

105TH CONGRESS
2^D SESSION

H. R. 4309

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 1998

Received

AN ACT

To provide a comprehensive program of support for victims
of torture.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Torture Victims Relief
3 Act of 1998”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The American people abhor torture by any
7 government or person. The existence of torture cre-
8 ates a climate of fear and international insecurity
9 that affects all people.

10 (2) Torture is the deliberate mental and phys-
11 ical damage caused by governments to individuals to
12 destroy individual personality and terrorize society.
13 The effects of torture are long term. Those effects
14 can last a lifetime for the survivors and affect future
15 generations.

16 (3) By eliminating the leadership of their oppo-
17 sition and frightening the general public, repressive
18 governments often use torture as a weapon against
19 democracy.

20 (4) Torture survivors remain under physical
21 and psychological threats, especially in communities
22 where the perpetrators are not brought to justice. In
23 many nations, even those who treat torture survivors
24 are threatened with reprisals, including torture, for
25 carrying out their ethical duty to provide care. Both
26 the survivors of torture and their treatment provid-

1 ers should be accorded protection from further re-
2 pression.

3 (5) A significant number of refugees and
4 asylees entering the United States have been victims
5 of torture. Those claiming asylum deserve prompt
6 consideration of their applications for political asy-
7 lum to minimize their insecurity and sense of dan-
8 ger. Many torture survivors now live in the United
9 States. They should be provided with the rehabilita-
10 tion services which would enable them to become
11 productive members of our communities.

12 (6) The development of a treatment movement
13 for torture survivors has created new opportunities
14 for action by the United States and other nations to
15 oppose state-sponsored and other acts of torture.

16 (7) There is a need for a comprehensive strat-
17 egy to protect and support torture victims and their
18 treatment providers, together with overall efforts to
19 eliminate torture.

20 (8) By acting to heal the survivors of torture
21 and protect their families, the United States can
22 help to heal the effects of torture and prevent its use
23 around the world.

1 **SEC. 3. DEFINITION.**

2 As used in this Act, the term “torture” has the mean-
3 ing given the term in section 2340(1) of title 18, United
4 States Code, and includes the use of rape and other forms
5 of sexual violence by a person acting under the color of
6 law upon another person under his custody or physical
7 control.

8 **SEC. 4. FOREIGN TREATMENT CENTERS.**

9 (a) AMENDMENTS TO THE FOREIGN ASSISTANCE
10 ACT OF 1961.—Part I of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2151 et seq.) is amended by adding at
12 the end of chapter 1 the following new section:

13 **“SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.**

14 “(a) IN GENERAL.—The President is authorized to
15 provide assistance for the rehabilitation of victims of tor-
16 ture.

17 “(b) ELIGIBILITY FOR GRANTS.—Such assistance
18 shall be provided in the form of grants to treatment cen-
19 ters and programs in foreign countries that are carrying
20 out projects or activities specifically designed to treat vic-
21 tims of torture for the physical and psychological effects
22 of the torture.

23 “(c) USE OF FUNDS.—Such assistance shall be avail-
24 able—

25 “(1) for direct services to victims of torture;
26 and

1 “(2) to provide research and training to health
2 care providers outside of treatment centers or pro-
3 grams described in subsection (b), for the purpose of
4 enabling such providers to provide the services de-
5 scribed in paragraph (1).”.

6 (b) FUNDING.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—Of
8 the amounts authorized to be appropriated for fiscal
9 years 1999 and 2000 pursuant to chapter 1 of part
10 I of the Foreign Assistance Act of 1961, there are
11 authorized to be appropriated to the President
12 \$5,000,000 for fiscal year 1999 and \$7,500,000 for
13 fiscal year 2000 to carry out section 129 of the For-
14 eign Assistance Act, as added by subsection (a).

15 (2) AVAILABILITY OF FUNDS.—Amounts appro-
16 priated pursuant to this subsection shall remain
17 available until expended.

18 (c) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect October 1, 1998.

20 **SEC. 5. DOMESTIC TREATMENT CENTERS.**

21 (a) ASSISTANCE FOR TREATMENT OF TORTURE VIC-
22 TIMS.—The Secretary of Health and Human Services may
23 provide grants to programs in the United States to cover
24 the cost of the following services:

1 (1) Services for the rehabilitation of victims of
2 torture, including treatment of the physical and psy-
3 chological effects of torture.

4 (2) Social and legal services for victims of tor-
5 ture.

6 (3) Research and training for health care pro-
7 viders outside of treatment centers, or programs for
8 the purpose of enabling such providers to provide
9 the services described in paragraph (1).

10 (b) FUNDING.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—Of
12 the amounts authorized to be appropriated for the
13 Department of Health and Human Services for each
14 fiscal year, there are authorized to be appropriated
15 to carry out subsection (a) (relating to assistance for
16 domestic centers and programs for the treatment of
17 victims of torture) such sums as may be necessary
18 for each fiscal year.

19 (2) AVAILABILITY OF FUNDS.—Amounts appro-
20 priated pursuant to this subsection shall remain
21 available until expended.

22 **SEC. 6. MULTILATERAL ASSISTANCE.**

23 (a) FUNDING.—Of the amounts authorized to be ap-
24 propriated for fiscal years 1999 and 2000 pursuant to
25 chapter 3 of part I of the Foreign Assistance Act of 1961,

1 there are authorized to be appropriated to the United Na-
2 tions Voluntary Fund for Victims of Torture (in this sec-
3 tion referred to as the “Fund”) the following amounts for
4 the following fiscal years:

5 (1) FISCAL YEAR 1999.—For fiscal year 1999,
6 \$3,000,000.

7 (2) FISCAL YEAR 2000.—For fiscal year 2000,
8 \$3,000,000.

9 (b) AVAILABILITY OF FUNDS.—Amounts appro-
10 priated pursuant to subsection (a) shall remain available
11 until expended.

12 (c) SENSE OF THE CONGRESS.—It is the sense of the
13 Congress that the President, acting through the United
14 States Permanent Representative to the United Nations,
15 should—

16 (1) request the Fund—

17 (A) to find new ways to support and pro-
18 tect treatment centers and programs that are
19 carrying out rehabilitative services for victims
20 of torture; and

21 (B) to encourage the development of new
22 such centers and programs;

23 (2) use the voice and vote of the United States
24 to support the work of the Special Rapporteur on
25 Torture and the Committee Against Torture estab-

1 lished under the Convention Against Torture and
2 Other Cruel, Inhuman or Degrading Treatment or
3 Punishment; and

4 (3) use the voice and vote of the United States
5 to establish a country rapporteur or similar proce-
6 dural mechanism to investigate human rights viola-
7 tions in a country if either the Special Rapporteur
8 or the Committee Against Torture indicates that a
9 systematic practice of torture is prevalent in that
10 country.

11 **SEC. 7. SPECIALIZED TRAINING FOR FOREIGN SERVICE OF-**
12 **FICERS.**

13 (a) IN GENERAL.—The Secretary of State shall pro-
14 vide training for foreign service officers with respect to—

15 (1) the identification of torture;

16 (2) the identification of the surrounding cir-
17 cumstances in which torture is most often practiced;

18 (3) the long-term effects of torture upon a vic-
19 tim;

20 (4) the identification of the physical, cognitive,
21 and emotional effects of torture, and the manner in
22 which these effects can affect the interview or hear-
23 ing process; and

24 (5) the manner of interviewing victims of tor-
25 ture so as not to retraumatize them, eliciting the

1 necessary information to document the torture expe-
2 rience, and understanding the difficulties victims
3 often have in recounting their torture experience.

4 (b) GENDER-RELATED CONSIDERATIONS.—In con-
5 ducting training under subsection (a)(4) or (5), gender-
6 specific training shall be provided on the subject of inter-
7 acting with women and men who are victims of torture
8 by rape or any other form of sexual violence.

Passed the House of Representatives September 14,
1998.

Attest:

ROBIN H. CARLE,

Clerk.