Relations and the
22 Judiciary of the Senate a report describing the as-
23 sistance provided pursuant to paragraph (1) and the
24 results achieved by such assistance, including a list

1 of State and local governments that have adopted
2 the model law.

3 **Subtitle D—Activities of the United** 4 **States Government**

5 **SEC. 231. ANNUAL REPORT BY THE ATTORNEY GENERAL.**

6 Section 105(d)(7) of the Trafficking Victims Protec-
7 tion Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

8 (1) in subparagraph (A)—

9 (A) by striking “section 107(b)” and in-
10 sserting “subsections (b) and (h) of section
11 107”; and

12 (B) by inserting “the Attorney General,”
13 after “the Secretary of Labor,”;

14 (2) in subparagraph (G), by striking “and” at
15 the end;

16 (3) by redesignating subparagraph (H) as sub-
17 paragraph (J); and

18 (4) by inserting after subparagraph (G) the fol-
19 lowing new subparagraphs:

20 “(H) activities by the Department of De-
21 fense to combat trafficking in persons, includ-
22 ing educational efforts for and disciplinary ac-
23 tions taken against members of the United
24 States Armed Forces, materials included in
25 training of the armed forces of foreign coun-

1 tries, and efforts to ensure that United States
2 Government contractors and their employees or
3 United States Government subcontractors and
4 their employees do not engage in trafficking in
5 persons;

6 “(I) activities or actions by Federal depart-
7 ments and agencies to enforce—

8 “(i) section 106(g) of this Act and
9 any similar provision of law, regulation, or
10 policy relating to United States Govern-
11 ment contractors and their employees or
12 United States Government subcontractors
13 and their employees that engage in severe
14 forms of trafficking in persons, procure-
15 ment of commercial sex acts, or use of
16 forced labor, including debt bondage;

17 “(ii) section 307 of the Tariff Act of
18 1930 (19 U.S.C. 1307; relating to prohibi-
19 tion on importation of convict made
20 goods), including any determinations by
21 the Secretary of Homeland Security to
22 waive the restrictions of such section; and

23 “(iii) prohibitions on the procurement
24 by the United States Government of items
25 or services produced by slave labor, con-

1 sistent with Executive Order 13107 (De-
2 cember 10, 1998); and”.

3 **SEC. 232. ANTI-TRAFFICKING SURVEY AND CONFERENCES.**

4 (a) SURVEY.—Paragraph (1) of section 201(a) of the
5 Trafficking Victims Protection Reauthorization Act of
6 2005 (42 U.S.C. 14044(a)) is amended by adding at the
7 end the following:

8 “(C) ADDITIONAL REQUIREMENTS.—With
9 respect to the study described in subparagraph
10 (B)(ii), the Attorney General shall solicit on a
11 biennial basis, beginning as soon as practicable
12 after the date of the enactment of the William
13 Wilberforce Trafficking Victims Protection Re-
14 authorization Act of 2007, requests for pro-
15 posals for such a study from nongovernmental
16 entities with expertise in the field of illegal eco-
17 nomic activities and shall complete such study
18 not later than one year after the date of the en-
19 actment of such Act.”

20 (b) ANNUAL CONFERENCE.—Paragraph (2)(A) of
21 such section is amended—

22 (1) in the first sentence, by striking “in con-
23 sultation” and inserting “in coordination with the
24 Secretary of State and in consultation”; and

1 (2) in clause (ii), by inserting before the semi-
2 colon at the end the following: “and the use of exist-
3 ing Federal and State criminal laws that do not re-
4 quire force, fraud, or coercion as an element of a fel-
5 ony crime to prosecute such person.”.

6 **SEC. 233. SENIOR POLICY OPERATING GROUP.**

7 Section 206 of the Trafficking Victims Protection Re-
8 authorization Act of 2005 (42 U.S.C. 14044d) is amended
9 by striking “, as the department or agency determines ap-
10 propriate,”.

11 **SEC. 234. EFFORTS BY DEPARTMENTS OF JUSTICE AND**
12 **LABOR TO COMBAT HUMAN TRAFFICKING.**

13 (a) ACTIVITIES AT THE DEPARTMENT OF JUSTICE.—

14 (1) ROLE OF CRIMINAL DIVISION IN TRAF-
15 FICKING CASES.—

16 (A) REDESIGNATION.—The Child Exploi-
17 tation and Obscenity Section of the Criminal
18 Division of the Department of Justice shall be
19 redesignated as the Sexual Exploitation and
20 Obscenity Section.

21 (B) EXPANSION.—The Attorney General
22 shall expand the responsibilities of the Inno-
23 cence Lost Task Forces to incorporate situa-
24 tions involving adults who are sexually exploited

1 by persons in violation of offenses such as sec-
2 tion 2430.

3 (C) RESPONSIBILITIES.—The chief of the
4 section described in subsection (a) should work
5 with other parts of the Department of Justice
6 and State and local law enforcement to ensure
7 effective prosecutions through the task force de-
8 scribed in subparagraph (B).

9 (D) REFERENCES.—Any reference to the
10 Child Exploitation and Obscenity Section of the
11 Criminal Division in any law, regulation, rule,
12 directive, instruction or other official United
13 States Government document in effect on the
14 date of enactment of this Act shall be deemed
15 to refer to the Sexual Exploitation and Obscen-
16 ity Section.

17 (2) CONSTRUCTION.—Nothing in this sub-
18 section shall be construed as affecting the activities
19 of the Criminal Section of the Civil Rights Division
20 relating to the 13th Amendment’s prohibition of
21 slavery and involuntary servitude.

22 (b) DEPARTMENT OF LABOR.—

23 (1) ESTABLISHMENT.—The Secretary of Labor
24 shall establish within the Department of Labor a
25 Coordinator to Combat Human Trafficking.

1 (2) DUTIES.—In addition to any other respon-
2 sibilities that the Secretary of Labor may assign, the
3 Coordinator shall have the following responsibilities:

4 (A) Ensure coordination of policies relating
5 to victims of trafficking, both in the United
6 States and abroad, among the various offices
7 and components of the Department of Labor,
8 including the Office of the Solicitor, the Em-
9 ployment Standards Administration, the Wage
10 and Hour Division, the Bureau of International
11 Labor Affairs, and the Office of Child Labor,
12 Forced Labor, and Human Trafficking.

13 (B) Ensure improved communication and
14 coordination with State labor agencies relating
15 to trafficking in persons.

16 (C) Represent the Department at inter-
17 agency mechanisms relating to trafficking in
18 persons, including assisting appropriate high-
19 level officials of the Department of Labor who
20 are members of the Senior Policy Operating
21 Group.

22 (D) Serve, in conjunction with the Coordi-
23 nator to Combat Human Trafficking of the De-
24 partment of Justice (established pursuant to
25 subsection (a)), as the executive secretariat of

1 **SEC. 236. ENHANCING EFFORTS TO COMBAT THE TRAF-**
2 **FICKING OF CHILDREN.**

3 (a) FINDINGS AND SENSE OF CONGRESS.—

4 (1) FINDINGS.—The Congress finds as follows:

5 (A) The United States Government cur-
6 rently estimates that up to 17,500 individuals
7 are trafficked into the United States each year.
8 Of these, some 50 percent are believed to be
9 under the age of 18. Many of these children are
10 victims of sex trafficking and are forced into
11 prostitution and other exploitative activities in
12 the United States.

13 (B) Despite the large number of children
14 trafficked into the United States every year, the
15 Department of Health and Human Services has
16 identified an average of 20 children per year as
17 trafficking victims through fiscal year 2006.
18 This disparity between estimated and identified
19 victims demonstrates that much more needs to
20 be done in educating individuals who may be
21 coming into contact with trafficked children.

22 (2) SENSE OF CONGRESS.—It is the sense of
23 the Congress that, to the extent consistent with the
24 treaties and other international agreements to which
25 the United States is a party, and to the extent prac-
26 ticable, the United States Government should under-

1 take efforts to protect children from severe forms of
2 trafficking and ensure that it does not repatriate
3 children in Federal custody into settings that would
4 threaten their life or safety.

5 (b) COMBATting CHILD TRAFFICKING AT THE BOR-
6 DER AND PORTS OF ENTRY OF THE UNITED STATES.—

7 (1) POLICIES AND PROCEDURES.—In order to
8 enhance the efforts of the United States to prevent
9 trafficking in persons, the Secretary of State, in con-
10 junction with the Secretary of Homeland Security
11 and the Secretary of Health and Human Services,
12 shall develop policies and procedures to ensure that
13 unaccompanied alien children in the United States
14 are safely repatriated to their country of nationality
15 or of last habitual residence.

16 (2) SPECIAL RULES FOR CHILDREN FROM CON-
17 TIGUOUS COUNTRIES.—

18 (A) DETERMINATIONS.—Any unaccom-
19 panied alien child who is a national or habitual
20 resident of a country that is contiguous with
21 the United States shall be treated in accordance
22 with subparagraph (B), if the Secretary of
23 Homeland Security determines, on a case-by-
24 case basis, that—

1 (i) such child has not been a victim of
2 a severe form of trafficking in persons, and
3 there is no credible evidence that such
4 child is at risk of being trafficked upon re-
5 turn to the child's country of nationality or
6 of last habitual residence;

7 (ii) such child does not have a fear of
8 returning to the child's country of nation-
9 ality or of last habitual residence owing to
10 a credible fear of persecution; and

11 (iii) the child is able to make an inde-
12 pendent decision to withdraw the child's
13 application for admission to the United
14 States.

15 (B) RETURN.—An immigration officer who
16 finds an unaccompanied alien child described in
17 subparagraph (A) at a land border or port of
18 entry of the United States and determines that
19 such child is inadmissible under the Immigra-
20 tion and Nationality Act (8 U.S.C. 1101 et
21 seq.) may—

22 (i) permit such child to withdraw the
23 child's application for admission pursuant
24 to section 235(a)(4) of the Immigration

1 and Nationality Act (8 U.S.C. 1225(a)(4));

2 and

3 (ii) return such child to the child's
4 country of nationality or country of last
5 habitual residence.

6 (C) CONTIGUOUS COUNTRY AGREE-
7 MENTS.—The Secretary of State shall negotiate
8 agreements between the United States and
9 countries contiguous to the United States with
10 respect to the repatriation of children. Such
11 agreements shall be designed to protect children
12 from severe forms of trafficking in persons, and
13 shall, at a minimum, provide that—

14 (i) no child shall be returned to the
15 child's country of nationality or of last ha-
16 bitual residence unless returned to appro-
17 priate officials or employees of the accept-
18 ing country's government;

19 (ii) no child shall be returned to the
20 child's country of nationality or of last ha-
21 bitual residence outside of reasonable busi-
22 ness hours; and

23 (iii) border personnel of the countries
24 that are parties to such agreements are
25 trained in the terms of such agreements.

1 (3) RULE FOR OTHER CHILDREN.—The custody
2 of unaccompanied alien children not described in
3 paragraph (2)(A) who are apprehended at the bor-
4 der of the United States or at a United States port
5 of entry shall be treated in accordance with sub-
6 section (c).

7 (4) SCREENING.—Within 48 hours of the ap-
8 prehension of a child who is believed to be described
9 in paragraph (2)(A), but in any event prior to re-
10 turning such child to the child’s country of nation-
11 ality or of last habitual residence, the child shall be
12 screened to determine whether the child meets the
13 criteria listed in paragraph (2)(A). If the child does
14 not meet such criteria, or if no determination can be
15 made within 48 hours of apprehension, the child
16 shall immediately be transferred to the Secretary of
17 Health and Human Services and treated in accord-
18 ance with subsection (c).

19 (5) ENSURING THE SAFE REPATRIATION OF
20 CHILDREN.—

21 (A) REPATRIATION PILOT PROGRAM.—To
22 protect children from trafficking and exploi-
23 tation, the Secretary of State shall create a
24 pilot program, in conjunction with non-govern-
25 mental organizations and other national and

1 international agencies and experts, to develop
2 and implement best practices to ensure the safe
3 and secure repatriation and reintegration of un-
4 accompanied alien children into their country of
5 nationality or of last habitual residence, includ-
6 ing placement with their families or other spon-
7 soring agencies.

8 (B) REPORT ON REPATRIATION OF UNAC-
9 COMPANIED ALIEN CHILDREN.—Not later than
10 18 months after the date of the enactment of
11 this Act, and annually thereafter, the Secretary
12 of Homeland Security, in conjunction with the
13 Secretary of State and Secretary of Health and
14 Human Services, shall submit a report to the
15 Committee on the Judiciary of the Senate and
16 the Committee on the Judiciary of the House of
17 Representatives on efforts to repatriate unac-
18 companied alien children. Such report shall in-
19 clude—

20 (i) the number of unaccompanied
21 alien children ordered removed and the
22 number of such children actually removed
23 from the United States;

24 (ii) a statement of the nationalities,
25 ages, and gender of such children;

1 (iii) a description of the policies and
2 procedures used to effect the removal of
3 such children from the United States and
4 the steps taken to ensure that such chil-
5 dren were safely and humanely repatriated
6 to their country of nationality or of last
7 habitual residence, including a description
8 of the repatriation pilot program created
9 pursuant to subparagraph (A);

10 (iv) a description of the type of immi-
11 gration relief sought and denied to such
12 children; and

13 (v) statistical information and other
14 data on unaccompanied alien children as
15 provided for in section 462(b)(1)(J) of the
16 Homeland Security Act of 2002 (6 U.S.C.
17 279(b)(1)(J)).

18 (C) PLACEMENT IN REMOVAL PRO-
19 CEEDINGS.—Any unaccompanied alien child
20 sought to be removed by the Department of
21 Homeland Security, except for an unaccom-
22 panied alien child from a contiguous country
23 subject to exceptions under subsection (b)(2),
24 shall be placed in removal proceedings under

1 section 240 of the Immigration and Nationality
2 Act (8 U.S.C. 1229a).

3 (c) COMBATTING CHILD TRAFFICKING AND EXPLOI-
4 TATION IN THE UNITED STATES.—

5 (1) CARE AND CUSTODY OF UNACCOMPANIED
6 ALIEN CHILDREN.—Consistent with section 462 of
7 the Homeland Security Act of 2002 (6 U.S.C. 279),
8 and except as otherwise provided under subsection
9 (b), the care and custody of all unaccompanied alien
10 children, including responsibility for their detention,
11 where appropriate, shall be the responsibility of the
12 Secretary of Health and Human Services.

13 (2) NOTIFICATION.—Each department or agen-
14 cy of the Federal Government shall notify the De-
15 partment of Health and Human services within 48
16 hours upon—

17 (A) the apprehension or discovery of an
18 unaccompanied alien child; or

19 (B) any claim or suspicion that an alien in
20 the custody of such department or agency is
21 under 18 years of age and is unaccompanied.

22 (3) TRANSFERS OF UNACCOMPANIED ALIEN
23 CHILDREN.—Any department or agency of the Fed-
24 eral Government that has an unaccompanied alien
25 child in its custody shall transfer the custody of such

1 child to the Secretary of Health and Human Serv-
2 ices within 72 hours, except in the case of excep-
3 tional circumstances, upon a determination that
4 such child is an unaccompanied alien child.

5 (4) AGE DETERMINATIONS.—

6 (A) IN GENERAL.—The Secretary of
7 Health and Human Services shall make an age
8 determination for an alien described in para-
9 graph (2)(B) and take whatever other steps are
10 necessary to determine whether such alien is el-
11 igible for treatment under this section or sec-
12 tion 462 of the Homeland Security Act of 2002
13 (6 U.S.C. 279).

14 (B) PROCEDURES.—The Secretary of
15 Health and Human Services, in consultation
16 with the Secretary of Homeland Security, shall
17 develop procedures to make a prompt deter-
18 mination of the age of an alien, which shall be
19 used by the Secretary of Homeland Security
20 and the Secretary of Health and Human Serv-
21 ices for children in their respective custody. At
22 a minimum, these procedures shall permit the
23 presentation of multiple forms of evidence, in-
24 cluding the non-exclusive use of radiographs, to
25 determine the age of the unaccompanied alien.

1 (d) PROVIDING SAFE AND SECURE PLACEMENTS
2 FOR CHILDREN.—

3 (1) POLICIES AND PROGRAMS.—The Secretary
4 of Health and Human Services, Secretary of Home-
5 land Security, Attorney General, and Secretary of
6 State shall establish policies and programs to ensure
7 that unaccompanied alien children in the United
8 States are protected from traffickers and other per-
9 sons seeking to victimize or otherwise engage such
10 children in criminal, harmful, or exploitative activity,
11 including policies and programs reflecting best prac-
12 tices in witness security programs.

13 (2) SAFE AND SECURE PLACEMENTS.—Subject
14 to section 462(b)(2) of the Homeland Security Act
15 of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied
16 alien child in the custody of the Secretary of Health
17 and Human Services shall be promptly placed in the
18 least restrictive setting that is in the best interest of
19 the child. In making such placements, the Secretary
20 of Health and Human Services may consider danger
21 to self, danger to the community, and risk of flight.
22 Placement of child trafficking victims may include
23 placement with competent adult victims of the same
24 trafficking scheme in order to ensure continuity of
25 care and support. A child shall not be placed in a

1 juvenile delinquency or other secure detention facil-
2 ity (as defined in section 103(12) of the Juvenile
3 Justice and Delinquency Prevention Act of 1974 (42
4 U.S.C. 5603(12)) absent a determination that the
5 child poses a danger to others or has been accused
6 of having committed a criminal offense.

7 (3) SAFETY AND SUITABILITY ASSESSMENTS.—

8 (A) IN GENERAL.—Subject to the require-
9 ments of subparagraph (B), an unaccompanied
10 alien child may not be placed with a person or
11 entity unless the Secretary of Health and
12 Human Services makes a determination that
13 the proposed custodian is capable of providing
14 for the child’s physical and mental well-being.
15 Such determination shall, at a minimum, in-
16 clude verification of the custodian’s identity and
17 relationship to the child, if any, as well as an
18 independent finding that the individual has not
19 engaged in any activity that would indicate a
20 potential risk to the child.

21 (B) HOME STUDIES.—Before placing the
22 child with an individual, the Secretary of
23 Health and Human Services shall determine
24 whether a home study is first necessary. A
25 home study shall be conducted for a child who

1 is a victim of a severe form of trafficking in
2 persons, a special needs child with a disability
3 (as defined in section 3 of the Americans with
4 Disabilities Act of 1990 (42 U.S.C. 12102(2))),
5 or a child who has been a victim of physical or
6 sexual abuse under circumstances that indicate
7 that the child's health or welfare has been sig-
8 nificantly harmed or threatened. The Secretary
9 of Health and Human Services shall conduct
10 follow-up services, during the pendency of re-
11 moval proceedings, on children and custodians
12 for whom a home study was conducted.

13 (C) ACCESS TO INFORMATION.—Upon re-
14 quest from the Secretary of Health and Human
15 Services, the Secretary of Homeland Security
16 shall provide information necessary to conduct
17 suitability assessments from appropriate Fed-
18 eral, State, and local law enforcement and im-
19 migration databases.

20 (4) LEGAL ORIENTATION PRESENTATIONS.—
21 The Secretary of Health and Human Services shall
22 cooperate with the Executive Office for Immigration
23 Review to ensure that custodians receive legal ori-
24 entation presentations provided through the Legal
25 Orientation Program administered by the Executive

1 Office for Immigration Review. At a minimum, such
2 presentations shall address the custodian's responsi-
3 bility to ensure the child's appearance at all immi-
4 gration proceedings and to protect the child from
5 mistreatment, exploitation, and trafficking.

6 (5) ACCESS TO COUNSEL.—The Secretary of
7 Health and Human Services shall ensure, to the
8 greatest extent practicable and consistent with sec-
9 tion 292 of the Immigration and Nationality Act (8
10 U.S.C. 1362), that all unaccompanied alien children
11 who are or have been in the custody of the Secretary
12 or the Secretary of Homeland Security, and who are
13 not described in subsection (b)(2)(A), have com-
14 petent counsel to represent them in legal proceedings
15 or matters and protect them from mistreatment, ex-
16 ploitation, and trafficking. To the greatest extent
17 practicable, the Secretary of Health and Human
18 Services shall make every effort to utilize the serv-
19 ices of competent pro bono counsel who agree to pro-
20 vide representation to such children without charge.

21 (6) CHILD ADVOCATES.—The Secretary of
22 Health and Human Services is authorized to appoint
23 independent child advocates for child trafficking vic-
24 tims and other vulnerable unaccompanied children.
25 A child advocate shall be provided access to mate-

1 rials necessary to effectively advocate for the best in-
2 terest of the child. The child advocate shall not be
3 compelled to testify or provide evidence in any pro-
4 ceeding concerning any information or opinion re-
5 ceived from the child in the course of serving as a
6 child advocate. The child advocate shall be presumed
7 to be acting in good faith and be immune from civil
8 and criminal liability for lawful conduct of duties as
9 described in this paragraph.

10 (e) PERMANENT PROTECTION FOR CERTAIN AT-RISK
11 CHILDREN.—

12 (1) IN GENERAL.—Section 101(a)(27)(J) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1101(a)(27)(J)) is amended—

15 (A) in clause (i), by striking “State and
16 who has been deemed eligible by that court for
17 long-term foster care due to abuse, neglect, or
18 abandonment;” and inserting “State, or an in-
19 dividual or entity appointed by a State or juve-
20 nile court located in the United States, and
21 whose reunification with one or both of the im-
22 migrant’s parents is not viable due to abuse,
23 neglect, abandonment, or a similar basis found
24 under State law;”;

1 (B) in clause (iii), in the matter preceding
2 subclause (I), by striking “the Attorney General
3 expressly consents to the dependency order
4 serving as a precondition to the grant of special
5 immigrant juvenile status;” and inserting “the
6 Secretary of Homeland Security consents to the
7 grant of special immigrant juvenile status;”
8 and

9 (C) in clause (iii)(I), by striking “in the
10 actual or constructive custody of the Attorney
11 General unless the Attorney General specifically
12 consents to such jurisdiction;” and inserting “in
13 the custody of the Secretary of Health and
14 Human Services unless the Secretary of Health
15 and Human Services specifically consents to
16 such jurisdiction;”.

17 (2) ADJUSTMENT OF STATUS.—Section
18 245(h)(2)(A) of the Immigration and Nationality
19 Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as
20 follows:

21 “(A) paragraphs (4), (5)(A), (6)(A),
22 (6)(C), (6)(D), (7)(A), and (9)(C)(i)(I) of sec-
23 tion 212(a) shall not apply; and”.

24 (3) ELIGIBILITY FOR ASSISTANCE.—A child
25 who has been granted special immigrant status

1 under section 101(a)(27)(J) of the Immigration and
2 Nationality Act (8 U.S.C. 1101(a)(27)(J)) and who
3 was either in the custody of the Secretary of Health
4 and Human Services at the time a dependency order
5 was granted for such child or who was receiving
6 services pursuant to section 501(a) of the Refugee
7 Education Assistance Act of 1980 (8 U.S.C. 1522
8 note) at the time such dependency order was grant-
9 ed, shall be eligible for placement and services under
10 section 412(d) of the Immigration and Nationality
11 Act (8 U.S.C. 1522(d)) until the earlier of—

12 (A) the date on which the child reaches the
13 age designated in section 412(d)(2)(B) of the
14 Immigration and Nationality Act (8 U.S.C.
15 1522(d)(2)(B)); or

16 (B) the date on which the child is placed
17 in a permanent adoptive home.

18 (4) STATE COURTS ACTING IN LOCO
19 PARENTIS.—A department or agency of a State, or
20 an individual or entity appointed by a State court or
21 juvenile court located in the United States, acting in
22 loco parentis, shall not be considered a legal guard-
23 ian for purposes of this section or section 462 of the
24 Homeland Security Act of 2002 (6 U.S.C. 279).

1 (5) TRANSITION RULE.—Notwithstanding any
2 other provision of law, an alien described in section
3 101(a)(27)(J) of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)(27)(J)), as amended by para-
5 graph (1), may not be denied special immigrant sta-
6 tus under such section after the date of the enact-
7 ment of this Act based on age if the alien was a
8 child on the date on which the alien applied for such
9 status.

10 (6) ACCESS TO ASYLUM PROTECTIONS.—Sec-
11 tion 208 of the Immigration and Nationality Act (8
12 U.S.C. 1158) is amended—

13 (A) in subsection (a)(2), by adding at the
14 end the following:

15 “(E) APPLICABILITY.—Subparagraphs (A)
16 and (B) shall not apply to an unaccompanied
17 alien child (as defined in section 462(g) of the
18 Homeland Security Act of 2002 (6 U.S.C.
19 279(g))).”;

20 (B) in subsection (b)(3), by adding at the
21 end the following:

22 “(C) INITIAL JURISDICTION.—An asylum
23 officer (as defined in section 235(b)(1)(E))
24 shall have initial jurisdiction over any asylum
25 application filed by an unaccompanied alien

1 child (as defined in section 462(g) of the Home-
2 land Security Act of 2002 (6 U.S.C. 279(g))),
3 regardless of whether filed in accordance with
4 this section or section 235(b).”.

5 (7) SPECIALIZED NEEDS OF CHILDREN.—Appli-
6 cations for asylum and other forms of relief from re-
7 moval in which a child is the principal applicant
8 shall be governed by regulations which take into ac-
9 count the specialized needs of children and which ad-
10 dress both procedural and substantive aspects of
11 handling children’s cases.

12 (f) TRAINING.—The Secretary of State, the Secretary
13 of Homeland Security, the Secretary of Health and
14 Human Services and the Attorney General shall provide
15 specialized training to all Federal personnel who come into
16 contact with unaccompanied alien children. Such per-
17 sonnel shall be trained to work with unaccompanied alien
18 children, including identifying children who are a victim
19 of a severe form of trafficking in persons, and children
20 for whom asylum or special immigrant relief may be ap-
21 propriate, including children described in subsection
22 (b)(2).

23 (g) AMENDMENTS TO THE HOMELAND SECURITY
24 ACT OF 2002.—

1 (1) ADDITIONAL RESPONSIBILITIES.—Section
2 462(b)(1)(L) of the Homeland Security Act of 2002
3 (6 U.S.C. 279(b)(1)(L)) is amended by striking the
4 period at the end and inserting “, including regular
5 follow-up visits to such facilities, placements, and
6 other entities, to assess the continued suitability of
7 such placements.”.

8 (2) TECHNICAL CORRECTIONS.—Section 462(b)
9 of the Homeland Security Act of 2002 (6 U.S.C.
10 279(b)) is amended—

11 (A) in paragraph (3), by striking “para-
12 graph (1)(G),” and inserting “paragraph (1),”;
13 and

14 (B) by adding at the end the following:

15 “(4) RULE OF CONSTRUCTION.—Nothing in
16 paragraph (2)(B) may be construed to require that
17 a bond be posted for an unaccompanied alien child
18 who is released to a qualified sponsor.”.

19 (h) DEFINITION OF UNACCOMPANIED ALIEN
20 CHILD.—For purposes of this section, the term “unaccom-
21 panied alien child” has the meaning given such term in
22 section 462(g) of the Homeland Security Act of 2002 (6
23 U.S.C. 279(g)).

1 (i) EFFECTIVE DATE.—This section shall take effect
2 on the date that is 90 days after the date of the enactment
3 of this Act.

4 (j) GRANTS AND CONTRACTS.—The Secretary of
5 Health and Human Services may award grants to, and
6 enter into contracts with, voluntary agencies to carry out
7 this section and section 462 of the Homeland Security Act
8 of 2002 (6 U.S.C. 279).

9 **SEC. 237. TEMPORARY INCREASE IN FEE FOR CERTAIN**
10 **CONSULAR SERVICES.**

11 (a) INCREASE IN FEE.—Notwithstanding any other
12 provision of law, not later than October 1, 2008, the Sec-
13 retary of State shall increase by \$2.00 the fee or surcharge
14 assessed under section 140(a) of the Foreign Relations
15 Authorization Act, Fiscal Years 1994 and 1995 (Public
16 Law 103–236; 8 U.S.C. 1351 note) for processing ma-
17 chine readable nonimmigrant visas and machine readable
18 combined border crossing identification cards and non-
19 immigrant visas.

20 (b) DEPOSIT OF AMOUNTS.—Notwithstanding sec-
21 tion 140(a)(2) of the Foreign Relations Authorization Act,
22 Fiscal Years 1994 and 1995 (Public Law 103–236; 8
23 U.S.C. 1351 note), fees collected under the authority of
24 subsection (a) shall be deposited in the Treasury.

1 (c) DURATION OF INCREASE.—The fee increase au-
2 thorized under subsection (a) shall terminate on the date
3 that is 2 years after the date on which such fee is first
4 collected.

5 **TITLE III—AUTHORIZATIONS OF**
6 **APPROPRIATIONS**

7 **SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.**

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

10 (1) in subsection (a)—

11 (A) in the first sentence—

12 (i) by striking “104,”; and

13 (ii) by striking “\$1,500,000” and all
14 that follows through “2007” and inserting
15 “\$5,000,000 for each of the fiscal years
16 2008 through 2011”; and

17 (B) in the second sentence—

18 (i) by inserting “\$1,500,000 for addi-
19 tional personnel for each of the fiscal years
20 2008 through 2011” after “Office to Mon-
21 itor and Combat Trafficking”; and

22 (ii) by striking “2006 and 2007” and
23 inserting “2008 through 2011”;

24 (2) in the first sentence of subsection (b), by
25 striking “\$5,000,000” and all that follows through

1 “2007” and inserting “\$15,000,000 for each of the
2 fiscal years 2008 through 2011”;

3 (3) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) by striking “2004, 2005, 2006,
6 and 2007” each place it appears and in-
7 serting “2008 through 2011”;

8 (ii) in subparagraph (B)—

9 (I) by striking “\$15,000,000”
10 and inserting “\$10,000,000”; and

11 (II) by adding at the end the fol-
12 lowing new sentence: “To carry out
13 the purposes of section 107(a)(1)(F),
14 there are authorized to be appro-
15 priated to the Secretary of State
16 \$500,000 for fiscal year 2008,
17 \$750,000 for fiscal year 2009, and
18 \$1,000,000 for each of the fiscal years
19 2010 and 2011.”; and

20 (iii) in subparagraph (C), by inserting
21 “(as added by section 109)” after “section
22 134 of the Foreign Assistance Act of
23 1961”;

24 (B) by striking paragraph (2);

1 (C) by redesignating paragraph (3) as
2 paragraph (2); and

3 (D) in paragraph (2) (as redesignated by
4 subparagraph (C))—

5 (i) by striking “section 104” and in-
6 serting “sections 116(f) and 502B(h) of
7 the Foreign Assistance Act of 1961 (as
8 added by section 104)”; and

9 (ii) by striking “, including the prepa-
10 ration” and all that follows through “sec-
11 tion”;

12 (4) in subsection (d)—

13 (A) in the first sentence, by striking
14 “\$10,000,000” and all that follows through
15 “2007” and inserting “\$15,000,000 for each of
16 the fiscal years 2008 through 2011”; and

17 (B) in the second sentence, by striking
18 “\$250,000” and all that follows through
19 “2007” and inserting “\$500,000 for each of
20 the fiscal years 2008 through 2011”;

21 (5) in subsection (e)—

22 (A) in paragraph (1), by striking
23 “\$5,000,000” and all that follows through
24 “2007” and inserting “\$15,000,000 for each of
25 the fiscal years 2008 through 2011”;

1 (B) in paragraph (2)—

2 (i) by striking “section 109” and in-
3 serting “section 134 of the Foreign Assist-
4 ance Act of 1961 (as added by section
5 109)”; and

6 (ii) by striking “\$5,000,000” and all
7 that follows through “2007” and inserting
8 “\$15,000,000 for each of the fiscal years
9 2008 through 2011”; and

10 (C) in paragraph (3), by striking
11 “\$300,000” and all that follows through
12 “2007” and inserting “\$1,000,000 for each of
13 the fiscal years 2008 through 2011”;

14 (6) in subsection (f)—

15 (A) by striking “section 107(b)” and in-
16 serting “section 107(b) of this Act and section
17 202(g) of the William Wilberforce Trafficking
18 Victims Protection Reauthorization Act of
19 2007”; and

20 (B) by striking “\$5,000,000” and all that
21 follows through “2007” and inserting
22 “\$15,000,000 for each of the fiscal years 2008
23 through 2011”;

1 (7) in subsection (h), by striking “fiscal year
2 2006” and inserting “each of the fiscal years 2008
3 through 2011”; and

4 (8) in subsection (i), by striking “\$18,000,000”
5 and all that follows through “2007” and inserting
6 “\$18,000,000 for each of the fiscal years 2008
7 through 2011”.

8 **SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHOR-**
9 **IZATION ACT OF 2005.**

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

12 (1) in paragraph (7) of section 102(b), by strik-
13 ing “2006 and 2007” and inserting “2008 through
14 2011”;

15 (2) in subsection (b) of section 105, by adding
16 at the end the following new paragraph:

17 “(3) AUTHORIZATION OF APPROPRIATIONS.—
18 To carry out this subsection, there are authorized to
19 be appropriated to the Secretary of Labor
20 \$1,000,000 for each of the fiscal years 2008 through
21 2011.”;

22 (3) in subsection (c) of section 201—

23 (A) in paragraph (1), by striking
24 “\$2,500,000 for each of the fiscal years 2006
25 and 2007” each place it appears and inserting

1 “\$3,000,000 for each of the fiscal years 2008
2 through 2011”; and

3 (B) in paragraph (2), by striking
4 “\$1,000,000” and all that follows through
5 “2007” and inserting “\$1,000,000 for each of
6 the fiscal years 2008 through 2011”;

7 (4) in subsection (d) of section 202, by striking
8 “\$10,000,000” and all that follows through “2007”
9 and inserting “\$15,000,000 for each of the fiscal
10 years 2008 through 2011”;

11 (5) in subsection (g) of section 203, by striking
12 “\$5,000,000” and all that follows through “2007”
13 and inserting “\$5,000,000 for each of the fiscal
14 years 2008 through 2011”; and

15 (6) in subsection (d) of section 204, by striking
16 “\$25,000,000” and all that follows through “2007”
17 and inserting “\$25,000,000 for each of the fiscal
18 years 2008 through 2011”.

19 **SEC. 303. RULE OF CONSTRUCTION.**

20 The amendments made by sections 301 and 302 shall
21 not be construed to affect the availability of funds appro-
22 priated pursuant to the authorizations of appropriations
23 under the Trafficking Victims Protection Act of 2000 (di-
24 vision A of Public Law 106–386; 22 U.S.C. 7101 et seq.)
25 and the Trafficking Victims Protection Reauthorization

1 Act of 2005 (Public Law 109–164) before the date of the
2 enactment of this Act.

3 **SEC. 304. TECHNICAL AMENDMENTS.**

4 (a) **TRAFFICKING VICTIMS PROTECTION ACT OF**
5 **2000.**—Sections 103(1) and 105(d)(7) of the Trafficking
6 Victims Protection Act of 2000 (22 U.S.C. 7102(1) and
7 7103(d)(7)) are amended by striking “Committee on
8 International Relations” each place it appears and insert-
9 ing “Committee on Foreign Affairs”.

10 (b) **TRAFFICKING VICTIMS PROTECTION REAUTHOR-**
11 **IZATION ACT OF 2005.**—Section 102(b)(6) and sub-
12 sections (c)(2)(B)(i) and (e)(2) of section 104 of the Traf-
13 ficking Victims Protection Reauthorization Act of 2005
14 (Public Law 109–164) are amended by striking “Com-
15 mittee on International Relations” each place it appears
16 and inserting “Committee on Foreign Affairs”.

17 **TITLE IV—PREVENTION OF THE**
18 **USE OF CHILD SOLDIERS**

19 **SEC. 401. SHORT TITLE.**

20 This title may be cited as the “Child Soldier Preven-
21 tion Act of 2007”.

22 **SEC. 402. DEFINITIONS.**

23 In this title:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs of
5 the House of Representatives; and

6 (B) the Committee on Foreign Relations of
7 the Senate.

8 (2) CHILD SOLDIER.—Consistent with the pro-
9 visions of the Optional Protocol, the term “child sol-
10 dier”—

11 (A) means—

12 (i) any person under age 18 who takes
13 a direct part in hostilities as a member of
14 governmental armed forces, where the gov-
15 ernment has failed to take all feasible
16 measures to ensure that members of its
17 armed forces under age 18 do not take a
18 direct part in hostilities;

19 (ii) any person under age 18 who has
20 been compulsorily recruited into govern-
21 mental armed forces;

22 (iii) any person under age 16 volun-
23 tarily recruited into governmental armed
24 forces; and

1 (iv) any person under age 18 re-
2 cruited or used in hostilities by armed
3 forces distinct from the armed forces of a
4 state, where the government has failed to
5 take all feasible measures to prevent such
6 recruitment and use, including the adop-
7 tion of legal measures necessary to prohibit
8 and criminalize such practices; and

9 (B) includes any person described in
10 clauses (ii), (iii), and (iv) of subparagraph (A)
11 who is serving in any capacity, including in a
12 support role such as a cook, porter, messenger,
13 medic, guard, or sex slave.

14 (3) OPTIONAL PROTOCOL.—The term “Optional
15 Protocol” means the Optional Protocol to the Con-
16 vention on the Rights of the Child on the Involvement
17 of Children in Armed Conflict, which estab-
18 lishes 18 as the minimum age for conscription or
19 forced recruitment and requires states party to take
20 all feasible measures to ensure that members of
21 their armed forces under the age of 18 do not take
22 a direct part in hostilities

23 (4) UNITED STATES MUNITIONS LIST.—The
24 term “United States Munitions List” means the list

1 referred to in section 38(a)(1) of the Arms Export
2 Control Act (22 U.S.C. 2778(a)(1)).

3 **SEC. 403. FINDINGS.**

4 Congress makes the following findings:

5 (1) According to the September 7, 2005, report
6 to the General Assembly of the United Nations by
7 the Special Representative of the Secretary-General
8 for Children and Armed Conflict, “In the last dec-
9 ade, two million children have been killed in situa-
10 tions of armed conflict, while six million children
11 have been permanently disabled or injured. Over
12 250,000 children continue to be exploited as child
13 soldiers and tens of thousands of girls are being sub-
14 jected to rape and other forms of sexual violence.”.

15 (2) According to the Center for Emerging
16 Threats and Opportunities (CETO), Marine Corps
17 Warfighting Laboratory, “The Child Soldier Phe-
18 nomenon has become a post-Cold War epidemic that
19 has proliferated to every continent with the excep-
20 tion of Antarctica and Australia.”.

21 (3) Many of the children currently serving in
22 armed forces or paramilitaries were forcibly con-
23 scripted through kidnapping or coercion, a form of
24 human trafficking, while others joined military units

1 due to economic necessity, to avenge the loss of a
2 family member, or for their own personal safety.

3 (4) Some military and militia commanders force
4 child soldiers to commit gruesome acts of ritual
5 killings or torture, including acts of violence against
6 other children.

7 (5) Many female child soldiers face the addi-
8 tional psychological and physical horrors of rape and
9 sexual abuse, enslavement for sexual purposes by mi-
10 litia commanders, and severe social stigma should
11 they return home.

12 (6) Some military and militia commanders tar-
13 get children for recruitment because of their psycho-
14 logical immaturity and vulnerability to manipulation
15 and indoctrination. Children are often separated
16 from their families in order to foster dependence on
17 military units and leaders. Consequently, many of
18 these children suffer from deep trauma and are in
19 need of psychological counseling and rehabilitation.

20 (7) Child soldiers are exposed to hazardous con-
21 ditions and are at risk of physical injury and dis-
22 ability, psychological trauma, sexually transmitted
23 diseases, respiratory and skin infections, and often
24 death.

1 (8) On May 25, 2000, the United Nations
2 adopted and opened for signature, ratification, and
3 accession the Optional Protocol to the Convention on
4 the Rights of the Child on the Involvement of Chil-
5 dren in Armed Conflict.

6 (9) On June 18, 2002, the Senate unanimously
7 approved the resolution advising and consenting to
8 the ratification of the Optional Protocol.

9 (10) On December 23, 2002, the United States
10 presented the ratified Optional Protocol to the
11 United Nations.

12 (11) More than 110 governments worldwide
13 have ratified the Optional Protocol, establishing a
14 clear international norm concerning the use of chil-
15 dren in combat.

16 (12) On December 2, 1999, the United States
17 ratified International Labour Convention 182, the
18 Convention concerning the Prohibition and Imme-
19 diate Action for the Elimination of the Worst Forms
20 of Child Labour, which includes the use of child sol-
21 diers among the worst forms of child labor.

22 (13) On October 7, 2005, the Senate gave its
23 advice and consent to the ratification of the Protocol
24 to Prevent, Suppress and Punish Trafficking in Per-
25 sons, Especially Women and Children,

1 Supplementing the United Nations Convention
2 Against Transnational Organized Crime.

3 (14) It is in the national security interest of the
4 United States to reduce the chances that members
5 of the United States Armed Forces will be forced to
6 encounter children in combat situations.

7 (15) Section 502B(a)(3) of the Foreign Assist-
8 ance Act of 1961 (22 U.S.C. 2304(a)(3)) provides
9 that “the President is directed to formulate and con-
10 duct international security assistance programs of
11 the United States in a manner which will promote
12 and advance human rights and avoid identification
13 of the United States, through such programs, with
14 governments which deny to their people internation-
15 ally recognized human rights and fundamental free-
16 doms, in violation of international law or in con-
17 travention of the policy of the United States as ex-
18 pressed in this section or otherwise”.

19 **SEC. 404. SENSE OF CONGRESS.**

20 It is the sense of Congress that—

21 (1) the United States Government should con-
22 demn the conscription, forced recruitment or use of
23 children by governments, paramilitaries, or other or-
24 ganizations in hostilities;

1 (2) the United States Government should sup-
2 port and, where practicable, lead efforts to establish
3 and uphold international standards designed to end
4 this abuse of human rights;

5 (3) the United States Government should ex-
6 pand ongoing services to rehabilitate recovered child
7 soldiers and to reintegrate them back into their com-
8 munities by—

9 (A) offering ongoing psychological services
10 to help victims recover from their trauma and
11 relearn how to deal with others in nonviolent
12 ways such that they are no longer a danger to
13 their community, taking into consideration the
14 needs of girl soldiers, who may be at risk of ex-
15 clusion from disarmament, demobilization, and
16 reintegration programs;

17 (B) facilitating reconciliation with their
18 communities through negotiations with tradi-
19 tional leaders and elders to enable recovered
20 abductees to resume normal lives in their com-
21 munities; and

22 (C) providing educational and vocational
23 assistance;

24 (4) the United States should work with the
25 international community, including, where appro-

1 piate, third country governments, nongovernmental
2 organizations, faith-based organizations, United Na-
3 tions agencies, local governments, labor unions, and
4 private enterprise—

5 (A) on efforts to bring to justice rebel or-
6 ganizations that kidnap children for use as
7 child soldiers, including the Lord’s Resistance
8 Army (LRA) in Uganda, Fuerzas Armadas
9 Revolucionarias de Colombia (FARC), and Lib-
10 eration Tigers of Tamil Eelam (LTTE) in Sri
11 Lanka, including, where feasible, by arresting
12 the leaders of such groups; and

13 (B) on efforts to recover those children
14 who have been abducted and to assist them in
15 their rehabilitation and reintegration into com-
16 munities;

17 (5) the Secretary of State, the Secretary of
18 Labor, and the Secretary of Defense should coordi-
19 nate programs to achieve the goals specified in para-
20 graph (3), and in countries where the use of child
21 soldiers is an issue, whether or not it is supported
22 or sanctioned by the governments of such countries,
23 United States diplomatic missions should include in
24 their mission program plans a strategy to achieve
25 the goals specified in such paragraph;

1 (6) United States diplomatic missions in coun-
2 tries in which governments use or tolerate child sol-
3 diers should develop, as part of annual program
4 planning, strategies to promote efforts to end this
5 abuse of human rights, identifying and integrating
6 global best practices, as available, into such strate-
7 gies to avoid duplication of effort; and

8 (7) in allocating or recommending the allocation
9 of funds or recommending candidates for programs
10 and grants funded by the United States Govern-
11 ment, United States diplomatic missions should give
12 serious consideration to those programs and can-
13 didates deemed to promote the end to this abuse of
14 human rights.

15 **SEC. 405. PROHIBITION ON PROVISION OF MILITARY AS-**
16 **SISTANCE TO FOREIGN GOVERNMENTS THAT**
17 **RECRUIT OR USE CHILD SOLDIERS.**

18 (a) IN GENERAL.—Subject to subsections (b), (c),
19 and (d), none of the funds made available to carry out
20 sections 516 or 541 of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2321j or 2347) or section 23 of the Arms Ex-
22 port Control Act (22 U.S.C. 2763) may be used to provide
23 assistance to the government of a country that the Sec-
24 retary of State determines has governmental armed forces
25 or government supported armed groups, including

1 paramilitaries, militias, or civil defense forces, that recruit
2 or use child soldiers.

3 (b) PUBLICATION OF LIST OF FOREIGN GOVERN-
4 MENTS AND NOTIFICATION TO FOREIGN GOVERN-
5 MENTS.—

6 (1) PUBLICATION OF LIST OF FOREIGN GOV-
7 ERNMENTS.—The Secretary of State shall include a
8 list of the foreign governments subject to the prohi-
9 bition in subsection (a) in the report required by sec-
10 tion 110(b) of the Trafficking Victims Protection
11 Act of 2000 (22 U.S.C. 7107(b)).

12 (2) NOTIFICATION TO FOREIGN GOVERN-
13 MENTS.—The Secretary of State shall formally no-
14 tify each foreign government subject to the prohibi-
15 tion in subsection (a).

16 (c) NATIONAL INTEREST WAIVER.—

17 (1) WAIVER.—The President may waive the ap-
18 plication to a foreign government of the prohibition
19 in subsection (a) if the President determines that
20 such waiver is in the interest of the United States.

21 (2) PUBLICATION AND NOTIFICATION.—The
22 President shall publish each waiver granted under
23 paragraph (1) in the Federal Register and shall no-
24 tify the appropriate congressional committees of
25 each such waiver, including the justification for the

1 waiver, in accordance with the regular notification
2 procedures of such committees.

3 (d) REINSTATEMENT OF ASSISTANCE.—The Presi-
4 dent may provide to a foreign government assistance oth-
5 erwise prohibited under subsection (a) upon certifying to
6 the appropriate congressional committees that the foreign
7 government—

8 (1) has implemented effective measures to come
9 into compliance with the standards of this title; and

10 (2) has implemented effective policies and
11 mechanisms to prohibit and prevent future use of
12 child soldiers and to ensure that no children are re-
13 cruited, conscripted, or otherwise compelled to serve
14 as child soldiers.

15 (e) EXCEPTIONS.—

16 (1) ASSISTANCE TO ADDRESS THE PROBLEM OF
17 CHILD SOLDIERS AND PROFESSIONALIZATION OF
18 THE MILITARY.—

19 (A) IN GENERAL.—The President may
20 provide to a foreign government assistance
21 under section 541 of the Foreign Assistance
22 Act of 1961 (22 U.S.C. 2347; relating to inter-
23 national military education and training) other-
24 wise prohibited under subsection (a) upon certi-

1 fying to the appropriate congressional commit-
2 tees that—

3 (i) the government is implementing ef-
4 fective measures to demobilize child sol-
5 diers in its forces or in government sup-
6 ported paramilitaries and to provide demo-
7 bilization, rehabilitation, and reintegration
8 assistance to those former child soldiers;
9 and

10 (ii) the assistance provided by the
11 United States Government to the govern-
12 ment will go to programs that will directly
13 support professionalization of the military.

14 (B) LIMITATION.—The exception under
15 subparagraph (A) may not remain in effect for
16 more than 2 years following the date of notifi-
17 cation specified in subsection (b)(2).

18 (2) ASSISTANCE FOR DEMINING ACTIVITIES,
19 THE CLEARANCE OF UNEXPLODED ORDINANCE, THE
20 DESTRUCTION OF SMALL ARMS, AND RELATED AC-
21 TIVITIES.—The President may use funds made avail-
22 able under section 23 of the Arms Export Control
23 Act (22 U.S.C. 2763; relating to credit sales) to pro-
24 vide to a foreign government assistance otherwise
25 prohibited under subsection (a) if the purpose of the

1 assistance is to carry out demining activities, the
2 clearance of unexploded ordinance, the destruction of
3 small arms, or related activities.

4 (3) ASSISTANCE TO FURTHER COOPERATION
5 WITH THE UNITED STATES TO COMBAT INTER-
6 NATIONAL TERRORISM.—The President may provide
7 to a foreign government assistance under any provi-
8 sion of law specified in subsection (a) if the purpose
9 of the assistance is specifically designed to further
10 cooperation between the United States and the for-
11 eign government to combat international terrorism.

12 (f) EFFECTIVE DATE; APPLICABILITY.—This section
13 takes effect 180 days after the date of the enactment of
14 this Act and shall apply to funds made available for the
15 first fiscal year beginning after such effective date and
16 each subsequent fiscal year.

17 **SEC. 406. REPORTS.**

18 (a) PREPARATION OF REPORTS REGARDING CHILD
19 SOLDIERS.—The Secretary of State shall ensure that
20 United States missions abroad thoroughly investigate re-
21 ports of the use of child soldiers in the countries in which
22 such missions are located.

23 (b) INFORMATION FOR ANNUAL HUMAN RIGHTS RE-
24 PORTS.—In preparing those portions of the Department
25 of State's annual Country Reports on Human Rights

1 Practices that relate to child soldiers, the Secretary of
2 State shall ensure that such portions include a description
3 of the use of child soldiers in each foreign country, includ-
4 ing—

5 (1) trends toward improvement in such country
6 of the status of child soldiers or the continued or in-
7 creased tolerance of such practices; and

8 (2) the role of the government of such country
9 in engaging in or tolerating the use of child soldiers.

10 (c) NOTIFICATION TO CONGRESS.—Not later than
11 June 15 of each year for 10 years following the date of
12 the enactment of this Act, the President shall submit to
13 the appropriate congressional committees—

14 (1) a list of any waivers or exceptions exercised
15 under section 405;

16 (2) a justification for those waivers and excep-
17 tions; and

18 (3) a description of any assistance provided
19 pursuant to section 405.

20 (d) REPORT ON IMPLEMENTATION OF TITLE.—Not
21 later than 180 days after the date of the enactment of
22 this Act, the President shall submit to appropriate con-
23 gressional committees a report setting forth a strategy for
24 achieving the policy objectives of this title, including a de-
25 scription of an effective mechanism for coordination of

1 United States Government efforts to implement this strat-
2 egy.

3 (e) REPORT ON CHILD SOLDIERS IN BURMA.—Not
4 later than 120 days after the date of enactment of this
5 Act, the Secretary of State shall submit to the appropriate
6 congressional committees a report of the recruitment and
7 use of child soldiers by the governmental armed forces or
8 government-supported armed groups of the Government of
9 Burma, including paramilitaries, militias, or civil defense
10 forces.

11 **SEC. 407. TRAINING FOR FOREIGN SERVICE OFFICERS.**

12 Section 708 of the Foreign Service Act of 1980 (22
13 U.S.C. 4028) is amended by adding at the end the fol-
14 lowing new subsection:

15 “(c) The Secretary of State, with the assistance of
16 other relevant officials, shall establish as part of the stand-
17 ard training provided after January 1, 2008, for members
18 of the Service, including chiefs of mission, instruction on
19 matters related to child soldiers and the terms of the Child
20 Soldier Prevention Act of 2007.”.

Passed the House of Representatives December 4,
2007.

Attest: LORRAINE C. MILLER,
Clerk.