

# Union Calendar No. 281

110TH CONGRESS  
1ST SESSION

# H. R. 3887

[Report No. 110-430, Part 1]

To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. LANTOS (for himself, Mr. SMITH of New Jersey, Mr. CONYERS, Mr. WOLF, Mr. GEORGE MILLER of California, Ms. ROS-LEHTINEN, Ms. ZOE LOFGREN of California, Mr. PITTS, Mrs. MALONEY of New York, Mrs. DRAKE, Mr. NADLER, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 6, 2007

Reported from the Committee on Foreign Affairs with amendments

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 6, 2007

Committee on Energy and Commerce discharged

NOVEMBER 6, 2007

Referral to the Committee on the Judiciary extended for a period ending not later than November 9, 2007

NOVEMBER 9, 2007

Referral to the Committee on the Judiciary extended for a period ending not later than November 20, 2007

NOVEMBER 20, 2007

Additional sponsors: Mr. CHABOT, Mr. BURTON of Indiana, Ms. JACKSON-

LEE of Texas, Mr. FORTENBERRY, Ms. SOLIS, Mr. PAYNE, Mr. BERMAN, Mr. SIRES, Mr. SHERMAN, Ms. WASSERMAN SCHULTZ, Mr. ACKERMAN, Mr. INGLIS of South Carolina, Mr. ENGEL, Mr. MILLER of Florida, Mr. DANIEL E. LUNGREN of California, Ms. SUTTON, Mr. PETERSON of Minnesota, Mr. DELAHUNT, Mr. PENCE, Mr. MORAN of Virginia, Mr. McCOTTER, Mr. ALLEN, Mr. SIMPSON, Ms. HOOLEY, Mr. GUTIERREZ, Mr. MURPHY of Connecticut, Mr. BACHUS, Mr. RAMSTAD, Mr. BILLIRAKIS, Mr. FORTUÑO, and Ms. CLARKE

NOVEMBER 20, 2007

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 18, 2007]

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## A BILL

To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes.

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Wil-*  
 5 *liam Wilberforce Trafficking Victims Protection Reauthor-*  
 6 *ization Act of 2007”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 8 *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 combat 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 resources.*  
*Sec. 203. Clarification of roles of Secretary of Homeland Security and Attorney General.*  
*Sec. 204. Relief for certain victims pending actions on petitions and applications for relief.*  
*Sec. 205. Parole for derivatives of trafficking victims.*  
*Sec. 206. 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 visa 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. Model statutes provided to States.*

*Subtitle D—Activities of the United States Government*

- Sec. 231. Annual report by the Attorney General.*  
*Sec. 232. Annual anti-trafficking conference.*  
*Sec. 233. Senior Policy Operating Group.*  
*Sec. 234. Coordinators to Combat Human Trafficking.*  
*Sec. 235. Preventing United States travel by traffickers.*  
*Sec. 236. Enhancing efforts to combat the trafficking of children.*

**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 Home-*  
 9 *land Security,”.*

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

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

14 *“(e) OFFICE TO MONITOR AND COMBAT TRAF-*  
 15 *FICKING.—*

16 *“(1) ESTABLISHMENT.—The Secretary of State*  
 17 *shall establish within the Department of State an Of-*  
 18 *fice to Monitor and Combat Trafficking, which shall*  
 19 *be headed by a Director, who shall be appointed by*  
 20 *the President, by and with the advice and consent of*  
 21 *the Senate, with the rank of Ambassador-at-Large.*

1           “(2) *RESPONSIBILITIES.*—*The Director shall*  
2           *have the following responsibilities:*

3                     “(A) *The Director shall have primary re-*  
4                     *ponsibility for assisting the Secretary of State*  
5                     *in carrying out the purposes of this division,*  
6                     *shall provide assistance to the Task Force, and*  
7                     *may have additional responsibilities as deter-*  
8                     *mined by the Secretary of State.*

9                     “(B) *The Director shall consult with non-*  
10                    *governmental organizations and multilateral or-*  
11                    *ganizations, and with trafficking victims or*  
12                    *other affected persons. The Director shall have*  
13                    *the authority to take evidence in public hearings*  
14                    *or by other means.*

15                    “(C) *The Director shall, in coordination*  
16                    *and cooperation with the Assistant Secretary for*  
17                    *International Labor Affairs and other officials at*  
18                    *the Department of State involved in corporate*  
19                    *responsibility and other relevant officials of the*  
20                    *United States Government, be responsible for*  
21                    *promoting, building, and sustaining partner-*  
22                    *ships between the United States Government and*  
23                    *private entities (including foundations, univer-*  
24                    *sities, corporations, community-based organiza-*  
25                    *tions, and other nongovernmental organizations)*

1           to ensure that United States citizens do not use  
2           any item, product, or material produced or ex-  
3           tracted with the use of labor from victims of se-  
4           vere forms of trafficking and to ensure that such  
5           entities do not contribute to trafficking in per-  
6           sons involving sexual exploitation, such as  
7           through work with the airlines and tourism in-  
8           dustries.

9           “(D) The Director shall be responsible solely  
10          for all policy, funding, and programming deci-  
11          sions regarding funds made available for traf-  
12          ficking in persons programs that are centrally  
13          controlled by the Department of State.

14          “(3) COORDINATION.—Any trafficking in persons  
15          programs of the Department of State or the United  
16          States Agency for International Development that are  
17          not centrally controlled by the Department of State  
18          shall be carried out with concurrence of the Direc-  
19          tor.”.

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

22                (1) the Secretary of State should make every ef-  
23                fort to locate the Office to Monitor and Combat Traf-  
24                ficking, established pursuant to section 105(e) of the  
25                Trafficking Victims Protection Act of 2000 (as

1        *amended by subsection (a) of this section), at the*  
2        *headquarters for the Department of State, known as*  
3        *the Harry S. Truman Federal Building, located in*  
4        *the District of Columbia; and*

5                *(2) the Office to Monitor and Combat Trafficking*  
6        *should be assigned office space in such building that*  
7        *reflects the importance of the implementation of such*  
8        *Act and the broad and historic mission of the Office*  
9        *to end modern-day slavery.*

10 **SEC. 103. PREVENTION AND PROSECUTION OF TRAF-**  
11 **FICKING IN FOREIGN COUNTRIES.**

12        *(a) PREVENTION.—Section 106 of the Trafficking Vic-*  
13 *tims Protection Act of 2000 (22 U.S.C. 7104) is amended*  
14 *by adding at the end the following new subsection:*

15                *“(i) ADDITIONAL MEASURES TO PREVENT AND DETER*  
16 *TRAFFICKING.—The President shall establish and carry out*  
17 *programs to prevent and deter trafficking in persons. Such*  
18 *programs may include—*

19                        *“(1) technical assistance and other support for*  
20 *the capacity of foreign governments to investigate,*  
21 *identify, and carry out inspections of private entities,*  
22 *including labor recruitment centers, at which traf-*  
23 *ficcking victims may be exploited, particularly exploi-*  
24 *tation involving forced and child labor;*

1           “(2) *technical assistance and other support for*  
2 *foreign governments and nongovernmental organiza-*  
3 *tions to provide immigrant populations with infor-*  
4 *mation regarding the rights of such populations in*  
5 *the foreign country and any information regarding*  
6 *in-country nongovernmental organization-operated*  
7 *hotlines of the type described in section 107(a)(1)(A)*  
8 *of this Act, with such information to be provided in*  
9 *the native languages of the major immigrant groups*  
10 *of such populations;*

11           “(3) *technical assistance to provide legal frame-*  
12 *works and other programs to foreign governments and*  
13 *nongovernmental organizations to ensure that foreign*  
14 *migrant workers are provided protection equal to na-*  
15 *tionals of the foreign country, that labor recruitment*  
16 *firms are regulated, and that workers providing do-*  
17 *mestic services in households are provided protection*  
18 *under labor rights laws; and*

19           “(4) *assistance to foreign governments to register*  
20 *vulnerable populations as citizens or nationals of the*  
21 *country to reduce the ability of traffickers to exploit*  
22 *such populations.”.*

23           **(b) PROSECUTION.**—*Section 134(a)(2) of the Foreign*  
24 *Assistance Act of 1961 (22 U.S.C. 2152d(a)(2)) is amended*  
25 *by adding at the end before the semi-colon the following:*

1 “, including investigation of individuals and entities that  
2 may be involved in trafficking in persons involving sexual  
3 exploitation”.

4 **SEC. 104. ASSISTANCE FOR VICTIMS OF TRAFFICKING IN**  
5 **OTHER COUNTRIES.**

6 *Section 107(a) of Trafficking Victims Protection Act*  
7 *of 2000 (22 U.S.C. 7105(a)) is amended—*

8 *(1) in paragraph (1)—*

9 *(A) in the second sentence, by inserting at*  
10 *the end before the period the following: “, and*  
11 *shall be carried out in a manner which takes*  
12 *into account the cross-border, regional, and*  
13 *transnational aspects of trafficking in persons”;*  
14 *and*

15 *(B) by adding at the end the following new*  
16 *subparagraph:*

17 *“(F) In cooperation and coordination with*  
18 *the United Nations High Commissioner for Refu-*  
19 *gees, the International Organization of Migra-*  
20 *tion, and other relevant organizations, support*  
21 *for increased protections for refugees and inter-*  
22 *nally displaced persons, including outreach and*  
23 *education efforts to prevent such refugees and in-*  
24 *ternally displaced persons from being exploited*  
25 *by traffickers.”; and*

1           (2) *in paragraph (2), by adding at the end the*  
2 *following new sentence: “In carrying out this para-*  
3 *graph, the Secretary and the Administrator shall take*  
4 *all appropriate steps to ensure that cooperative efforts*  
5 *among foreign countries are undertaken on a regional*  
6 *basis.”.*

7 **SEC. 105. INCREASING EFFECTIVENESS OF ANTI-TRAF-**  
8 **FICKING PROGRAMS.**

9 (a) *FINDINGS.—Congress makes the following findings:*

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

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

19           (3) *While the results of programs related to traf-*  
20 *ficking in persons may be difficult to measure because*  
21 *of the criminal and underground nature of trafficking*  
22 *in persons, making efforts to measure such results are*  
23 *critical to learning the extent to which United States*  
24 *assistance programs affect the nature and severity of*



1 *vided for in the process described in paragraphs (1)*  
2 *and (2).*

3 *“(b) EVALUATION OF TRAFFICKING PROGRAMS.—*

4 *“(1) IN GENERAL.—The President shall establish*  
5 *and implement a system to monitor and evaluate the*  
6 *effectiveness and efficiency of assistance provided*  
7 *under anti-trafficking programs established and car-*  
8 *ried out under this division and the amendments*  
9 *made by this division on a program-by-program basis*  
10 *in order to maximize the long-term sustainable devel-*  
11 *opment impact of such assistance.*

12 *“(2) REQUIREMENTS.—In carrying out para-*  
13 *graph (1), the President shall—*

14 *“(A) establish performance goals for assist-*  
15 *ance described in paragraph (1) and express*  
16 *such goals in an objective and quantifiable form,*  
17 *to the extent practicable;*

18 *“(B) ensure that performance indicators are*  
19 *used for each United States program authorized*  
20 *by this division and the amendments made by*  
21 *this division to measure and assess the achieve-*  
22 *ment of the performance goals described in sub-*  
23 *paragraph (A); and*

24 *“(C) provide a basis for recommendations*  
25 *for adjustments to assistance described in para-*

1           *graph (1) to enhance the impact of such assist-*  
2           *ance.*

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

11           “(d) *CONSISTENCY WITH OTHER PROGRAMS.—The*  
12 *President shall take steps to ensure that the design, moni-*  
13 *toring, and evaluation of United States assistance programs*  
14 *for emergency relief, development, and poverty alleviation*  
15 *under part I and chapter 4 of part II of the Foreign Assist-*  
16 *ance Act of 1961 and other similar United States assistance*  
17 *programs are carried out in a manner that takes into ac-*  
18 *count and are consistent with United States policies and*  
19 *other United States programs relating to combatting traf-*  
20 *ficking in persons.*

21           “(e) *AUTHORIZATION OF APPROPRIATIONS.—For each*  
22 *of the fiscal years 2008 through 2011, up to 2 percent of*  
23 *the amounts made available to carry out this division and*  
24 *the amendments made by this division may be used to carry*  
25 *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 the  
11 end before the period the following: “, including  
12 in all appropriate cases requiring incarceration  
13 of individuals convicted of such acts”; and

14 (B) by inserting after the first sentence the  
15 following new sentence: “For purposes of the pre-  
16 ceding sentence, suspended or significantly-re-  
17 duced sentences for convictions of acts of severe  
18 forms of trafficking in persons shall not be con-  
19 sidered to be an indicator of serious and sus-  
20 tained efforts to eliminate severe forms of traf-  
21 ficking in persons.”;

22 (2) in paragraph (2), by inserting at the end be-  
23 fore the period the following: “, including by pro-  
24 viding training to law enforcement and immigration  
25 officials in the identification and treatment of traf-

1 *ficking victims using approaches that focus on the*  
2 *needs of the victims”;*

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

11 “(11) *Whether the government has made serious*  
12 *and sustained efforts to reduce the demand for com-*  
13 *mercial sex acts and for participation in inter-*  
14 *national sex tourism by nationals of the country.”.*

15 **SEC. 107. ACTIONS AGAINST GOVERNMENTS FAILING TO**  
16 **MEET MINIMUM STANDARDS.**

17 (a) *COUNTRIES ON SPECIAL WATCH LIST RELATING*  
18 *TO TRAFFICKING IN PERSONS FOR TWO CONSECUTIVE*  
19 *YEARS.—Subsection (b)(3) of section 110 of the Trafficking*  
20 *Victims Protection Act of 2000 (22 U.S.C. 7107) is amend-*  
21 *ed by adding the following at the end the following new*  
22 *subparagraph:*

23 “(D) *COUNTRIES ON SPECIAL WATCH LIST*  
24 *FOR TWO CONSECUTIVE YEARS.—If a country is*  
25 *included on the special watch list described in*

1           *subparagraph (A) for two consecutive years, such*  
2           *country shall be included on the list of countries*  
3           *described in paragraph (1)(C), unless the Sec-*  
4           *retary of State determines that (i) the country*  
5           *has a written plan to begin making significant*  
6           *efforts to bring itself into compliance with the*  
7           *minimum standards for the elimination of traf-*  
8           *ficking, (ii) the plan, if implemented, would con-*  
9           *stitute making such significant efforts, and (iii)*  
10          *the country is devoting sufficient resources to im-*  
11          *plement the plan, and, as part of the report re-*  
12          *quired by paragraph (1) and the interim assess-*  
13          *ment required by subparagraph (B), the Sec-*  
14          *retary provides to the appropriate congressional*  
15          *committees credible evidence that the country*  
16          *meets the requirements of clauses (i) through*  
17          *(iii). The Secretary may make a determination*  
18          *under the preceding sentence with respect to a*  
19          *country for not more than two consecutive*  
20          *years.”.*

21           **(b) CLARIFICATION OF MEASURES AGAINST CERTAIN**  
22          **FOREIGN COUNTRIES.**—*Subsection (d)(1)(A)(ii) of such*  
23          *section is amended by striking “the United States will not*  
24          *provide” and inserting “the United States will not provide*

1 *such assistance to the government of the country for the sub-*  
2 *sequent fiscal year and will not provide”.*

3 (c) *TRANSLATION OF TRAFFICKING IN PERSONS RE-*  
4 *PORT.—*

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

16 (2) *MATTERS TO BE INCLUDED.—The trans-*  
17 *lation required by paragraph (1) shall include the in-*  
18 *troduction, other sections of general interest, and the*  
19 *relevant country narratives of the annual report. The*  
20 *Secretary of State shall ensure that such translations*  
21 *are available on the Internet website of the Depart-*  
22 *ment 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 U.S.C.  
5 7109a) is amended by adding at the end the following new  
6 sentence: “Such mechanism shall include, not later than two  
7 years after the date of the enactment of the William Wilber-  
8 force Trafficking Victims Protection Reauthorization Act of  
9 2007, the establishment of an integrated data base by com-  
10 bining all applicable data collected by each Federal depart-  
11 ment and agency represented on the Interagency Task Force  
12 to Monitor and Combat Trafficking (established under sec-  
13 tion 105 of this Act) and, to the maximum extent prac-  
14 ticable, applicable data from relevant international organi-  
15 zations, for the purposes of improving coordination of the  
16 collection of data related to trafficking in persons by each  
17 agency of the United States Government that collects such  
18 data, promoting uniformity of such data collection and  
19 standards and systems related to such collection, and under-  
20 taking a meta-analysis of patterns of trafficking in persons,  
21 slavery, and slave-like conditions.”.

22 (b) *ROLE OF GOVERNMENT.*—Subsection (b) of such  
23 section is amended by inserting after “subsection (a)(4)”  
24 the following: “and the second sentence of subsection (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 *engaged in outside the United States to combat trafficking*  
13 *in persons, to be known as the ‘Presidential Award for Ex-*  
14 *traordinary Efforts to Combat Trafficking in Persons’. To*  
15 *the maximum extent practicable, the Secretary should make*  
16 *the award annually to up to 5 individuals or organizations,*  
17 *including individuals who are United States citizens or for-*  
18 *ign nationals and United States or foreign nongovern-*  
19 *mental organizations.*

20 *“(b) SELECTION.—The President shall establish proce-*  
21 *dures for selecting recipients of the award authorized under*  
22 *subsection (a).*

23 *“(c) CEREMONY.—The President shall host an annual*  
24 *ceremony for recipients of the award authorized under sub-*  
25 *section (a) at the time the report required by section 110(b)*  
26 *of this Act is submitted by the Secretary of State to Con-*

1 *gress pursuant to such section. The Secretary of State is*  
2 *authorized to pay the costs associated with travel by each*  
3 *recipient to the ceremony.*

4 “(d) *AUTHORIZATION OF APPROPRIATIONS.—To carry*  
5 *out this section, there are authorized to be appropriated*  
6 *such sums as may be necessary for each of the fiscal years*  
7 *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 appli-*  
16 *cant understands and through the pamphlet required*  
17 *under section 202, information relating to the fol-*  
18 *lowing:*

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 informa-*  
4 *tion for relevant community organizations that*  
5 *provide services to trafficking victims (to the ex-*  
6 *tent practicable), the National Trafficking in*  
7 *Persons and Worker Exploitation Task Force*  
8 *complaint line, the Operation Rescue and Re-*  
9 *store hotline, and a general description of the*  
10 *types of victims services available if an indi-*  
11 *vidual is subject to trafficking in persons.*

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

20           (D) *The requirements that section 202(g)(2)*  
21 *places upon persons engaging in foreign labor*  
22 *contracting activity.*

23           (2) *REVIEW.—Before conducting an interview*  
24 *described in paragraph (1), the consular officer shall*

1       *review with the applicant the summary of the pam-*  
2       *phlet required under section 202.*

3               (3) *DEFINITION.—In this subsection, the term*  
4       *“employment- or education-based nonimmigrant*  
5       *visa” has the meaning given such term in section*  
6       *202(h).*

7       (b) *SPECIAL PROVISIONS RELATING TO ALIENS*  
8       *ISSUED A–3 AND G–5 VISAS.—*

9               (1) *ELEMENTS OF MANDATORY INTERVIEW.—The*  
10       *interview required under subsection (a) shall be re-*  
11       *quired for the issuance to an alien of a nonimmigrant*  
12       *visa under subparagraph (A)(iii) or (G)(v) of section*  
13       *101(a)(15) of the Immigration and Nationality Act*  
14       *(8 U.S.C. 1101(a)(15)). The consular officer con-*  
15       *ducting the interview shall ensure that the employ-*  
16       *ment contract of the alien is in a language that the*  
17       *alien can understand.*

18               (2) *FEASIBILITY OF OVERSIGHT OF EMPLOYEES*  
19       *OF DIPLOMATS AND REPRESENTATIVES OF OTHER IN-*  
20       *STITUTIONS.—Not later than 180 days after the date*  
21       *of the enactment of this Act, the Secretary of State*  
22       *shall submit to the Committee on Foreign Affairs of*  
23       *the House of Representatives and the Committee on*  
24       *Foreign Relations of the Senate a report on the feasi-*  
25       *bility of—*

1           (A) *establishing a system to monitor the*  
2           *treatment of aliens who have been admitted to*  
3           *the United States as nonimmigrants described in*  
4           *subparagraph (A)(iii) or (G)(v) of section*  
5           *101(a)(15) of the Immigration and Nationality*  
6           *Act; and*

7           (B) *a range of compensation approaches,*  
8           *such as a bond program, compensation fund, or*  
9           *insurance scheme, to ensure that nonimmigrants*  
10           *described in subparagraph (A)(iii) or (G)(v) of*  
11           *section 101(a)(15) of the Immigration and Na-*  
12           *tionality Act receive appropriate compensation if*  
13           *their employer violates the terms of their employ-*  
14           *ment contract and, with respect to each proposed*  
15           *compensation approach, an evaluation and pro-*  
16           *posal of how claims of rights violations will be*  
17           *adjudicated, compensation determinations will*  
18           *be made, and the program, fund, or scheme will*  
19           *be administered.*

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

1 *United States law enforcement authorities of crimes*  
2 *related to trafficking in persons, worker exploitation,*  
3 *or other related violations of United States law with*  
4 *respect to an alien described in 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 persons,*  
21 *worker exploitation, or other related viola-*  
22 *tions 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 to*  
2           *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 evidence*  
6           *that such individual trafficked, exploited, or*  
7           *otherwise abused an alien described in*  
8           *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 in*  
13          *paragraph (2) that a mechanism is in place to*  
14          *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, and*  
18          *annually thereafter, the Secretary of State shall sub-*  
19          *mit to the Committee on Foreign Affairs of the House*  
20          *of Representatives and the Committee on Foreign Re-*  
21          *lations of the Senate a report describing the diplo-*  
22          *matic missions or international institutions that are*  
23          *subject to the visa restriction referred to in subpara-*  
24          *graph (A) of paragraph (4), any exceptions that have*  
25          *been made pursuant to subparagraph (C) of such*

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

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

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

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

22 (1) submit to the appropriate congressional com-  
23 mittees a final report on the implementation of sec-  
24 tion 105(b) of the Trafficking Victims Protection Re-  
25 authorization Act of 2005, which shall include an ini-

1 *tial list of goods described in paragraph (2)(C) of*  
2 *such section; and*

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

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

11 **SEC. 112. SENSE OF CONGRESS REGARDING MULTILATERAL**  
12 **FRAMEWORK BETWEEN LABOR EXPORTING**  
13 **AND LABOR IMPORTING COUNTRIES.**

14 *It is the sense of Congress that the Secretary of State,*  
15 *in conjunction with the International Labor Organization,*  
16 *the United Nations Office of Drug and Crime Prevention,*  
17 *and other relevant international and nongovernmental or-*  
18 *ganizations, should seek to establish a multilateral frame-*  
19 *work between labor exporting and labor importing countries*  
20 *to ensure that workers migrating between such countries are*  
21 *protected from trafficking in persons and worker exploi-*  
22 *tation 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 “jointly;” and inserting “jointly;”;

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

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

22 (D) in subclause (III)—

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

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

3                   (iii) by redesignating item (bb) as item  
4                   (cc); and

5                   (iv) by inserting after item (aa) the  
6                   following:

7                   “(bb) in the Secretary’s sole and  
8                   unreviewable discretion, that the alien is un-  
9                   likely or unable to cooperate with such a request  
10                  due to physical or psychological trauma; or”;  
11                  and

12                  (E) in subclause (IV)—

13                   (i) by striking “involving unusual and  
14                   severe harm”; and

15                   (ii) by adding “and” at the end;

16                  (2) in clause (ii)(II), by striking “alien; and”  
17                  and inserting “alien and any parents or siblings of  
18                  such alien who establish a present danger of retali-  
19                  ation as a result of the alien’s cooperation with law en-  
20                  forcement.”; and

21                  (3) by striking clause (iii).

22                  (b) *REQUIREMENTS FOR T VISA ISSUANCE.*—Section  
23                  214(o) of the Immigration and Nationality Act (8 U.S.C.  
24                  1184(o)) is amended by adding at the end the following:

1           “(8)(A) *If the Secretary of Homeland Security,*  
2           *in the Secretary’s discretion and with the consulta-*  
3           *tion of the Attorney General, determines that a traf-*  
4           *ficking victim, due to psychological or physical trau-*  
5           *ma, is unable to cooperate with a request for assist-*  
6           *ance described in section 101(a)(15)(T)(i)(III)(aa),*  
7           *the request is unreasonable.*

8           “(B) *In determining whether extreme hardship*  
9           *described in section 101(a)(15)(T)(i)(IV) exists, the*  
10           *Secretary of Homeland Security, in consultation with*  
11           *investigators, prosecutors, and relevant individuals*  
12           *responsible for working with victims and witnesses*  
13           *shall consider whether the country to which the alien*  
14           *is likely to be removed can adequately address secu-*  
15           *rity concerns and the mental and physical health*  
16           *needs of the alien and of persons described in section*  
17           *101(a)(15)(T)(ii).”.*

18           (c) *EXPANSION OF AUTHORITY TO PERMIT CONTIN-*  
19           *UED PRESENCE IN THE UNITED STATES.—*

20           (1) *IN GENERAL.—Section 107(c)(3) of the Traf-*  
21           *ficking Victims Protection Act of 2000 (22 U.S.C.*  
22           *7105(c)(3)) is amended to read as follows:*

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

25           “(A) *TRAFFICKING VICTIMS.—*

1           “(i) *IN GENERAL.*—Upon application  
2 from law enforcement officials, the Sec-  
3 retary of Homeland Security may permit  
4 an alien’s continued presence in the United  
5 States if—

6           “(I) after a *prima facie* assess-  
7 ment, the Secretary determines that  
8 such alien may be a victim of a severe  
9 form of trafficking; and

10          “(II) the Secretary is notified by  
11 such law enforcement officials that  
12 such alien may be a potential witness  
13 to such trafficking, in order to effec-  
14 tuate prosecution of those responsible.

15          “(ii) *SAFETY.*—Federal law enforce-  
16 ment officials described in clause (i), in in-  
17 vestigating and prosecuting traffickers, shall  
18 protect the safety of trafficking victims, in-  
19 cluding taking measures to protect traf-  
20 ficked persons and their family members  
21 from intimidation, threats of reprisals, and  
22 reprisals from traffickers and their associ-  
23 ates.

24          “(iii) *CONTINUATION OF PRESENCE.*—  
25 The Secretary shall continue to permit the

1           *continued presence of an alien described in*  
2           *clause (i) if such alien has filed a civil ac-*  
3           *tion under section 1595 of title 18, United*  
4           *States Code, until such action is concluded.*

5           “(B) *PAROLE FOR RELATIVES.*—Pursuant  
6           *to section 240A(b)(6) of the Immigration and*  
7           *Nationality Act (8 U.S.C. 1229b(b)(b)), as added*  
8           *by section 205 of the William Wilberforce Traf-*  
9           *fficking Victims Protection Reauthorization Act*  
10           *of 2007, law enforcement officials may submit a*  
11           *written request to the Secretary of Homeland Se-*  
12           *curity to permit the parole into the United*  
13           *States of certain relatives of an alien described*  
14           *in subparagraph (A)(i).”.*

15           (2) *EFFECTIVE DATE.*—The amendment made by  
16           *paragraph (1) shall take effect on the date of enact-*  
17           *ment of this Act and shall apply to requests for con-*  
18           *tinued presence filed pursuant to section 107(c)(3) of*  
19           *the Trafficking Victims Protection Act (22 U.S.C.*  
20           *7105(c)(3)) before, on, or after such date, except that*  
21           *this paragraph does not permit the application of sec-*  
22           *tion 107(c)(3)(A) of such Act, as added by paragraph*  
23           *(1), to an alien who is not present in the United*  
24           *States.*

1           (d) *ADJUSTMENT OF STATUS*.—Section 245(l) of the  
 2 *Immigration and Nationality Act* (8 U.S.C. 1255(l)) is  
 3 amended—

4           (1) in paragraph (1)(B), by inserting “subject to  
 5 paragraph (6),” after “(B)”;

6           (2) in paragraph (1)(C)(ii), by striking “involv-  
 7 ing unusual and severe harm”; and

8           (3) by adding at the end the following new para-  
 9 graph—

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

17 **SEC. 202. INFORMATION FOR WORK-BASED NON-**  
 18 **IMMIGRANTS ON LEGAL RIGHTS AND RE-**  
 19 **SOURCES.**

20           (a) *IN GENERAL*.—The Secretary of Homeland Secu-  
 21 rity, in consultation with the Secretary of State and the  
 22 Trafficking in Persons and Worker Exploitation Task  
 23 Force, shall develop an information pamphlet, as described  
 24 in subsection (b), on legal rights and resources for aliens  
 25 applying for employment- or education-based non-

1 *immigrant visas, and shall distribute and make such pam-*  
2 *phlet available as described in subsection (e). In preparing*  
3 *the information pamphlet, the Secretary of Homeland Secu-*  
4 *rity shall consult with nongovernmental organizations with*  
5 *expertise on the legal rights of workers and victims of severe*  
6 *forms of trafficking in persons.*

7       (b) *INFORMATION PAMPHLET.—The information pam-*  
8 *phlet developed under subsection (a) shall include informa-*  
9 *tion on employment- or education-based nonimmigrant*  
10 *visas or on student or cultural exchanges, as follows:*

11           (1) *The nonimmigrant visa application proc-*  
12 *esses, including information about whether the par-*  
13 *ticular employment- or education-based non-*  
14 *immigrant visa program includes portability of em-*  
15 *ployment or educational institution.*

16           (2) *The illegality of slavery, peonage, trafficking*  
17 *in persons, sexual assault, extortion, blackmail, and*  
18 *worker exploitation in the United States.*

19           (3) *Services for victims of severe forms of traf-*  
20 *ficking in persons and worker exploitation in the*  
21 *United States, including the Trafficking in Persons*  
22 *and Worker Exploitation Task Force complaint line*  
23 *and the Operation Rescue and Restore hotline.*

24           (4) *The legal rights of immigrant victims of*  
25 *worker exploitation and other crimes in immigration,*

1 *criminal justice, family law, and other matters, in-*  
2 *cluding the right of access to immigrant and labor*  
3 *rights groups, the right to seek redress in United*  
4 *States courts, and the right to report abuse without*  
5 *retaliation.*

6 *(5) The requirements that subsection (g) places*  
7 *upon a person engaging in foreign labor contracting*  
8 *activity, including the disclosure of any debts.*

9 *(c) SUMMARIES.—The Secretary of Homeland Secu-*  
10 *rity, in consultation with the Attorney General and the Sec-*  
11 *retary of State, shall develop summaries of the information*  
12 *pamphlet developed under subsection (a) that shall be used*  
13 *by Federal officials when reviewing the pamphlet in inter-*  
14 *views required by section 110.*

15 *(d) TRANSLATION.—*

16 *(1) IN GENERAL.—In order to best serve the lan-*  
17 *guage groups having the greatest concentration of*  
18 *employment- or education-based nonimmigrant visas,*  
19 *the information pamphlet developed under subsection*  
20 *(a) shall, subject to paragraph (2), be translated by*  
21 *the Secretary of State into foreign languages, includ-*  
22 *ing Russian, Spanish, Tagalog, Vietnamese, Chinese,*  
23 *Ukrainian, Thai, Korean, Polish, Japanese, French,*  
24 *Creole, Arabic, Portuguese, Hindi, and such other*

1        *languages as the Secretary of State, in the Secretary's*  
2        *discretion, may specify.*

3            (2) *REVISION.—Every 2 years, the Secretary of*  
4        *Homeland Security, in consultation with the Attorney*  
5        *General and the Secretary of State, shall determine at*  
6        *least 14 specific languages into which the information*  
7        *pamphlet shall be translated based on the languages*  
8        *spoken by the greatest concentrations of employment-*  
9        *or education-based nonimmigrant visas.*

10        (e) *AVAILABILITY AND DISTRIBUTION.—*

11            (1) *POSTING ON FEDERAL WEBSITES.—The in-*  
12        *formation pamphlet developed under subsection (a)*  
13        *shall be posted on the websites of the Department of*  
14        *State and the Department of Homeland Security, as*  
15        *well as on the websites of all United States consular*  
16        *posts processing applications for nonimmigrant visas.*

17            (2) *OTHER DISTRIBUTION.—The information*  
18        *pamphlet developed under subsection (a) shall also be*  
19        *made available to any foreign labor broker, govern-*  
20        *ment agency, or nongovernmental advocacy organiza-*  
21        *tion.*

22        (f) *DEADLINE FOR PAMPHLET DEVELOPMENT AND*  
23        *DISTRIBUTION.—The information pamphlet developed*  
24        *under subsection (a) shall be distributed and made avail-*  
25        *able (including in the languages specified under subsection*

1 *(d) not later than 120 days after the date of the enactment*  
2 *of this Act.*

3 *(g) PROTECTIONS FOR WORKERS RECRUITED*  
4 *ABROAD.—*

5 *(1) DEFINITIONS.—In this section—*

6 *(A) the term “foreign labor contractor”*  
7 *means any person who for any money or other*  
8 *consideration paid or promised to be paid, per-*  
9 *forms any foreign labor contracting activity;*

10 *(B) the term “foreign labor contracting ac-*  
11 *tivity” means recruiting, soliciting, hiring, em-*  
12 *ploying, or furnishing, an individual who resides*  
13 *outside of the United States to be employed in*  
14 *the United States; and*

15 *(C) the term “worker” means an individual*  
16 *who is the subject of foreign labor contracting ac-*  
17 *tivity.*

18 *(2) DISCLOSURE.—Any person who engages in*  
19 *foreign labor contracting activity shall ascertain and*  
20 *disclose in writing, in English and in a language un-*  
21 *derstood by the worker being recruited, to each worker*  
22 *who is recruited for employment, at the time of the*  
23 *worker’s recruitment, the following information:*

1           (A) *The location and period of employment,*  
2           *and any travel or transportation expenses to be*  
3           *assessed.*

4           (B) *The compensation for the employment*  
5           *and any other employee benefit to be provided*  
6           *and any costs to be charged for each benefit.*

7           (C) *A description of employment require-*  
8           *ments and activities.*

9           (D) *The existence of any labor organizing*  
10          *effort, strike, lockout, or other labor dispute at*  
11          *the place of employment.*

12          (E) *The existence of any arrangement with*  
13          *any person involving the receipt of a commission*  
14          *or any other benefit for the provision of items or*  
15          *services to workers.*

16          (F) *The extent to which workers will be*  
17          *compensated through workers' compensation, pri-*  
18          *vate insurance, or other means for injuries or*  
19          *death.*

20          (G) *Any education or training to be pro-*  
21          *vided or required, including the nature and cost*  
22          *of such training and the person who will pay*  
23          *such costs, and whether the training is a condi-*  
24          *tion of employment, continued employment, or*  
25          *future employment.*

1           (3) *RESTRICTION.*—No foreign labor contractor  
2           or employer who engages in foreign labor contracting  
3           activity shall knowingly provide materially false or  
4           misleading information to any worker concerning  
5           any matter required to be disclosed under paragraph  
6           (2). The disclosure required by this section is a docu-  
7           ment concerning the proper administration of a mat-  
8           ter within the jurisdiction of a department or agency  
9           of the United States for the purposes of section 1519  
10          of title 18, United States Code.

11          (4) *REGISTRATION.*—

12                (A) *IN GENERAL.*—Before engaging in any  
13                foreign labor contracting activity, any person  
14                who is a foreign labor contractor shall obtain a  
15                certificate of registration from the Secretary of  
16                Labor specifying the activities that such person  
17                is authorized to perform.

18                (B) *ISSUANCE.*—The Secretary shall pro-  
19                mulgate regulations to establish an efficient elec-  
20                tronic process for the investigation and approval  
21                of an application for a certificate of registration  
22                of foreign labor contractors not later than 14  
23                days after such application is filed, including—

24                        (i) requirements under paragraphs (1),  
25                        (4), and (5) of section 102 of the Migrant

1           *and Seasonal Agricultural Worker Protec-*  
2           *tion Act (29 U.S.C. 1812);*

3           *(ii) an expeditious means to update*  
4           *registrations and renew certificates; and*

5           *(iii) any other requirements that the*  
6           *Secretary may prescribe.*

7           (C) *TERM OF REGISTRATION.*—*Unless sus-*  
8           *pending or revoked, a certificate under this sub-*  
9           *paragraph shall be valid for 2 years.*

10          (D) *REFUSAL TO ISSUE; REVOCATION.*—*In*  
11          *accordance with regulations promulgated by the*  
12          *Secretary of Labor, the Secretary shall refuse to*  
13          *issue or renew, or shall revoke, after notice and*  
14          *an opportunity for a hearing, a certificate of*  
15          *registration under this subparagraph if—*

16                (i) *the applicant for, or holder of, the*  
17                *certification has knowingly made a mate-*  
18                *rial misrepresentation in the application*  
19                *for such certificate;*

20                (ii) *the applicant for, or holder of, the*  
21                *certification is not the real party in interest*  
22                *in the application or certificate of registra-*  
23                *tion and the real party in interest—*

1                   (I) is a person who has been re-  
2                   fused issuance or renewal of a certifi-  
3                   cate;

4                   (II) has had a certificate revoked;  
5                   or

6                   (III) does not qualify for a certifi-  
7                   cate under this paragraph; or

8                   (iii) the applicant for, or holder of, the  
9                   certification has failed to comply with this  
10                  subsection.

11                  (E) COMPLAINTS AND INVESTIGATIONS.—

12                  *The Secretary of Labor shall establish a process*  
13                  *for the receipt, investigation, and disposition of*  
14                  *complaints respecting a foreign labor contrac-*  
15                  *tor's compliance with this subsection. Com-*  
16                  *plaints may be filed by any aggrieved person or*  
17                  *organization (including bargaining representa-*  
18                  *tives). No investigation or hearing shall be con-*  
19                  *ducted on a complaint concerning a violation of*  
20                  *this subsection unless the complaint was filed not*  
21                  *later than 12 months after the date of the viola-*  
22                  *tion. The Secretary shall conduct an investiga-*  
23                  *tion under this paragraph if there is reasonable*  
24                  *cause to believe that such a violation occurred.*

25                  (F) MAINTENANCE OF LISTS.—

1                   (i) *IN GENERAL.*—*The Secretary shall*  
2                   *maintain a list of all foreign labor contrac-*  
3                   *tors registered under this Act; and*

4                   (ii) *PUBLIC AVAILABILITY.*—*The Sec-*  
5                   *retary shall make the list described in*  
6                   *clause (i) publicly available, including*  
7                   *through publication on the Internet.*

8                   (G) *RE-REGISTRATION OF VIOLATORS.*—*The*  
9                   *Secretary shall provide a procedure by which a*  
10                  *foreign labor contractor that has had its registra-*  
11                  *tion revoked may seek to re-register under this*  
12                  *paragraph by demonstrating to the Secretary’s*  
13                  *satisfaction that the foreign labor contractor has*  
14                  *not violated this section in the previous 5 years.*

15                  (5) *AMENDMENT TO IMMIGRATION AND NATION-*  
16                  *ALITY ACT.*—*Section 214 of the Immigration and Na-*  
17                  *tionality Act is amended by adding at the end the fol-*  
18                  *lowing:*

19                  “(s) *A visa shall not be issued under the subparagraph*  
20                  *(A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section*  
21                  *101(a)(15) until the consular officer—*

22                  *“(1) has provided to and reviewed with the ap-*  
23                  *plicant, in the applicant’s language (or a language*  
24                  *the applicant understands), a copy of the information*  
25                  *and resources pamphlet required by section 202 of the*

1 *William Wilberforce Trafficking Victims Protection*  
2 *Reauthorization Act of 2007; and*

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

6 (6) *ENFORCEMENT PROVISIONS.—*

7 (A) *ADMINISTRATIVE ENFORCEMENT.—The*  
8 *Secretary of Labor may impose, for knowingly*  
9 *or recklessly failing to comply with the require-*  
10 *ments of this section—*

11 (i) *a fine in an amount not more than*  
12 *\$4,000 per affected worker; and*

13 (ii) *upon the occasion of a third offense*  
14 *or failure to comply with representations, a*  
15 *fine of not more than \$10,000 per affected*  
16 *worker.*

17 (B) *CIVIL ACTION.—*

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

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

23 (II) *to recover damages suffered*  
24 *by any worker harmed by such a viola-*  
25 *tion, which shall include wages owed,*

1                   *and any debts incurred or fees paid by*  
2                   *such worker, to any person, in reliance*  
3                   *on the representations of the defendant*  
4                   *or agents of the defendants; and*

5                   (III) *to ensure compliance with*  
6                   *requirements of this section.*

7                   (ii) *SUMS RECOVERED.—Any sums re-*  
8                   *covered by the Secretary on behalf of an em-*  
9                   *ployee under clause (i) shall be held in a*  
10                  *special deposit account and shall be paid,*  
11                  *on order of the Secretary, directly to each*  
12                  *employee affected. Any such sums not paid*  
13                  *to an employee because of inability to do so*  
14                  *within a period of 3 years shall be credited*  
15                  *as an offsetting collection to the appropria-*  
16                  *tions account of the Secretary of Labor for*  
17                  *expenses for the administration of this sec-*  
18                  *tion and shall remain available to the Sec-*  
19                  *retary until expended.*

20                  (iii) *REPRESENTATION.—Except as*  
21                  *provided in section 518(a) of title 28,*  
22                  *United States Code, the Solicitor of Labor*  
23                  *may appear for and represent the Secretary*  
24                  *of Labor in any civil litigation brought*  
25                  *under this subsection. All such litigation*

1           *shall be subject to the direction and control*  
2           *of the Attorney General.*

3           (C) *AGENCY LIABILITY.—An employer who*  
4           *retains the services of a foreign labor contractor*  
5           *shall only use those foreign labor contractors who*  
6           *are registered under paragraph (4). An employer*  
7           *who uses a foreign labor contractor who is not*  
8           *registered under paragraph (4), or who uses a*  
9           *foreign labor contractor knowing or in reckless*  
10           *disregard that such contractor has violated any*  
11           *provision of this subsection, shall be subject to*  
12           *the provisions of this paragraph for violations*  
13           *committed by such foreign labor contractor to the*  
14           *same extent as if the employer had committed*  
15           *the violation.*

16       (h) *DEFINITIONS.—In this section:*

17           (1) *EMPLOYMENT- OR EDUCATION-BASED NON-*  
18           *IMMIGRANT VISA.—The term “employment- or edu-*  
19           *cation-based nonimmigrant visa” means a non-*  
20           *immigrant visa issued for the purpose of employment,*  
21           *education, or training in the United States, including*  
22           *a visas issued under subparagraph (A)(iii), (G)(v),*  
23           *(H), (J), (L), (Q), or (R) of section 101(a)(15) of the*  
24           *Immigration and Nationality Act (8 U.S.C.*  
25           *1101(a)(15)).*

1           (2) *SEVERE FORMS OF TRAFFICKING IN PER-*  
2           *SONS.—The term “severe forms of trafficking in per-*  
3           *sons” has the meaning given the term in section 103*  
4           *of the Trafficking Victims Protection Act of 2000 (22*  
5           *U.S.C. 7102).*

6 **SEC. 203. CLARIFICATION OF ROLES OF SECRETARY OF**  
7           **HOMELAND SECURITY AND ATTORNEY GEN-**  
8           **ERAL.**

9           (a)       *T        VISA        CLASSIFICATION.—Section*  
10          *101(a)(15)(T)(i) of the Immigration and Nationality Act*  
11          *(8 U.S.C. 1101(a)(15)(T)(i)), as amended by section 201(a),*  
12          *is further amended by striking “, or in the case of subclause*  
13          *(III)(aa) the Secretary of Homeland Security and the At-*  
14          *torney General jointly,”.*

15          (b) *ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-*  
16          *FICKING.—Section 245(l)(1) of the Immigration and Na-*  
17          *tionality Act (8 U.S.C. 1255(l)(1)) is amended—*

18                (1) *in the matter preceding subparagraph (A),*  
19                *by striking “, or in the case of subparagraph (C)(i),*  
20                *the Attorney General,”;*

21                (2) *in subparagraph (A), by striking “Attorney*  
22                *General,” and inserting “Secretary of Homeland Se-*  
23                *curity,”; and*

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

4           (c) *ADJUSTMENT OF STATUS FOR CRIME VICTIMS.*—  
5           Section 245(m)(1) of the Immigration and Nationality Act  
6           (8 U.S.C. 1255(m)(1)) is amended, in the matter preceding  
7           subparagraph (A), by striking “unless the Attorney Gen-  
8           eral” and inserting “unless the Secretary”.

9           **SEC. 204. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS**  
10                                   **ON PETITIONS AND APPLICATIONS FOR RE-**  
11                                   **LIEF.**

12           Section 237 of the Immigration and Nationality Act  
13           (8 U.S.C. 1227) is amended by adding at the end the fol-  
14           lowing:

15           “(d)(1) In the case of an alien in the United States  
16           for whom an application for nonimmigrant status (whether  
17           as a principal alien or a derivative relative) under section  
18           101(a)(15)(T) has been filed, if the application sets forth  
19           a *prima facie* case for approval, the Secretary of Homeland  
20           Security may grant the alien a stay of removal or deporta-  
21           tion until the application is approved or the application  
22           is denied after exhaustion of administrative appeals. Any  
23           appeal of the denial of a stay of removal or deportation  
24           under this paragraph must accompany any appeal of the  
25           underlying substantive petition or application for benefits.



1           *sibling under 18 years of age, of the alien;*  
2           *or*

3           “(ii) *in the case of an alien granted*  
4           *continued presence who is 21 years of age or*  
5           *older, the spouse or child of the alien, or a*  
6           *parent or sibling of the alien who establishes*  
7           *a present danger of retaliation as a result*  
8           *of the alien’s cooperation with law enforce-*  
9           *ment.*

10          “(B) *DURATION OF PAROLE.—*

11           “(i) *IN GENERAL.—The grant of parole*  
12           *under subparagraph (A) shall extend until*  
13           *the date an application filed by the prin-*  
14           *cipal alien under section 101(a)(15)(T)(ii)*  
15           *has been finally adjudicated.*

16           “(ii) *OTHER LIMITS ON DURATION.—If*  
17           *no such application is filed, the grant of pa-*  
18           *role shall extend until the later of—*

19                   “(I) *the date on which the prin-*  
20                   *cipal alien’s continued presence in the*  
21                   *United States under section*  
22                   *107(c)(3)(A) of the Trafficking Victims*  
23                   *Protection Act (22 U.S.C.*  
24                   *7105(c)(3)(A)) is terminated; or*

1                   “(II) the date on which a civil ac-  
2                   tion filed by the principal alien under  
3                   section 1595 of title 18, United States  
4                   Code, is concluded.

5                   “(iii) *DUE DILIGENCE*.—Failure by the  
6                   principal alien to exercise due diligence in  
7                   filing a visa petition on behalf of an alien  
8                   described in clause (i) or (ii) of subpara-  
9                   graph (A) may result in revocation of pa-  
10                  role.”.

11 **SEC. 206. IMPLEMENTATION OF TRAFFICKING VICTIMS**  
12                   **PROTECTION REAUTHORIZATION ACT OF**  
13                   **2005.**

14                  *Not later than 120 days after the date of the enactment*  
15 *of this Act, the Secretary of Homeland Security shall issue*  
16 *interim regulations regarding the adjustment of status to*  
17 *permanent residence for nonimmigrants admitted into the*  
18 *United States under section 101(a)(15)(T) of the Immigra-*  
19 *tion and Nationality Act (8 U.S.C. 1101(a)(15)(T)). If the*  
20 *regulations are not issued before such deadline, the Sec-*  
21 *retary shall submit a report to the Committee on Foreign*  
22 *Affairs and the Committee on the Judiciary of the House*  
23 *of Representatives and the Committee on Foreign Relations*  
24 *and the Committee on the Judiciary of the Senate explain-*

1 *ing in detail the reasons such regulations have not been*  
2 *issued.*

3 ***Subtitle B—Assistance for***  
4 ***Trafficking Victims***

5 ***SEC. 211. VICTIM OF TRAFFICKING CERTIFICATION PROC-***  
6 ***ESS.***

7 *Subsection 107(b)(1)(E) of the Trafficking Victims*  
8 *Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)), is*  
9 *amended—*

10 *(1) in clause (i)—*

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

16 *(B) in subclause (II)(bb), by striking*  
17 *“United States” and all that follows through*  
18 *“ensuring” and inserting “United States the*  
19 *Secretary of Homeland Security is ensuring”;*  
20 *and*

21 *(2) in clause (ii), by striking “so long as” and*  
22 *all that follows through “determines” and inserting*  
23 *“so long as the Secretary of Homeland Security deter-*  
24 *mines”.*

1 **SEC. 212. ASSISTANCE FOR CERTAIN VISA APPLICANTS.**

2       (a) *IN GENERAL.*—Section 431(c) of the Personal Re-  
3 sponsibility and Work Opportunity Reconciliation Act of  
4 1996 (8 U.S.C. 1641(c)) is amended—

5           (1) by striking “or” at the end of paragraph

6           (2)(B);

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

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

10           “(4) an alien who has applied for and not been  
11 denied, or who holds, status as a nonimmigrant  
12 under clause (i) or (ii) of section 101(a)(15)(T) of the  
13 Immigration and Nationality Act.”.

14       (b) *CONSTRUCTION.*—The provisions of section  
15 431(c)(4) of the Personal Responsibility and Work Oppor-  
16 tunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(4)), as  
17 added by subsection (a), are in addition to the access to  
18 public benefits provided in the Trafficking Victims Protec-  
19 tion Act of 2000 and the Trafficking Victims Reauthoriza-  
20 tion Act of 2003.

21       (c) *EFFECTIVE DATE.*—The amendments made by sub-  
22 section (a) apply to applications for public benefits and  
23 public benefits provided on or after the date of the enact-  
24 ment of this Act without regard to whether regulations to  
25 carry out such amendments are implemented.

1 **SEC. 213. INTERIM ASSISTANCE FOR CHILD VICTIMS OF**  
2 **TRAFFICKING.**

3 (a) *IN GENERAL.*—Subsection (b)(1) of section 107 of  
4 *the Trafficking Victims Protection Act of 2000 (22 U.S.C.*  
5 *7105) is amended by adding at the end the following new*  
6 *subparagraphs:*

7 “(F) *ELIGIBILITY OF INTERIM ASSISTANCE*  
8 *FOR CHILD VICTIMS.*—

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

19 “(ii) *EXCLUSIVE AUTHORITY.*—The  
20 *Secretary of Health and Human Services*  
21 *shall have exclusive authority in making de-*  
22 *terminations of eligibility under clause (i).*

23 “(iii) *DURATION.*—Assistance provided  
24 *under this paragraph for an individual de-*  
25 *termined to be eligible under clause (i) may*

1           *be provided for up to 90 days and may be*  
2           *extended for an additional 30 days.*

3           “(iv) *SENSE OF CONGRESS.—It is the*  
4           *sense of Congress that—*

5                     “(I) *to ensure the best interests of*  
6                     *the child and to create an increased*  
7                     *chance of cooperation by child victims*  
8                     *of severe forms of trafficking in per-*  
9                     *sons, the United States Government*  
10                    *should provide assistance to protect*  
11                    *and care for such child victims during*  
12                    *the pendency of proceedings to deter-*  
13                    *mine whether a child is a victim of se-*  
14                    *vere forms of trafficking; and*

15                    “(II) *in order to further the objec-*  
16                    *tive of subclause (I), the Secretary of*  
17                    *Health and Human Services should*  
18                    *make the determination of eligibility*  
19                    *for assistance under clause (i) on the*  
20                    *basis of the information provided and*  
21                    *the Secretary’s own assessment of such*  
22                    *information without regard to the as-*  
23                    *sessments by other departments and*  
24                    *agencies of the United States Govern-*  
25                    *ment regarding whether such child vic-*

1                    *tim’s application for relief or benefits*  
2                    *under this Act or the Immigration and*  
3                    *Nationality Act will be approved.*

4                    *“(G) NOTIFICATION OF CHILD VICTIMS FOR*  
5                    *INTERIM ASSISTANCE.—*

6                    *“(i) FEDERAL OFFICIALS.—Any Fed-*  
7                    *eral official who has reason to believe that*  
8                    *a person may be a juvenile victim of traf-*  
9                    *ficking referred to in subparagraph*  
10                    *(C)(ii)(I) shall notify the Secretary of*  
11                    *Health and Human Services not later than*  
12                    *48 hours after the official first learns that*  
13                    *the person may be a juvenile victim of traf-*  
14                    *ficking for the purpose of facilitating the*  
15                    *provision of interim assistance under sub-*  
16                    *paragraph (F).*

17                    *“(ii) STATE AND LOCAL OFFICIALS.—*  
18                    *Any State or local official who has reason*  
19                    *to believe that a person may be a juvenile*  
20                    *victim of trafficking referred to in subpara-*  
21                    *graph (C)(ii)(I) shall notify the Secretary of*  
22                    *Health and Human Services not later than*  
23                    *72 hours after the official first learns that*  
24                    *the person may be a juvenile victim of traf-*  
25                    *ficking for the purpose of facilitating the*

1                    *provision of interim assistance under sub-*  
2                    *paragraph (F).”.*

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

5                    (1) *by striking “and the Department of Justice”*  
6                    *and inserting “, the Department of Homeland Secu-*  
7                    *rity, and the Department of Health and Human*  
8                    *Services”;*

9                    (2) *by inserting before the period at the end the*  
10                    *following: “, including the identification of juvenile*  
11                    *victims of trafficking”;* and

12                    (3) *by adding at the end the following new sen-*  
13                    *tence: “The Attorney General and the Secretary of*  
14                    *Heath and Human Services shall provide education*  
15                    *and guidance to State and local officials on the iden-*  
16                    *tification of aliens who are the victims of severe forms*  
17                    *of trafficking, and in particular child victims of traf-*  
18                    *ficking, including education and guidance on the re-*  
19                    *quirements of subsection (b)(1)(G)(ii).”.*

20 **SEC. 214. ENSURING ASSISTANCE FOR ALL VICTIMS OF**  
21 **TRAFFICKING IN PERSONS.**

22            (a) *AMENDMENTS TO THE TRAFFICKING VICTIMS PRO-*  
23 *TECTION ACT OF 2000.—*

24                    (1) *ASSISTANCE FOR UNITED STATES CITI-*  
25                    *ZENS.—Section 107 of the Trafficking Victims Protec-*

1 *tion Act of 2000 (22 U.S.C. 7105) is amended by*  
2 *adding at the end the following:*

3 *“(h) ASSISTANCE FOR UNITED STATES CITIZENS.—*

4 *“(1) IN GENERAL.—The Secretary of Health and*  
5 *Human Services and the Attorney General, in con-*  
6 *sultation with the Secretary of State and the Sec-*  
7 *retary of Labor, are authorized to establish a program*  
8 *to provide assistance to United States citizens who*  
9 *are victims of severe forms of trafficking. In deter-*  
10 *mining the types of assistance that would be most*  
11 *beneficial for such victims, the Secretary of Health*  
12 *and Human Services and the Attorney General shall*  
13 *consult with nongovernmental organizations that pro-*  
14 *vide services to victims of severe forms of trafficking*  
15 *in the United States.*

16 *“(2) USE OF EXISTING PROGRAMS.—In addition*  
17 *to such other specialized services as may be required*  
18 *for victims described in paragraph (1), the program*  
19 *established pursuant to paragraph (1) shall facilitate*  
20 *communication and coordination between the pro-*  
21 *viders of assistance to such victims, and provide a*  
22 *means of identifying such providers and making re-*  
23 *errals to programs for which such victims are al-*  
24 *ready eligible (including programs administered by*

1 *the Department of Justice and the Department of*  
2 *Health and Human Services).*

3 “(3) *GRANTS.*—*The Secretary of Health and*  
4 *Human Services and the Attorney General may make*  
5 *grants to States, Indian tribes, units of local govern-*  
6 *ment, and non-profit, nongovernmental victims’ serv-*  
7 *ice organizations to develop, expand, and strengthen*  
8 *victim service programs authorized under this sub-*  
9 *section. The Federal share of a grant made under this*  
10 *subsection may not exceed 75 percent of the total costs*  
11 *of the projects described in the application sub-*  
12 *mitted.”.*

13 (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
14 *tion 113 of such Act (22 U.S.C. 7110) is amended—*

15 (A) *in subsection (b), by adding at the end*  
16 *the following new sentence: “To carry out the*  
17 *purposes of section 107(h), there are authorized*  
18 *to be appropriated to the Secretary of Health*  
19 *and Human Services \$2,500,000 for fiscal year*  
20 *2008, \$5,000,0000 for fiscal year 2009,*  
21 *\$10,000,000 for fiscal year 2010, and*  
22 *\$15,000,000 for fiscal year 2011.”; and*

23 (B) *in subsection (d), by adding at the end*  
24 *the following new sentence: “To carry out the*  
25 *purposes of section 107(h), there are authorized*

1           to be appropriated to the Attorney General  
2           \$2,500,000 for fiscal year 2008, \$5,000,000 for  
3           fiscal year 2009, \$10,000,000 for fiscal year  
4           2010, and \$15,000,000 for fiscal year 2011.”.

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

7           (1) VICTIMS OF CRIMES ACT.—The Attorney  
8           General is authorized to use funds available under the  
9           Victims of Crimes Act of 1984 to provide assistance  
10          to persons victimized in cases brought under chapter  
11          117 of title 18, United States Code.

12          (2) USE OF EXISTING PROGRAMS.—The Presi-  
13          dent is authorized to facilitate communication and  
14          coordination between the providers of assistance to  
15          persons victimized in cases brought under chapter 117  
16          of title 18, United States Code, and to provide a  
17          means of identifying such providers and making re-  
18          ferrals to programs for which such victims are al-  
19          ready eligible (including programs administered by  
20          the Department of Justice and the Department of  
21          Health and Human Services).

22          (3) EFFECT ON OTHER PROGRAMS.—Nothing in  
23          this section or the amendments made by this section  
24          shall derogate from the programs for victims of sexual  
25          abuse or commercial sexual exploitation or survivors

1       *of sexual abuse or commercial sexual exploitation au-*  
2       *thorized by section 202 of the Trafficking Victims*  
3       *Protection Reauthorization of 2005.*

4       *(c) PARTNERSHIPS AMONG ORGANIZATIONS.—Begin-*  
5       *ning not later than 120 days after the date of the enactment*  
6       *of this Act, all applications for grants made by the Attorney*  
7       *General or the Secretary of Health and Human Services*  
8       *to States, Indian tribes, units of local government, and non-*  
9       *profit, nongovernmental victims' service organizations to*  
10       *establish or maintain assistance programs for victims of se-*  
11       *vere forms of trafficking in persons or sex trafficking that*  
12       *occurs, in whole or in part, within the territorial jurisdic-*  
13       *tion of the United States shall include a statement by the*  
14       *applicant of whether the services will be available to both*  
15       *United States citizens and foreign trafficking victims, or*  
16       *if the applicant intends to specialize in serving a particular*  
17       *victim population, what referral mechanisms or collabo-*  
18       *rative relationships they will undertake to ensure that all*  
19       *victims are assisted regardless of alienage. The statement*  
20       *required by this section will not be used to make a deter-*  
21       *mination regarding the award of the grant.*

22       *(d) STUDY.—*

23               *(1) REQUIREMENT.—Not later than one year*  
24       *after the date of the enactment of this Act, the Attor-*  
25       *ney General and the Secretary of Health and Human*

1        *Services shall submit to the appropriate congressional*  
2        *committees a report identifying the existence or extent*  
3        *of any service gap between foreign and United States*  
4        *citizen victims of severe forms of trafficking and vic-*  
5        *tims of sex trafficking, as defined in section 103 of the*  
6        *Trafficking Victims Protection Act of 2000.*

7            (2) *ELEMENTS.—In carrying out the study*  
8        *under subparagraph (1), the Attorney General and*  
9        *Secretary of Health and Human Services shall—*

10            (A) *investigate factors relating to the legal*  
11        *ability of foreign and United States citizen vic-*  
12        *tims of trafficking to access government-funded*  
13        *social services in general, including the applica-*  
14        *tion of the Personal Responsibility and Work*  
15        *Opportunity Reconciliation Act of 1996 (8*  
16        *U.S.C. 1641(c)(5)) and the Illegal Immigration*  
17        *and Immigrant Responsibility Act of 1996 (divi-*  
18        *sion C of Public Law 104–208; 110 Stat. 3009*  
19        *et seq.);*

20            (B) *investigate any other impediments to*  
21        *the access of foreign and United States citizen*  
22        *victims of trafficking to government-funded so-*  
23        *cial services in general;*

24            (C) *investigate any impediments to the ac-*  
25        *cess of foreign and United States citizen victims*

1           *of trafficking to government-funded services tar-*  
2           *geted to victims of severe forms of trafficking and*  
3           *victims of sex trafficking;*

4           *(D) investigate the effect of trafficking serv-*  
5           *ice-provider infrastructure development, con-*  
6           *tinuity of care, and availability of caseworkers*  
7           *on the eventual restoration and rehabilitation of*  
8           *foreign and United States citizen victims of traf-*  
9           *ficking; and*

10           *(E) include findings, best practices, and*  
11           *recommendations based on the study of the ele-*  
12           *ments in subparagraphs (A) through (D) and*  
13           *any other related information.*

14           ***Subtitle C—Penalties Against***  
15           ***Traffickers and Other Crimes***

16       ***SEC. 221. ENHANCING TRAFFICKING AND OTHER RELATED***  
17           ***OFFENSES.***

18           *(a) CLARIFYING AMENDMENT.—Section 1591(a) of*  
19       *title 18, United States Code, is amended—*

20           *(1) by striking “that the person has not attained*  
21           *the age of 18 years and” and inserting “that the per-*  
22           *son (being a person who has not attained the age of*  
23           *18 years)”;* and

24           *(2) by inserting at the end “In a prosecution*  
25           *under this subsection, the Government need not prove*

1       *that the defendant knew that the person had not at-*  
2       *tained the age of 18 years.”.*

3       **(b) COMPELLED SERVICE.—**

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

6       **“§ 1592. Unlawful compelled service**

7               **“(a) GENERALLY.—***Whoever knowingly, with intent to*  
8       *obtain or maintain the labor or services of a person or to*  
9       *obtain or maintain a person for use in a commercial sex*  
10       *act (as defined in section 1591)—*

11               **“(1) destroys, conceals, removes, confiscates, or**  
12       *possesses any actual or purported passport or other*  
13       *immigration document, or any other actual or pur-*  
14       *ported government identification document, of an-*  
15       *other person to prevent or restrict or to attempt to*  
16       *prevent or restrict, without lawful authority, the per-*  
17       *sons ability to move or travel;*

18               **“(2) improperly uses a position of real or appar-**  
19       *ent governmental authority;*

20               **“(3) asserts as fact, exposes, or threatens to ex-**  
21       *pose, a matter, whether true or false, tending to sub-*  
22       *ject some person to hatred, contempt or ridicule; or*

23               **“(4) exposes any person to bankruptcy or other**  
24       *financial harm,*

25       *shall be punished as provided in subsection (b).*

1       “(b) *PUNISHMENT.*—A violator of subsection (a)  
2 shall—

3               “(1) if the offense involved a violation of sub-  
4 section (a)(1) or (2), or a violation of subsection  
5 (a)(3) in which bodily injury, incarceration, or de-  
6 portation occurred as a result of the blackmail, be  
7 fined under this title or imprisoned not more than 5  
8 years, or both;

9               “(2) if the offense involved a violation of sub-  
10 section (a)(3) not resulting in bodily injury or incar-  
11 ceration, or a violation of subsection (a)(4) in which  
12 bankruptcy or financial harm occurred and the loss  
13 of at least one person was over ten thousand dollars,  
14 be fined under this title or imprisoned not more than  
15 3 years, or both; and

16               “(3) in any other case, be fined under title 18,  
17 United States Code, or imprisoned not more than one  
18 year, or both.

19       “(c) *DEFINITION.*—For purposes of this paragraph, ‘fi-  
20 nancial harm’ includes the factors set forth in section  
21 892(b) of this title, and fees charged for foreign labor con-  
22 tracting activity, as defined in section 202(g) of the Wil-  
23 liam Wilberforce Trafficking Victims Protection Reauthor-  
24 ization Act of 2007, that are not reasonably related to serv-  
25 ices provided to the foreign worker.”.

1           (2) *CLERICAL AMENDMENT.*—*The item relating*  
2           *to section 1592 in the table of sections at the begin-*  
3           *ning of chapter 77 of title 18, United States Code, is*  
4           *amended to read as follows:*

*“1592.Unlawful compelled service.”.*

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

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

14           (2) *Section 1594 of title 18, United States Code, is*  
15           *amended—*

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

19           (B) *in subsection (c), by adding at the end the*  
20           *following:*

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

1       “(4) In a prosecution brought under any other provi-  
2 sion of Federal law, the Attorney General may grant res-  
3 toration or remission of property to victims of severe forms  
4 of trafficking as defined in section 103 of the Trafficking  
5 Victims Protection Act of 2000, in accordance with section  
6 1594(b)(4).”.

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

9           (1) in subsection (a) by—

10                   (A) by striking “of section 1589, 1590, or  
11                   1591”; and

12                   (B) by inserting “(or any person who know-  
13                   ingly benefits, financially or by receiving any-  
14                   thing of value from participation in a venture  
15                   which has engaged in an act in violation of this  
16                   chapter)” after “perpetrator”.

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

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

21       (e) *ENDING FOREIGN LABOR CONTRACTING*  
22 *ABUSES.*—

23           (1) *IN GENERAL.*—Chapter 73 of title 18, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing:

1 **“§ 1521. Retaliation in foreign labor contracting**

2       “(a)(1) *Whoever knowingly uses intimidation, threat-*  
3 *ens, or corruptly persuades another person, or attempts to*  
4 *do so, or engages in misleading conduct toward another per-*  
5 *son, with intent to prevent or to retaliate against such per-*  
6 *son for—*

7               “(A) *the disclosure of information by such person*  
8 *concerning violations with respect to aliens of the pro-*  
9 *visions of employment-based immigration programs*  
10 *or any other Federal labor or employment law; or*

11               “(B) *the cooperation of such person in an inves-*  
12 *tigation or other proceeding concerning compliance*  
13 *with respect to aliens with the requirements of em-*  
14 *ployment-based immigration programs or any other*  
15 *Federal labor or employment law,*

16 *shall be punished as provided in paragraph (2).*

17       “(2) *A violator of paragraph (1) shall—*

18               “(A) *if death results from the violation, or if the*  
19 *violation includes kidnapping or an attempt to kid-*  
20 *nap, aggravated sexual abuse, or the attempt to com-*  
21 *mit aggravated sexual abuse, or an attempt to kill, be*  
22 *fined under this title or imprisoned for any term of*  
23 *years or life, or both;*

24               “(B) *if the offense resulted in bodily injury, but*  
25 *not death, be fined under this title or imprisoned for*  
26 *not more than 10 years, or both; or*

1           “(C) in any other case, be fined under this title  
2           or imprisoned not more than 5 years, or both.

3           “(b) An individual who is the victim of an offense  
4           under this section may, in a civil action, recover damages  
5           (including reasonable attorneys’ fees) for the harm done the  
6           victim by that offense. Any civil action filed under this sec-  
7           tion shall be stayed during the pendency of any criminal  
8           action arising out of the same occurrence in which the  
9           claimant is the victim.

10          “(c) For the purposes of this section, the term ‘employ-  
11          ment-based immigration’ means a nonimmigrant visa  
12          issued for the purpose of employment, student exchange em-  
13          ployment, or job training in the United States, including  
14          those issued under subparagraph (A)(iii), (G)(v), (H), (J),  
15          (L), (Q), or (R) of section 101(a)(15) of the Immigration  
16          and Nationality Act.”.

17                 (2) CLERICAL AMENDMENT.—The table of sec-  
18          tions at the beginning of chapter 73 of title 18,  
19          United States Code, is amended by adding at the end  
20          the following new item:

          “1521. Retaliation in foreign labor contracting.”.

21                 (f) TRANSPORTATION GENERALLY.—Section 2422(a) of  
22          title 18, United States Code, is amended—

23                         (1) by inserting “or affecting” after “travel in”;  
24                         and

1           (2) by inserting “in the special maritime and  
2           territorial jurisdiction of the United States,” after  
3           “foreign commerce,”.

4           (g) *SEX TOURISM*.—

5           (1) *GENERALLY*.—Chapter 117 of title 18,  
6           United States Code, is amended by inserting after sec-  
7           tion 2423 the following:

8           “**§ 2423A. Sex tourism**

9           “(a) *TRAVEL WITH INTENT TO ENGAGE IN ILLICIT*  
10          *SEXUAL CONDUCT*.—A person who travels in interstate  
11          commerce or travels into the United States, or a United  
12          States citizen or an alien admitted for permanent residence  
13          in the United States who travels in foreign commerce, for  
14          the purpose of engaging in any illicit sexual conduct with  
15          another person shall be fined under this title or imprisoned  
16          not more than 10 years, or both.

17          “(b) *ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOR-*  
18          *EIGN PLACES*.—Any United States citizen or alien admit-  
19          ted for permanent residence who travels in foreign com-  
20          merce, and engages in any illicit sexual conduct with an-  
21          other person shall be fined under this title or imprisoned  
22          not more than 10 years, or both.

23          “(c) *ARRANGING TRAVEL AND RELATED CONDUCT*.—  
24          Whoever, for the purpose of commercial advantage or pri-  
25          vate financial gain, arranges, induces, procures, or facili-

1 *tates the travel of a person knowing that such a person is*  
2 *traveling in interstate commerce or foreign commerce for*  
3 *the purpose of engaging in illicit sexual conduct shall be*  
4 *fined under this title, imprisoned not more than 10 years,*  
5 *or both.*

6       “(d) *INCREASED PENALTY FOR OFFENSES INVOLVING*  
7 *CHILDREN.—If the illicit sexual conduct is with a child,*  
8 *the maximum term of imprisonment for an offense under*  
9 *this section is 30 years.*

10       “(e) *ATTEMPT AND CONSPIRACY.—Whoever attempts*  
11 *or conspires to violate this section shall be punishable in*  
12 *the same manner as for the completed violation.*

13       “(f) *DEFINITIONS.—As used in this section—*

14               “(1) *the term ‘illicit sexual conduct’ means—*

15                       “(A) *a sexual act (as defined in section*  
16                       *2246) that would be in violation of chapter 109A*  
17                       *if the sexual act occurred in the special maritime*  
18                       *and territorial jurisdiction of the United States;*  
19                       *or*

20                       “(B) *any commercial sex act (as defined in*  
21                       *section 1591); and*

22               “(2) *the term ‘child’ means a person under 18*  
23               *years of age.*

24       “(g) *DEFENSE.—In a prosecution under this section*  
25 *for a violation where an element of the offense involves a*

1 *commercial sex act with a child, it is a defense, which the*  
2 *defendant must establish by a preponderance of the evi-*  
3 *dence, that the person engaging in that act reasonably be-*  
4 *lieved that the other person was not a child.”;*

5 (2) *CONFORMING AMENDMENT.*—Section 2423 of  
6 *title 18, United States Code, is amended by striking*  
7 *subsections (b) through (g).*

8 (3) *AMENDMENT TO TABLE OF SECTIONS.*—The  
9 *table of sections at the beginning of chapter 117 of*  
10 *title 18, United States Code, is amended by inserting*  
11 *after the item relating to section 2423 the following*  
12 *new item:*

“2423A. *Sex tourism.*”.

13 (h) *AMENDMENT TO THE SENTENCING GUIDELINES.*—  
14 *Pursuant to its authority under section 994 of title 28,*  
15 *United States Code, and in accordance with this section,*  
16 *the United States Sentencing Commission shall review and,*  
17 *if appropriate, amend the sentencing guidelines and policy*  
18 *statements applicable—*

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

24 (2) *to persons convicted of offenses created by*  
25 *subsection (f) or (g) of this section, to ensure con-*

1       *formity with the United States Sentencing Guide-*  
2       *lines, sections 2G1.1 (promoting commercial sex acts*  
3       *with persons other than minors) and 2G1.3 (pro-*  
4       *moting commercial sex acts or prohibited sexual con-*  
5       *duct with a minor, and related offenses.*

6       **SEC. 222. JURISDICTION IN CERTAIN TRAFFICKING OF-**  
7                               **FENSES.**

8       (a) *IN GENERAL.*—Chapter 77 of title 18, United  
9       States Code, is amended by adding at the end the following:  
10       **“§ 1596. Additional jurisdiction in certain trafficking**  
11                               **offenses**

12       “(a) *IN GENERAL.*—In addition to any domestic or  
13       *extra-territorial jurisdiction otherwise provided by law, the*  
14       *courts of the United States have extra-territorial jurisdic-*  
15       *tion over any offense (or any attempt or conspiracy to com-*  
16       *mit an offense) under section 1581, 1583, 1584, 1589, 1590,*  
17       *or 1591 if—*

18               “(1) *an alleged offender or victim of the offense*  
19       *is a national of the United States or an alien law-*  
20       *fully admitted for permanent residence (as those*  
21       *terms are defined in section 101 of the Immigration*  
22       *and Nationality Act (8 U.S.C. 1101)); or*

23               “(2) *an alleged offender is present in the United*  
24       *States, irrespective of the nationality of the alleged of-*  
25       *fender.*

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

10       (b) *CLERICAL AMENDMENT.*—The table of sections at  
 11 the beginning of chapter 77 of title 18, United States Code,  
 12 is amended by adding at the end the following new item:  
 “1596. *Additional jurisdiction in certain trafficking offenses.*”.

13 **SEC. 223. AMENDMENT OF OTHER CRIMES RELATED TO**  
 14 **TRAFFICKING.**

15       (a) *ALIENS ENTERING THE UNITED STATES.*—

16               (1) *IN GENERAL.*—Section 278 of the *Immigra-*  
 17 *tion and Nationality Act (8 U.S.C. 1328)* is amended  
 18 *to read as follows:*

19                               “*ALIENS IN PROSTITUTION*

20       “*SEC. 278. (a) GENERALLY.*—Whoever, for the pur-  
 21 poses of prostitution or for any other any sexual activity  
 22 for which any person can be charged with a criminal of-  
 23 fense—

24                       “(1) knowingly imports or attempts to import  
 25 any alien; or

1           “(2) *knowing or in reckless disregard of the fact*  
2           *that an individual is an alien who lacks lawful au-*  
3           *thority to come to, enter, or reside in the United*  
4           *States, knowingly holds, keeps, maintains, supports,*  
5           *employs, or harbors the individual in any place in*  
6           *the United States, including any building or any*  
7           *means of transportation, or attempts to do so,*  
8           *shall be fined under title 18, United States Code, or impris-*  
9           *oned not more than 10 years, or both.*

10           “(b) *SPECIAL EVIDENTIARY RULE.—In all prosecu-*  
11           *tions under this section, the testimony of a husband or wife*  
12           *shall be admissible and competent evidence against each*  
13           *other.”.*

14           “(2) *CLERICAL AMENDMENT.—The table of con-*  
15           *tents of the Immigration and Nationality Act is*  
16           *amended by amending the item relating to section*  
17           *278 to read as follows:*

          “*Sec. 278. Aliens in prostitution.*”.

18           “(b) *AMENDMENT TO THE SENTENCING GUIDELINES.—*  
19           *Pursuant to its authority under section 994 of title 28,*  
20           *United States Code, and in accordance with this section,*  
21           *the United States Sentencing Commission shall review and,*  
22           *if appropriate, amend the sentencing guidelines and policy*  
23           *statements applicable to persons convicted of offenses cre-*  
24           *ated by this section to ensure conformity with the United*  
25           *States Sentencing Guidelines, section 2H4.1 (peonage of-*

1 *fenses) in violations involving a holding under section*  
2 *278(a)(2) of the Immigration and Nationality Act (8*  
3 *U.S.C. 1328(a)(2)), and section.2G1.1 otherwise.*

4 *(c) IMBRA VIOLATIONS.—Section 833(d)(5)(B) of the*  
5 *Violence Against Women and Department of Justice Reau-*  
6 *thorization Act of 2005 (Public Law 109–162) is amended*  
7 *by striking “interstate or foreign commerce, an inter-*  
8 *national marriage broker that, within the special maritime*  
9 *and territorial jurisdiction of the United States, violates”*  
10 *and inserting “interstate or foreign commerce or within the*  
11 *special maritime and territorial jurisdiction of the United*  
12 *States, an international marriage broker that violates”.*

13 **SEC. 224. MODEL STATUTES PROVIDED TO STATES.**

14 *(a) REQUIRED CHANGES TO MODEL STATUTE.—The*  
15 *Attorney General shall ensure that any model*  
16 *antitrafficking statute provided to any State shall specifi-*  
17 *cally provide that no provision of such model statute shall*  
18 *be construed as derogating from or in any way limiting*  
19 *or constraining the operation of State law relating to pros-*  
20 *titution and individuals involved in securing, exploiting,*  
21 *or otherwise abusing prostitutes.*

22 *(b) PUBLICATION.—The Attorney General shall ensure*  
23 *that any new model statute that is consistent with sub-*  
24 *section (a) shall be immediately put on the website of the*  
25 *Department of Justice in place of the existing statute.*

1       (c) *ADDITIONAL MODEL STATE STATUTE.*—*The De-*  
2 *partment of Justice shall draft and post on the website of*  
3 *the Department of Justice a model state statute setting forth*  
4 *best legislative practices in the area of state and local*  
5 *antiprostitution enforcement for use by States of the United*  
6 *States.*

7       ***Subtitle D—Activities of the United***  
8                                   ***States Government***

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

10       *Section 105(d)(7) of the Trafficking Victims Protection*  
11 *Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—*

12               (1) *in subparagraph (A), by inserting “the At-*  
13 *torney General,” 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, including*  
22 *educational efforts for and disciplinary actions*  
23 *taken against members of the United States*  
24 *Armed Forces, materials included in training of*  
25 *the armed forces of foreign countries, and efforts*

1           to ensure that United States Government con-  
2           tractors do not engage in trafficking in persons;

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

5           “(i) section 106(g) of this Act and any  
6           similar provision of law, regulation, or pol-  
7           icy relating to United States Government  
8           contractors and their employees or United  
9           States Government subcontractors and their  
10          employees that engage in severe forms of  
11          trafficking in persons, procurement of com-  
12          mercial sex acts, or use of forced labor, in-  
13          cluding debt bondage;

14          “(ii) section 307 of the Tariff Act of  
15          1930 (19 U.S.C. 1307; relating to prohibi-  
16          tion on importation of convict made goods),  
17          including any determinations by the Sec-  
18          retary of Homeland Security to waive the  
19          restrictions of such section; and

20          “(iii) prohibitions on the procurement  
21          by the United States Government of items  
22          or services produced by slave labor, con-  
23          sistent with Executive Order 13107 (Decem-  
24          ber 10, 1998); and”.

1 **SEC. 232. ANNUAL ANTI-TRAFFICKING CONFERENCE.**

2 *Section 201(a)(2)(A)(ii) of the Trafficking Victims*  
 3 *Protection Reauthorization Act of 2005 (42 U.S.C.*  
 4 *14044(a)(2)(A)(ii)) is amended by inserting before the semi-*  
 5 *colon at the end the following: “and the use of existing Fed-*  
 6 *eral and State criminal laws that do not require force,*  
 7 *fraud, or coercion as an element of a felony crime to pros-*  
 8 *ecute such persons”.*

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

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

14 **SEC. 234. COORDINATORS TO COMBAT HUMAN TRAF-**  
 15 **FICKING.**

16 *(a) DEPARTMENT OF JUSTICE.—*

17 *(1) ESTABLISHMENT.—The Attorney General*  
 18 *shall establish within the Office of the Deputy Attor-*  
 19 *ney General a Coordinator to Combat Human Traf-*  
 20 *ficking.*

21 *(2) DUTIES.—In addition to any other respon-*  
 22 *sibilities that the Attorney General may assign, the*  
 23 *Coordinator shall have the following responsibilities:*

24 *(A) Ensure coordination of policies relating*  
 25 *to victims of trafficking among the various of-*  
 26 *fices and components of the Department of Jus-*

1           *tice, including the Civil Division, the Criminal*  
2           *Division, the Office of Justice Programs, and the*  
3           *Federal Bureau of Investigation.*

4           *(B) Monitor, review, and make rec-*  
5           *ommendations regarding assistance to victims of*  
6           *trafficking to ensure that assistance policies are*  
7           *consistent with the Department's prosecution*  
8           *strategies and activities.*

9           *(C) Ensure improved communication and*  
10          *coordination with State and local law enforce-*  
11          *ment agencies regarding prosecution of offenses*  
12          *relating to victims of trafficking.*

13          *(D) Represent the Department at inter-*  
14          *agency mechanisms relating to trafficking in*  
15          *persons, including the Senior Policy Operating*  
16          *Group.*

17          *(E) Serve, in conjunction with the Coordi-*  
18          *nator to Combat Human Trafficking of the De-*  
19          *partment of Labor (established pursuant to sub-*  
20          *section (b)), as the executive secretariat of the*  
21          *Trafficking in Persons and Worker Exploitation*  
22          *Task Force.*

23          *(3) STAFF.—The Attorney General shall ensure*  
24          *that the Coordinator has sufficient staff to carry out*  
25          *the duties described in paragraph (2).*

1           (4) *AUTHORIZATION OF APPROPRIATIONS.—*  
2           *There is authorized to be appropriated such sums as*  
3           *may be necessary to carry out this subsection.*

4           **(b) DEPARTMENT OF LABOR.—**

5           (1) *ESTABLISHMENT.—The Secretary of Labor*  
6           *shall establish within the Department of Labor a Co-*  
7           *ordinator to Combat Human Trafficking.*

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

11                   (A) *Ensure coordination of policies relating*  
12                   *to victims of trafficking, both in the United*  
13                   *States and abroad, among the various offices and*  
14                   *components of the Department of Labor, includ-*  
15                   *ing the Office of the Solicitor, the Employment*  
16                   *Standards Administration, the Wage and Hour*  
17                   *Division, the Bureau of International Labor Af-*  
18                   *airs, and the Office of Child Labor, Forced*  
19                   *Labor, and Human Trafficking.*

20                   (B) *Ensure improved communication and*  
21                   *coordination with State labor agencies relating*  
22                   *to trafficking in persons.*

23                   (C) *Represent the Department at inter-*  
24                   *agency mechanisms relating to trafficking in*

1           *persons, including the Senior Policy Operating*  
2           *Group.*

3           *(D) Serve, in conjunction with the Coordi-*  
4           *nator to Combat Human Trafficking of the De-*  
5           *partment of Justice (established pursuant to sub-*  
6           *section (a)), as the executive secretariat of the*  
7           *Trafficking in Persons and Worker Exploitation*  
8           *Task.*

9           *(3) STAFF.—The Secretary of Labor shall ensure*  
10          *that the Coordinator has sufficient staff to carry out*  
11          *the duties described in paragraph (2).*

12          *(4) AUTHORIZATION OF APPROPRIATIONS.—*  
13          *There is authorized to be appropriated such sums as*  
14          *may be necessary to carry out this subsection.*

15          *(c) RULE OF CONSTRUCTION.—Nothing in this section*  
16          *shall be construed as affecting or derogating from the re-*  
17          *sponsibilities of the Senior Policy Operating Group estab-*  
18          *lished by section 206 of the Trafficking Victims Protection*  
19          *Reauthorization Act of 2005.*

20          *(d) DEFINITION.—In this section, the term “victim of*  
21          *trafficking” has the meaning given the term in section 103*  
22          *of the Trafficking Victims Protection Act of 2000 (22 U.S.C.*  
23          *7102).*

1 **SEC. 235. PREVENTING UNITED STATES TRAVEL BY TRAF-**  
2 **FICKERS.**

3 *Section 212(a)(2)(H)(i) of the Immigration and Na-*  
4 *tionality Act (8 U.S.C. 1182(a)(2)(H)(i)) is amended by*  
5 *striking “consular officer” and inserting “consular officer,*  
6 *the Secretary of State,”.*

7 **SEC. 236. ENHANCING EFFORTS TO COMBAT THE TRAF-**  
8 **FICKING OF CHILDREN.**

9 *(a) FINDINGS AND SENSE OF CONGRESS.—*

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

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

19 *(B) Despite the large number of children*  
20 *trafficked into the United States every year, the*  
21 *Department of Health and Human Services has*  
22 *identified an average of 20 children per year as*  
23 *trafficking victims through fiscal year 2006. This*  
24 *disparity between estimated and identified vic-*  
25 *tims demonstrates that much more needs to be*

1           *done in educating individuals who may be com-*  
2           *ing into contact with trafficked children.*

3           (2) *SENSE OF CONGRESS.—It is the sense of the*  
4           *Congress that, to the extent consistent with the trea-*  
5           *ties and other international agreements to which the*  
6           *United States is a party, and to the extent prac-*  
7           *ticable, the United States Government should under-*  
8           *take efforts to protect children from severe forms of*  
9           *trafficking and ensure that it does not repatriate chil-*  
10          *dren in Federal custody into settings that would*  
11          *threaten their life or safety.*

12          (b) *COMBATTING CHILD TRAFFICKING AT THE BOR-*  
13          *DER AND PORTS OF ENTRY OF THE UNITED STATES.—*

14               (1) *POLICIES AND PROCEDURES.—In order to*  
15               *enhance the efforts of the United States to prevent*  
16               *trafficking in persons, the Secretary of State, in con-*  
17               *junction with the Secretary of Homeland Security*  
18               *and the Secretary of Health and Human Services,*  
19               *shall develop policies and procedures to ensure that*  
20               *unaccompanied alien children in the United States*  
21               *are safely repatriated to their country of nationality*  
22               *or of last habitual residence.*

23               (2) *SPECIAL RULES FOR CHILDREN FROM CON-*  
24               *TIGUOUS COUNTRIES.—*

1           (A) *DETERMINATIONS.*—Any unaccom-  
2           panied alien child who is a national or habitual  
3           resident of a country that is contiguous with the  
4           United States and has an agreement in writing  
5           with the United States described in subpara-  
6           graph (C), shall be treated in accordance with  
7           subparagraph (B), if the Secretary of Homeland  
8           Security determines, on a case-by-case basis,  
9           that—

10                   (i) such child has not been a victim of  
11                   a severe form of trafficking in persons, and  
12                   such child does not have a fear of being traf-  
13                   ficked upon return to the child’s country of  
14                   nationality or of last habitual residence;

15                   (ii) such child does not have a fear of  
16                   returning to the child’s country of nation-  
17                   ality or of last habitual residence owing to  
18                   a fear of persecution;

19                   (iii) the return of such child to the  
20                   child’s country of nationality or of last ha-  
21                   bitual residence would not endanger the life  
22                   or safety of such child; and

23                   (iv) the child is able to make an inde-  
24                   pendent decision to withdraw the child’s ap-

1                    *plication for admission to the United*  
2                    *States.*

3                    *(B) RETURN.—An immigration officer who*  
4                    *finds an unaccompanied alien child described in*  
5                    *subparagraph (A) at a land border or port of*  
6                    *entry of the United States and determines that*  
7                    *such child is inadmissible under the Immigra-*  
8                    *tion and Nationality Act (8 U.S.C. 1101 et seq.)*  
9                    *shall—*

10                    *(i) permit such child to withdraw the*  
11                    *child’s application for admission pursuant*  
12                    *to section 235(a)(4) of the Immigration and*  
13                    *Nationality Act (8 U.S.C. 1225(a)(4)); and*

14                    *(ii) return such child to the child’s*  
15                    *country of nationality or country of last ha-*  
16                    *bitual residence.*

17                    *(C) CONTIGUOUS COUNTRY AGREEMENTS.—*

18                    *The Secretary of State shall ensure that any*  
19                    *agreements entered into between the United*  
20                    *States and a country contiguous to the United*  
21                    *States with respect to the repatriation of chil-*  
22                    *dren shall be designed to protect children from*  
23                    *severe forms of trafficking in persons. Such*  
24                    *agreements shall, at a minimum, provide that—*

1                   (i) no child shall be returned to the  
2                   child's country of nationality or of last ha-  
3                   bitual residence unless returned to appro-  
4                   priate officials or employees of the accepting  
5                   country's government;

6                   (ii) no child shall be returned to the  
7                   child's country of nationality or of last ha-  
8                   bitual residence outside of reasonable busi-  
9                   ness hours; and

10                  (iii) border personnel of the countries  
11                  that are parties to such agreements are  
12                  trained in the terms of such agreements.

13                  (3) *RULE FOR OTHER CHILDREN.*—The custody  
14                  of unaccompanied alien children not described in  
15                  paragraph (2)(A) who are apprehended at the border  
16                  of the United States or at a United States port of  
17                  entry shall be treated in accordance with subsection  
18                  (c).

19                  (4) *SCREENING.*—Within 48 hours of the appre-  
20                  hension of a child who is believed to be described in  
21                  paragraph (2)(A), but in any event prior to returning  
22                  such child to the child's country of nationality or of  
23                  last habitual residence, the child shall be screened to  
24                  determine whether the child meets the criteria listed  
25                  in paragraph (2)(A). If the child does not meet such

1 *criteria, or if no determination can be made within*  
2 *48 hours of apprehension, the child shall immediately*  
3 *be transferred to the Secretary of Health and Human*  
4 *Services and treated in accordance with subsection*  
5 *(c).*

6 (5) *ENSURING THE SAFE REPATRIATION OF*  
7 *CHILDREN.—*

8 (A) *REPATRIATION PILOT PROGRAM.—To*  
9 *protect children from trafficking and exploi-*  
10 *tation, the Secretary of State shall create a pilot*  
11 *program, in conjunction with non-governmental*  
12 *organizations and other national and inter-*  
13 *national agencies and experts, to develop and*  
14 *implement best practices to ensure the safe and*  
15 *secure repatriation and reintegration of unac-*  
16 *companied alien children into their country of*  
17 *nationality or of last habitual residence, includ-*  
18 *ing placement with their families or other spon-*  
19 *soring agencies.*

20 (B) *ASSESSMENT OF COUNTRY CONDI-*  
21 *TIONS.—The Secretary of Homeland Security*  
22 *shall consult the State Department’s Country Re-*  
23 *ports on Human Rights Practices and the Traf-*  
24 *ficking in Persons Report in assessing whether to*  
25 *repatriate an unaccompanied alien child to a*

1           *particular country. Such assessment shall con-*  
2           *sider whether there is reasonable risk that repa-*  
3           *triation of an unaccompanied alien child would*  
4           *threaten the life or safety of the child.*

5           (C) *REPORT ON REPATRIATION OF UNAC-*  
6           *COMPANIED ALIEN CHILDREN.—Not later than*  
7           *18 months after the date of the enactment of this*  
8           *Act, and annually thereafter, the Secretary of*  
9           *Homeland Security, in conjunction with the Sec-*  
10          *retary of State and Secretary of Health and*  
11          *Human Services, shall submit a report to the*  
12          *Committee on the Judiciary of the Senate and*  
13          *the Committee on the Judiciary of the House of*  
14          *Representatives on efforts to repatriate unaccom-*  
15          *panied alien children. Such report shall in-*  
16          *clude—*

17                   (i) *the number of unaccompanied alien*  
18                   *children ordered removed and the number of*  
19                   *such children actually removed from the*  
20                   *United States;*

21                   (ii) *a statement of the nationalities,*  
22                   *ages, and gender of such children;*

23                   (iii) *a description of the policies and*  
24                   *procedures used to effect the removal of such*  
25                   *children from the United States and the*

1           *steps taken to ensure that such children*  
2           *were safely and humanely repatriated to*  
3           *their country of nationality or of last habit-*  
4           *ual residence, including a description of the*  
5           *repatriation pilot program created pursu-*  
6           *ant to subparagraph (A);*

7                     *(iv) a description of the type of immi-*  
8                     *gration relief sought and denied to such*  
9                     *children;*

10                    *(v) any information gathered in assess-*  
11                    *ments of country and local conditions pur-*  
12                    *suant to paragraph (2); and*

13                    *(vi) 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                    *(D) 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 sec-*

1            *tion 240 of the Immigration and Nationality Act*  
2            *(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.—*

7            *(A) IN GENERAL.—Except as otherwise pro-*  
8            *vided under subparagraphs (B) and (C) and*  
9            *subsection (b), the care and custody of all unac-*  
10           *companied alien children, including responsi-*  
11           *bility for their detention, where appropriate,*  
12           *shall be the responsibility of the Secretary of*  
13           *Health and Human Services.*

14           *(B) EXCEPTION FOR CHILDREN WHO HAVE*  
15           *COMMITTED CRIMES.—Notwithstanding subpara-*  
16           *graph (A), the Attorney General shall retain or*  
17           *assume the custody and care of any unaccom-*  
18           *panied alien child who is pending prosecution*  
19           *for a Federal crime or serving a sentence pursu-*  
20           *ant to a conviction for a Federal crime.*

21           *(C) EXCEPTION FOR CHILDREN WHO*  
22           *THREATEN NATIONAL SECURITY.—Notwith-*  
23           *standing subparagraph (A), the Secretary of*  
24           *Homeland Security shall retain or assume the*  
25           *custody and care of an unaccompanied alien*

1           *child if the Secretary of Homeland Security has*  
2           *substantial evidence, based on an individualized*  
3           *determination, that such child could personally*  
4           *endanger the national security of the United*  
5           *States.*

6           (2) *NOTIFICATION.*—*Each department or agency*  
7           *of the Federal Government shall notify the Depart-*  
8           *ment of Health and Human services within 48 hours*  
9           *upon—*

10                   (A) *the apprehension or discovery of an un-*  
11                   *accompanied alien child; or*

12                   (B) *any claim or suspicion that an alien in*  
13                   *the custody of such department or agency is*  
14                   *under 18 years of age.*

15           (3) *TRANSFERS OF UNACCOMPANIED ALIEN CHIL-*  
16           *DREN.*—*Any department or agency of the Federal*  
17           *Government that has an unaccompanied alien child*  
18           *in its custody shall transfer the custody of such child*  
19           *to the Secretary of Health and Human Services with-*  
20           *in 72 hours—*

21                   (A) *upon a determination that such child is*  
22                   *an unaccompanied alien child, if the child is not*  
23                   *described in subparagraph (B) or (C) of para-*  
24                   *graph (1); or*

1           (B) if the custody and care of the child has  
2           been retained or assumed by the Attorney Gen-  
3           eral under paragraph (1)(B) or by the Secretary  
4           of Homeland Security under paragraph (1)(C),  
5           upon a determination that the child no longer  
6           meets the description set forth in such subpara-  
7           graphs.

8           (4) AGE DETERMINATIONS.—

9           (A) IN GENERAL.—The Secretary of Health  
10          and Human Services shall make an age deter-  
11          mination for an alien described in paragraph  
12          (2)(B) and take whatever other steps are nec-  
13          essary to determine whether such alien is eligible  
14          for treatment under this section or section 462 of  
15          the Homeland Security Act of 2002 (6 U.S.C.  
16          279).

17          (B) PROCEDURES.—The Secretary of  
18          Health and Human Services, in consultation  
19          with the Secretary of Homeland Security, shall  
20          develop procedures to make a prompt determina-  
21          tion of the age of an alien, which shall be used  
22          by the Secretary of Homeland Security and the  
23          Secretary of Health and Human Services for  
24          children in their respective custody. At a min-  
25          imum, these procedures shall permit the presen-

1            *tation of multiple forms of evidence, including*  
2            *the non-exclusive use of radiographs, to deter-*  
3            *mine the age of the unaccompanied alien.*

4            *(d) PROVIDING SAFE AND SECURE PLACEMENTS FOR*  
5            *CHILDREN.—*

6            *(1) POLICIES AND PROGRAMS.—The Secretary of*  
7            *Health and Human Services, Secretary of Homeland*  
8            *Security, Attorney General, and Secretary of State*  
9            *shall establish policies and programs to ensure that*  
10           *unaccompanied alien children in the United States*  
11           *are protected from traffickers and other persons seek-*  
12           *ing to victimize or otherwise engage such children in*  
13           *criminal, harmful, or exploitative activity, including*  
14           *policies and programs reflecting best practices in wit-*  
15           *ness security programs.*

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

1        *a secure facility absent an independent finding that*  
2        *the child poses a danger to self or others.*

3            (3) *SAFETY AND SUITABILITY ASSESSMENTS.*—

4            (A) *IN GENERAL.*—Subject to the require-  
5            *ments of subparagraph (B), an unaccompanied*  
6            *alien child may not be placed with a person or*  
7            *entity unless the Secretary of Health and*  
8            *Human Services makes a determination that the*  
9            *proposed custodian is capable of providing for*  
10           *the child’s physical and mental well-being. Such*  
11           *determination shall, at a minimum, include*  
12           *verification of the custodian’s identity and rela-*  
13           *tionship to the child, if any, as well as an inde-*  
14           *pendent finding that the individual has not en-*  
15           *gaged in any activity that would indicate a po-*  
16           *tential risk to the child.*

17           (B) *HOME STUDIES.*—Before placing the  
18           *child with an individual, the Secretary of Health*  
19           *and Human Services shall determine whether a*  
20           *home study is first necessary. A home study shall*  
21           *be conducted for a child who is a victim of a se-*  
22           *vere form of trafficking in persons, a special*  
23           *needs child with a disability (as defined in sec-*  
24           *tion 3 of the Americans with Disabilities Act of*  
25           *1990 (42 U.S.C. 12102(2))), or a child who has*

1           *been a victim of physical or sexual abuse under*  
2           *circumstances that indicate that the child's*  
3           *health or welfare has been significantly harmed*  
4           *or threatened. The Secretary of Health and*  
5           *Human Services shall conduct follow-up services,*  
6           *during the pendency of removal proceedings, on*  
7           *children and custodians for whom a home study*  
8           *was conducted.*

9           (C) *DATABASE ACCESS.—In conducting*  
10          *suitability assessments, the Secretary of Health*  
11          *and Human Services shall have access to all rel-*  
12          *evant information in the appropriate Federal,*  
13          *State, and local law enforcement and immigra-*  
14          *tion databases.*

15          (4) *LEGAL ORIENTATION PRESENTATIONS.—The*  
16          *Secretary of Health and Human Services shall ensure*  
17          *that custodians receive legal orientation presentations*  
18          *provided through the Legal Orientation Program ad-*  
19          *ministered by the Executive Office for Immigration*  
20          *Review. At a minimum, such presentations shall ad-*  
21          *dress the custodian's responsibility to ensure the*  
22          *child's appearance at all immigration proceedings*  
23          *and to protect the child from mistreatment, exploi-*  
24          *tation, and trafficking.*

1           (5) *ACCESS TO COUNSEL.*—*The Secretary of*  
2           *Health and Human Services shall ensure, to the*  
3           *greatest extent practicable, that all unaccompanied*  
4           *alien children who are or have been in the custody of*  
5           *the Secretary or the Secretary of Homeland Security,*  
6           *and who are not described in subsection (b)(2)(A),*  
7           *have competent counsel to represent them in legal pro-*  
8           *ceedings or matters and protect them from mistreat-*  
9           *ment, exploitation, and trafficking. To the greatest ex-*  
10          *tent practicable, the Secretary of Health and Human*  
11          *Services shall make every effort to utilize the services*  
12          *of competent pro bono counsel who agree to provide*  
13          *representation to such children without charge.*

14          (6) *GUARDIANS AD LITEM.*—*The Secretary of*  
15          *Health and Human Services shall implement a pro-*  
16          *gram to appoint independent guardians ad litem for*  
17          *child trafficking victims and other vulnerable unac-*  
18          *companied alien children. A guardian ad litem shall*  
19          *be provided access to materials necessary to effectively*  
20          *advocate for the best interest of the child. The guard-*  
21          *ian ad litem shall not be compelled to testify or pro-*  
22          *vide evidence in any proceeding concerning any in-*  
23          *formation or opinion received from the child in the*  
24          *course of serving as a guardian ad litem. The guard-*  
25          *ian ad litem shall be presumed to be acting in good*

1 *faith and be immune from civil and criminal liabil-*  
2 *ity for lawful conduct of duties as described in this*  
3 *provision.*

4 (7) *CONFIDENTIALITY.*—*The Secretary of Health*  
5 *and Human Services shall maintain the privacy and*  
6 *confidentiality of all information gathered in the*  
7 *course of the care, custody, and placement of unac-*  
8 *companied alien children, consistent with its role and*  
9 *responsibilities under the Homeland Security Act of*  
10 *2002 to act as guardian in loco parentis in the best*  
11 *interest of the unaccompanied alien child, by not dis-*  
12 *closing such information to other government agencies*  
13 *or nonparental third parties. The Secretary may pro-*  
14 *vide information to a duly recognized law enforce-*  
15 *ment entity in connection with a prosecution or in-*  
16 *vestigation of an offense described in paragraph (2)*  
17 *or (3) of section 212(a) of the Immigration and Na-*  
18 *tionality Act (8 U.S.C. 1182(a)), when such informa-*  
19 *tion is requested in writing by such entity.*

20 (e) *PERMANENT PROTECTION FOR CERTAIN AT-RISK*  
21 *CHILDREN.*—

22 (1) *IN GENERAL.*—*Section 101(a)(27)(J) of the*  
23 *Immigration and Nationality Act (8 U.S.C.*  
24 *1101(a)(27)(J)) is amended—*

1           (A) in clause (i), by striking “State and  
2           who has been deemed eligible by that court for  
3           long-term foster care due to abuse, neglect, or  
4           abandonment;” and inserting “State, or an indi-  
5           vidual or entity appointed by a State or juvenile  
6           court located in the United States, and whose re-  
7           unification with one or both of the immigrant’s  
8           parents is not viable due to abuse, neglect, aban-  
9           donment, or a similar basis found under State  
10          law;”;

11          (B) in clause (iii), in the matter preceding  
12          subclause (I), by striking “the Attorney General  
13          expressly consents to the dependency order serv-  
14          ing as a precondition to the grant of special im-  
15          migrant juvenile status;” and inserting “the Sec-  
16          retary of Homeland Security consents to the  
17          grant of special immigrant juvenile status;” and

18          (C) in clause (iii)(I), by striking “in the ac-  
19          tual or constructive custody of the Attorney Gen-  
20          eral unless the Attorney General specifically con-  
21          sents to such jurisdiction;” and inserting “in the  
22          custody of the Secretary of Health and Human  
23          Services unless the Secretary of Health and  
24          Human Services specifically consents to such ju-  
25          risdiction;”.

1           (2) *EXPEDITIOUS ADJUDICATION.*—All applica-  
2           tions for special immigrant status under section  
3           101(a)(27)(J) of the Immigration and Nationality  
4           Act (8 U.S.C. 1101(a)(27)(J)) shall be adjudicated by  
5           the Secretary of Homeland Security not later than  
6           180 days after the date of filing the application.

7           (3) *ADJUSTMENT OF STATUS.*—Section  
8           245(h)(2)(A) of the Immigration and Nationality Act  
9           (8 U.S.C. 1255(h)(2)(A)) is amended to read as fol-  
10          lows:

11                   “(A) paragraphs (4), (5)(A), (6)(A), (6)(C),  
12                   (6)(D), (7)(A), 9(B), and 9(C)(i)(I) of section  
13                   212(a) shall not apply; and”.

14          (4) *ELIGIBILITY FOR ASSISTANCE.*—

15                   (A) *IN GENERAL.*—A child who has been  
16                   granted special immigrant status under section  
17                   101(a)(27)(J) of the Immigration and Nation-  
18                   ality Act (8 U.S.C. 1101(a)(27)(J)) and who was  
19                   either in the custody of the Secretary of Health  
20                   and Human Services at the time a dependency  
21                   order was granted for such child or who was re-  
22                   ceiving services pursuant to section 501(a) of the  
23                   Refugee Education Assistance Act of 1980 (8  
24                   U.S.C. 1522 note) at the time such dependency  
25                   order was granted, shall be eligible for placement

1           *and services under section 412(d) of the Immi-*  
2           *gration and Nationality Act (8 U.S.C. 1522(d))*  
3           *until the earlier of—*

4                     *(i) the date on which the child reaches*  
5                     *the age designated in section 412(d)(2)(B)*  
6                     *of the Immigration and Nationality Act (8*  
7                     *U.S.C. 1522(d)(2)(B)); or*

8                     *(ii) the date on which the child is*  
9                     *placed in a permanent adoptive home.*

10           *(B) STATE REIMBURSEMENT.—If State fos-*  
11           *ter care funds are expended on behalf of a child*  
12           *who is not described in subparagraph (A) and*  
13           *has been granted special immigrant status under*  
14           *section 101(a)(27)(J) of the Immigration and*  
15           *Nationality Act (8 U.S.C. 1101(a)(27)(J)), the*  
16           *Federal Government shall reimburse the State in*  
17           *which the child resides for such expenditures by*  
18           *the State.*

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

1           (6) *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 enactment  
7 of this Act based on age if the alien was a child on  
8 the date on which the alien applied for such status.

9           (7) *ACCESS TO ASYLUM PROTECTIONS.*—Section  
10 208 of the Immigration and Nationality Act (8  
11 U.S.C. 1158) is amended—

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

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

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

21                   “(C) *INITIAL JURISDICTION.*—An asylum  
22 officer (as defined in section 235(b)(1)(E)) shall  
23 have initial jurisdiction over any asylum appli-  
24 cation filed by an unaccompanied alien child (as  
25 defined in section 462(g) of the Homeland Secu-

1            *rity Act of 2002 (6 U.S.C. 279(g))), regardless of*  
2            *whether filed in accordance with this section or*  
3            *section 235(b).”.*

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

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

21          (g) *AMENDMENTS TO THE HOMELAND SECURITY ACT*  
22          *OF 2002.*—

23                  (1) *ADDITIONAL RESPONSIBILITIES.*—*Section*  
24                  *462(b)(1)(L) of the Homeland Security Act of 2002 (6*  
25                  *U.S.C. 279(b)(1)(L)) is amended by striking the pe-*

1        *riod at the end and inserting “, including regular fol-*  
2        *low-up visits to such facilities, placements, and other*  
3        *entities, to assess the continued suitability of such*  
4        *placements.”.*

5            (2) *TECHNICAL CORRECTIONS.—Section 462(b)*  
6        *of the Homeland Security Act of 2002 (6 U.S.C.*  
7        *279(b)) is amended—*

8            (A) *in paragraph (3), by striking “para-*  
9        *graph (1)(G),” and inserting “paragraph (1),”;*  
10        *and*

11            (B) *by adding at the end the following:*

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

16        (h) *DEFINITION OF UNACCOMPANIED ALIEN CHILD.—*

17            (1) *IN GENERAL.—For purposes of this section,*  
18        *the term “unaccompanied alien child” has the mean-*  
19        *ing given such term in section 462(g) of the Home-*  
20        *land Security Act of 2002 (6 U.S.C. 279(g)).*

21            (2) *CLARIFICATION OF DEFINITION.—For the*  
22        *purposes of section 462(g)(2) of the Homeland Secu-*  
23        *riety Act of 2002 (6 U.S.C. 279(g)(2)) and this section,*  
24        *a parent or legal guardian shall not be considered to*  
25        *be available to provide care and physical custody of*

1        *an alien child unless such parent is in the physical*  
2        *presence of, and able to exercise parental responsibil-*  
3        *ities over, such child at the time of such child’s appre-*  
4        *hension and during the child’s detention.*

5        *(i) EFFECTIVE DATE.—This section shall take effect on*  
6        *the date that is 90 days after the date of the enactment*  
7        *of this Act.*

8        *(j) APPLICABILITY.—This section shall apply to all*  
9        *aliens in the United States before, on, or after the date of*  
10       *the enactment of this Act.*

11       *(k) GRANTS AND CONTRACTS.—The Secretary of*  
12       *Health and Human Services may award grants to, and*  
13       *enter into contracts with, voluntary agencies to carry out*  
14       *this section and section 462 of the Homeland Security Act*  
15       *of 2002 (6 U.S.C. 279).*

16       ***TITLE III—AUTHORIZATIONS OF***  
17       ***APPROPRIATIONS***

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

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

21                *(1) in subsection (a)—*

22                        *(A) in the first sentence—*

23                                *(i) by striking “104,”; and*

24                                *(ii) by striking “\$1,500,000” and all*  
25                                *that follows through “2007” and inserting*

1           “\$5,000,000 for each of the fiscal years 2008  
2           through 2011”; and

3           (B) in the second sentence—

4                 (i) by inserting “\$1,500,000 for addi-  
5                 tional personnel for each of the fiscal years  
6                 2008 through 2011” after “Office to Monitor  
7                 and Combat Trafficking”; and

8                 (ii) by striking “2006 and 2007” and  
9                 inserting “2008 through 2011”;

10           (2) in the first sentence of subsection (b), by  
11           striking “\$5,000,000” and all that follows through  
12           “2007” and inserting “\$15,000,000 for each of the fis-  
13           cal years 2008 through 2011”;

14           (3) in subsection (c)—

15                 (A) in paragraph (1)—

16                         (i) by striking “2004, 2005, 2006, and  
17                         2007” each place it appears and inserting  
18                         “2008 through 2011”;

19                         (ii) in subparagraph (B)—

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

22                                 (II) by adding at the end the fol-  
23                                 lowing new sentence: “To carry out the  
24                                 purposes of section 107(a)(1)(F), there  
25                                 are authorized to be appropriated to

1                    *the Secretary of State \$500,000 for fis-*  
2                    *cal year 2008, \$750,000 for fiscal year*  
3                    *2009, and \$1,000,000 for each of the*  
4                    *fiscal years 2010 and 2011.”; and*  
5                    *(iii) in subparagraph (C), by inserting*  
6                    *“(as added by section 109)” after “section*  
7                    *134 of the Foreign Assistance Act of 1961”;*  
8                    *(B) by striking paragraph (2);*  
9                    *(C) by redesignating paragraph (3) as*  
10                   *paragraph (2); and*  
11                   *(D) in paragraph (2) (as redesignated by*  
12                   *subparagraph (C))—*  
13                   *(i) by striking “section 104” and in-*  
14                   *serting “sections 116(f) and 502B(h) of the*  
15                   *Foreign Assistance Act of 1961 (as added by*  
16                   *section 104)”;* and  
17                   *(ii) by striking “, including the prepa-*  
18                   *ration” and all that follows through “sec-*  
19                   *tion”;*  
20                   *(4) in subsection (d)—*  
21                   *(A) in the first sentence, by striking*  
22                   *“\$10,000,000” and all that follows through*  
23                   *“2007” and inserting “\$15,000,000 for each of*  
24                   *the fiscal years 2008 through 2011”;* and

1           (B) in the second sentence, by striking  
2           “\$250,000” and all that follows through “2007”  
3           and inserting “\$500,000 for each of the fiscal  
4           years 2008 through 2011”;

5           (5) in subsection (e)—

6           (A) in paragraph (1), by striking  
7           “\$5,000,000” and all that follows through  
8           “2007” and inserting “\$15,000,000 for each of  
9           the fiscal years 2008 through 2011”;

10          (B) in paragraph (2)—

11           (i) by striking “section 109” and in-  
12           serting “section 134 of the Foreign Assist-  
13           ance Act of 1961 (as added by section  
14           109)”; and

15           (ii) by striking “\$5,000,000” and all  
16           that follows through “2007” and inserting  
17           “\$15,000,000 for each of the fiscal years  
18           2008 through 2011”; and

19          (C) in paragraph (3), by striking  
20          “\$300,000” and all that follows through “2007”  
21          and inserting “\$500,000 for each of the fiscal  
22          years 2008 through 2011”;

23          (6) in subsection (f), by striking “\$5,000,000”  
24          and all that follows through “2007” and inserting

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

3           (7) in subsection (h), by striking “fiscal year  
4       2006” and inserting “each of the fiscal years 2008  
5       through 2011”; and

6           (8) in subsection (i), by striking “\$18,000,000”  
7       and all that follows through “2007” and inserting  
8       “\$18,000,000 for each of the fiscal years 2008 through  
9       2011”.

10 **SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHOR-**  
11 **IZATION ACT OF 2005.**

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

14           (1) in paragraph (7) of section 102(b), by strik-  
15       ing “2006 and 2007” and inserting “2008 through  
16       2011”;

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

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

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

24           (A) in paragraph (1), by striking  
25       “\$2,500,000 for each of the fiscal years 2006 and

1           2007” each place it appears and inserting  
2           “\$3,000,000 for each of the fiscal years 2008  
3           through 2011”; and

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

8           (4) in subsection (d) of section 202, by striking  
9           “\$10,000,000” and all that follows through “2007”  
10          and inserting “\$15,000,000 for each of the fiscal years  
11          2008 through 2011”;

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

16          (6) in subsection (d) of section 204, by striking  
17          “\$25,000,000” and all that follows through “2007”  
18          and inserting “\$25,000,000 for each of the fiscal years  
19          2008 through 2011”.

20   **SEC. 303. RULE OF CONSTRUCTION.**

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

1 *the Trafficking Victims Protection Reauthorization Act of*  
2 *2005 (Public Law 109–164) before the date of the enactment*  
3 *of this Act.*

4 **SEC. 304. TECHNICAL AMENDMENTS.**

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

11       (b) *TRAFFICKING VICTIMS PROTECTION REAUTHOR-*  
12 *IZATION ACT OF 2005.—Section 102(b)(6) and subsections*  
13 *(c)(2)(B)(i) and (e)(2) of section 104 of the Trafficking Vic-*  
14 *tims Protection Reauthorization Act of 2005 (Public Law*  
15 *109–164) are amended by striking “Committee on Inter-*  
16 *national Relations” each place it appears and inserting*  
17 *“Committee on Foreign Affairs”.*

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

20 **SEC. 401. SHORT TITLE.**

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

23 **SEC. 402. DEFINITIONS.**

24       *In this title:*

1           (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
2           *TEES.—The term “appropriate congressional commit-*  
3           *tees” means—*

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

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

8           (2) *CHILD SOLDIER.—Consistent with the provi-*  
9           *sions 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;*

15                           (ii) *any person under age 18 who has*  
16                           *been compulsorily recruited into govern-*  
17                           *mental armed forces;*

18                           (iii) *any person under age 16 volun-*  
19                           *tarily recruited into governmental armed*  
20                           *forces; and*

21                           (iv) *any person under age 18 recruited*  
22                           *or used in hostilities by armed forces dis-*  
23                           *tinct from the armed forces of a state; and*

24                    (B) *includes any person described in clauses*  
25                    (i), (ii), (iii), and (iv) of subparagraph (A) who is

1           *servicing in any capacity, including in a support*  
2           *role such as a cook, porter, messenger, medic,*  
3           *guard, or sex slave.*

4           (3) *OPTIONAL PROTOCOL.—The term “Optional*  
5           *Protocol” means the Optional Protocol to the Conven-*  
6           *tion on the Rights of the Child on the Involvement of*  
7           *Children in Armed Conflict, which establishes 18 as*  
8           *the minimum age for conscription or forced recruit-*  
9           *ment and requires states party to ensure that mem-*  
10          *bers of their armed forces under the age of 18 do not*  
11          *take a direct part in hostilities*

12          (4) *UNITED STATES MUNITIONS LIST.—The term*  
13          *“United States Munitions List” means the list re-*  
14          *ferred to in section 38(a)(1) of the Arms Export Con-*  
15          *trol Act (22 U.S.C. 2778(a)(1)).*

16 **SEC. 403. FINDINGS.**

17          *Congress makes the following findings:*

18          (1) *According to the September 7, 2005, report*  
19          *to the General Assembly of the United Nations by the*  
20          *Special Representative of the Secretary-General for*  
21          *Children and Armed Conflict, “In the last decade, two*  
22          *million children have been killed in situations of*  
23          *armed conflict, while six million children have been*  
24          *permanently disabled or injured. Over 250,000 chil-*  
25          *dren continue to be exploited as child soldiers and*

1       *tens of thousands of girls are being subjected to rape*  
2       *and other forms of sexual violence.”.*

3           (2) *According to the Center for Emerging*  
4       *Threats and Opportunities (CETO), Marine Corps*  
5       *Warfighting Laboratory, “The Child Soldier Phe-*  
6       *nomenon has become a post-Cold War epidemic that*  
7       *has proliferated to every continent with the exception*  
8       *of Antarctica and Australia.”.*

9           (3) *Many of the children currently serving in*  
10       *armed forces or paramilitaries were forcibly con-*  
11       *scripted through kidnapping or coercion, a form of*  
12       *human trafficking, while others joined military units*  
13       *due to economic necessity, to avenge the loss of a fam-*  
14       *ily member, or for their own personal safety.*

15          (4) *Some military and militia commanders force*  
16       *child soldiers to commit gruesome acts of ritual*  
17       *killings or torture, including acts of violence against*  
18       *other children.*

19          (5) *Many female child soldiers face the addi-*  
20       *tional psychological and physical horrors of rape and*  
21       *sexual abuse, enslavement for sexual purposes by mili-*  
22       *tia commanders, and severe social stigma should they*  
23       *return home.*

24          (6) *Some military and militia commanders tar-*  
25       *get children for recruitment because of their psycho-*

1 *logical immaturity and vulnerability to manipula-*  
2 *tion and indoctrination. Children are often separated*  
3 *from their families in order to foster dependence on*  
4 *military units and leaders. Consequently, many of*  
5 *these children suffer from deep trauma and are in*  
6 *need of psychological counseling and rehabilitation.*

7 *(7) Child soldiers are exposed to hazardous con-*  
8 *ditions and are at risk of physical injury and dis-*  
9 *ability, psychological trauma, sexually transmitted*  
10 *diseases, respiratory and skin infections, and often*  
11 *death.*

12 *(8) On May 25, 2000, the United Nations adopt-*  
13 *ed and opened for signature, ratification, and acces-*  
14 *sion the Optional Protocol to the Convention on the*  
15 *Rights of the Child on the Involvement of Children in*  
16 *Armed Conflict.*

17 *(9) On June 18, 2002, the Senate unanimously*  
18 *approved the resolution advising and consenting to*  
19 *the ratification of the Optional Protocol.*

20 *(10) On December 23, 2002, the United States*  
21 *presented the ratified Optional Protocol to the United*  
22 *Nations.*

23 *(11) More than 110 governments worldwide have*  
24 *ratified the Optional Protocol, establishing a clear*

1       *international norm concerning the use of children in*  
2       *combat.*

3               (12) *On December 2, 1999, the United States*  
4       *ratified International Labour Convention 182, the*  
5       *Convention concerning the Prohibition and Imme-*  
6       *diately Action for the Elimination of the Worst Forms*  
7       *of Child Labour, which includes the use of child sol-*  
8       *diers among the worst forms of child labor.*

9               (13) *On October 7, 2005, the Senate gave its ad-*  
10       *vice and consent to the ratification of the Protocol to*  
11       *Prevent, Suppress and Punish Trafficking in Persons,*  
12       *Especially Women and Children, Supplementing the*  
13       *United Nations Convention Against Transnational*  
14       *Organized Crime.*

15              (14) *It is in the national security interest of the*  
16       *United States to reduce the chances that members of*  
17       *the United States Armed Forces will be forced to en-*  
18       *counter children in combat situations.*

19              (15) *Section 502B(a)(3) of the Foreign Assist-*  
20       *ance Act of 1961 (22 U.S.C. 2304(a)(3)) provides that*  
21       *“the President is directed to formulate and conduct*  
22       *international security assistance programs of the*  
23       *United States in a manner which will promote and*  
24       *advance human rights and avoid identification of the*  
25       *United States, through such programs, with govern-*

1        *ments which deny to their people internationally rec-*  
2        *ognized human rights and fundamental freedoms, in*  
3        *violation of international law or in contravention of*  
4        *the policy of the United States as expressed in this*  
5        *section or otherwise”.*

6        **SEC. 404. SENSE OF CONGRESS.**

7        *It is the sense of Congress that—*

8                *(1) the United States Government should con-*  
9                *demn the conscription, forced recruitment or use of*  
10               *children by governments, paramilitaries, or other or-*  
11               *ganizations in hostilities;*

12               *(2) the United States Government should support*  
13               *and, where practicable, lead efforts to establish and*  
14               *uphold international standards designed to end this*  
15               *abuse of human rights;*

16               *(3) the United States Government should expand*  
17               *ongoing services to rehabilitate recovered child sol-*  
18               *diers and to reintegrate them back into their commu-*  
19               *nities by—*

20               *(A) offering ongoing psychological services*  
21               *to help victims recover from their trauma and*  
22               *relearn how to deal with others in nonviolent*  
23               *ways such that they are no longer a danger to*  
24               *their community, taking into consideration the*  
25               *needs of girl soldiers, who may be at risk of ex-*

1           *clusion from disarmament, demobilization, and*  
2           *reintegration programs;*

3                   *(B) facilitating reconciliation with their*  
4           *communities through negotiations with tradi-*  
5           *tional leaders and elders to enable recovered*  
6           *abductees to resume normal lives in their com-*  
7           *munities; and*

8                   *(C) providing educational and vocational*  
9           *assistance;*

10           *(4) the United States should work with the inter-*  
11           *national community, including, where appropriate,*  
12           *third country governments, nongovernmental organi-*  
13           *zations, faith-based organizations, United Nations*  
14           *agencies, local governments, labor unions, and private*  
15           *enterprise—*

16                   *(A) on efforts to bring to justice rebel orga-*  
17           *nizations that kidnap children for use as child*  
18           *soldiers, including the Lord's Resistance Army*  
19           *(LRA) in Uganda, Fuerzas Armadas*  
20           *Revolucionarias de Colombia (FARC), and Lib-*  
21           *eration Tigers of Tamil Eelam (LTTE) in Sri*  
22           *Lanka, including, where feasible, by arresting*  
23           *the leaders of such groups; and*

24                   *(B) on efforts to recover those children who*  
25           *have been abducted and to assist them in their*

1           *rehabilitation and reintegration into commu-*  
2           *nities;*

3           (5) *the Secretary of State, the Secretary of*  
4           *Labor, and the Secretary of Defense should coordinate*  
5           *programs to achieve the goals specified in paragraph*  
6           *(3), and in countries where the use of child soldiers*  
7           *is an issue, whether or not it is supported or sanc-*  
8           *tioned by the governments of such countries, United*  
9           *States diplomatic missions should include in their*  
10          *mission program plans a strategy to achieve the goals*  
11          *specified in such paragraph;*

12          (6) *United States diplomatic missions in coun-*  
13          *tries in which governments use or tolerate child sol-*  
14          *diers should develop, as part of annual program plan-*  
15          *ning, strategies to promote efforts to end this abuse of*  
16          *human rights, identifying and integrating global best*  
17          *practices, as available, into such strategies to avoid*  
18          *duplication of effort; and*

19          (7) *in allocating or recommending the allocation*  
20          *of funds or recommending candidates for programs*  
21          *and grants funded by the United States Government,*  
22          *United States diplomatic missions should give serious*  
23          *consideration to those programs and candidates*  
24          *deemed to promote the end to this abuse of human*  
25          *rights.*

1 **SEC. 405. PROHIBITION ON PROVISION OF MILITARY AS-**  
2 **SISTANCE TO FOREIGN GOVERNMENTS THAT**  
3 **RECRUIT OR USE CHILD SOLDIERS.**

4 (a) *IN GENERAL.*—Subject to subsections (b), (c), and  
5 (d), none of the funds made available to carry out sections  
6 516 or 541 of the Foreign Assistance Act of 1961 (22 U.S.C.  
7 2321j or 2347) or section 23 of the Arms Export Control  
8 Act (22 U.S.C. 2763) may be used to provide assistance to,  
9 and no item on the United States Munition List may be  
10 exported to, the government of a country that the Secretary  
11 of State determines has governmental armed forces or gov-  
12 ernment supported armed groups, including paramilitaries,  
13 militias, or civil defense forces, that recruit or use child sol-  
14 diers.

15 (b) *PUBLICATION OF LIST OF FOREIGN GOVERNMENTS*  
16 *AND NOTIFICATION TO FOREIGN GOVERNMENTS.*—

17 (1) *PUBLICATION OF LIST OF FOREIGN GOVERN-*  
18 *MENTS.*—The Secretary of State shall include a list of  
19 the foreign governments subject to the prohibition in  
20 subsection (a) in the report required by section 110(b)  
21 of the Trafficking Victims Protection Act of 2000 (22  
22 U.S.C. 7107(b)).

23 (2) *NOTIFICATION TO FOREIGN GOVERNMENTS.*—  
24 The Secretary of State shall formally notify each for-  
25 eign government subject to the prohibition in sub-  
26 section (a).

1       (c) *NATIONAL INTEREST WAIVER.*—

2             (1) *WAIVER.*—*The President may waive the ap-*  
3       *plication to a foreign government of the prohibition*  
4       *in subsection (a) if the President determines that such*  
5       *waiver is in the interest of the United States.*

6             (2) *PUBLICATION AND NOTIFICATION.*—*The*  
7       *President shall publish each waiver granted under*  
8       *paragraph (1) in the Federal Register and shall no-*  
9       *tify the appropriate congressional committees of each*  
10       *such waiver, including the justification for the waiv-*  
11       *er, in accordance with the regular notification proce-*  
12       *dures of such committees.*

13       (d) *REINSTATEMENT OF ASSISTANCE.*—*The President*  
14       *may provide to a foreign government assistance otherwise*  
15       *prohibited under subsection (a) upon certifying to the ap-*  
16       *propriate congressional committees that the foreign govern-*  
17       *ment—*

18             (1) *has implemented effective measures to come*  
19       *into compliance with the standards of this title; and*

20             (2) *has implemented effective policies and mech-*  
21       *anisms to prohibit and prevent future use of child sol-*  
22       *diers and to ensure that no children are recruited,*  
23       *conscripted, or otherwise compelled to serve as child*  
24       *soldiers.*

25       (e) *EXCEPTIONS.*—

1           (1) *ASSISTANCE TO ADDRESS THE PROBLEM OF*  
2           *CHILD SOLDIERS AND PROFESSIONALIZATION OF THE*  
3           *MILITARY.—*

4                   (A) *IN GENERAL.—The President may pro-*  
5                   *vide to a foreign government assistance under*  
6                   *section 541 of the Foreign Assistance Act of 1961*  
7                   *(22 U.S.C. 2347; relating to international mili-*  
8                   *tary education and training) otherwise prohib-*  
9                   *ited under subsection (a) upon certifying to the*  
10                   *appropriate congressional committees that—*

11                           (i) *the government is implementing ef-*  
12                           *fective measures to demobilize child soldiers*  
13                           *in its forces or in government supported*  
14                           *paramilitaries and to provide demobiliza-*  
15                           *tion, rehabilitation, and reintegration as-*  
16                           *stance to those former child soldiers; and*

17                           (ii) *the assistance provided by the*  
18                           *United States Government to the govern-*  
19                           *ment will go to programs that will directly*  
20                           *support professionalization of the military.*

21                   (B) *LIMITATION.—The exception under sub-*  
22                   *paragraph (A) may not remain in effect for*  
23                   *more than 2 years following the date of notifica-*  
24                   *tion specified in subsection (b)(2).*

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

9           (f) *EFFECTIVE DATE; APPLICABILITY.*—*This section*  
10          *takes effect 180 days after the date of the enactment of this*  
11          *Act and shall apply to funds made available for the first*  
12          *fiscal year beginning after such effective date and each sub-*  
13          *sequent fiscal year.*

14          **SEC. 406. REPORTS.**

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

20          (b) *INFORMATION FOR ANNUAL HUMAN RIGHTS RE-*  
21          *PORTS.*—*In preparing those portions of the Department of*  
22          *State’s annual Country Reports on Human Rights Prac-*  
23          *tices that relate to child soldiers, the Secretary of State shall*  
24          *ensure that such portions include a description of the use*  
25          *of child soldiers in each foreign country, including—*

1           (1) *trends toward improvement in such country*  
2           *of the status of child soldiers or the continued or in-*  
3           *creased tolerance of such practices; and*

4           (2) *the role of the government of such country in*  
5           *engaging in or tolerating the use of child soldiers.*

6           (c) *NOTIFICATION TO CONGRESS.*—*Not later than June*  
7           *15 of each year for 10 years following the date of the enact-*  
8           *ment of this Act, the President shall submit to the appro-*  
9           *priate congressional committees—*

10           (1) *a list of any waivers or exceptions exercised*  
11           *under section 405;*

12           (2) *a justification for those waivers and excep-*  
13           *tions; and*

14           (3) *a description of any assistance provided pur-*  
15           *suant to section 405.*

16           (d) *REPORT ON IMPLEMENTATION OF TITLE.*—*Not*  
17           *later than 180 days after the date of the enactment of this*  
18           *Act, the President shall submit to appropriate congressional*  
19           *committees a report setting forth a strategy for achieving*  
20           *the policy objectives of this title, including a description*  
21           *of an effective mechanism for coordination of United States*  
22           *Government efforts to implement this strategy.*

23           (e) *REPORT ON CHILD SOLDIERS IN BURMA.*—*Not*  
24           *later than 120 days after the date of enactment of this Act,*  
25           *the Secretary of State shall submit to the appropriate con-*

1 *gressional committees a report of the recruitment and use*  
2 *of child soldiers by the governmental armed forces or gov-*  
3 *ernment-supported armed groups of the Government of*  
4 *Burma, including paramilitaries, militias, or civil defense*  
5 *forces.*

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

7 *Section 708 of the Foreign Service Act of 1980 (22*  
8 *U.S.C. 4028) is amended by adding at the end the following*  
9 *new subsection:*

10 *“(c) The Secretary of State, with the assistance of other*  
11 *relevant officials, shall establish as part of the standard*  
12 *training provided after January 1, 2008, for members of*  
13 *the Service, including chiefs of mission, instruction on mat-*  
14 *ters related to child soldiers and the terms of the Child Sol-*  
15 *dier Prevention Act of 2007.”.*

Amend the title so as to read: “A bill 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.”.



Union Calendar No. 281

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3887**

[Report No. 110-430, Part 1]

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## **A BILL**

To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes.

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NOVEMBER 20, 2007

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed