

110TH CONGRESS
1ST SESSION

H. R. 3887

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.

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

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,*

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

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

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

Sec. 1. Short title and table of contents.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN
PERSONS

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

TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE
UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

- Sec. 201. Protecting trafficking victims against retaliation.
- Sec. 202. Information for work-based nonimmigrants on legal rights and re-
sources.
- Sec. 203. Clarification of roles of Secretary of Homeland Security and Attorney
General.
- Sec. 204. Relief for certain victims pending actions on petitions and applica-
tions 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
 9 Homeland Security,”.

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

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

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

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

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

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

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

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

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

22 “(D) The Director shall be responsible for
23 all policy, funding, and programming decisions
24 regarding funds made available for trafficking

1 in persons programs that are centrally con-
2 trolled by the Department of State.

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

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

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

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

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

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

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

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

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

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

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

7 “(F) In cooperation and coordination with
8 the United Nations High Commissioner for
9 Refugees, the International Organization of Mi-
10 gration, and other relevant organizations, sup-
11 port for increased protections for refugees and
12 internally displaced persons, including outreach
13 and education efforts to prevent such refugees
14 and internally displaced persons from being ex-
15 ploited by traffickers.”; and

16 (2) in paragraph (2), by adding at the end the
17 following new sentence: “In carrying out this para-
18 graph, the Secretary and the Administrator shall
19 take all appropriate steps to ensure that cooperative
20 efforts among foreign countries are undertaken on a
21 regional basis.”.

22 **SEC. 105. INCREASING EFFECTIVENESS OF ANTI-TRAF-**
23 **FICKING PROGRAMS.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

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

4 (2) Such monitoring and evaluation should
5 measure results—the actual effects of assistance—as
6 well as outcomes—the numerical product of assist-
7 ance, such as individuals assisted, systems estab-
8 lished, and funds provided through programs.

9 (3) While the results of programs related to
10 trafficking in person may be difficult to measure be-
11 cause of the criminal and underground nature of
12 trafficking in persons, making efforts to measure
13 such results are critical to learning the extent to
14 which United States assistance programs evolve.

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

18 **“SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAF-**
19 **FICKING PROGRAMS.**

20 “(a) AWARDING OF GRANTS, COOPERATIVE AGREE-
21 MENTS, AND CONTRACTS.—The head of each department
22 and agency of the United States Government that admin-
23 isters funds made available for programs described in this
24 division and the amendments made by this division in the
25 United States and foreign countries shall—

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

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

7 “(3) ensure that internal department or agency
8 review process for such grants, cooperative agree-
9 ments, and contracts is not subject to ad hoc or
10 intermittent review by individuals or organizations
11 outside the United States Government not otherwise
12 provided for in the process described in paragraphs
13 (1) and (2).

14 “(b) EVALUATION OF TRAFFICKING PROGRAMS.—

15 “(1) IN GENERAL.—The President shall estab-
16 lish and implement a system to monitor and evaluate
17 the effectiveness and efficiency of assistance pro-
18 vided under anti-trafficking programs established
19 and carried out under this division and the amend-
20 ments made by this division on a program-by-pro-
21 gram basis in order to maximize the long-term sus-
22 tainable development impact of such assistance.

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

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

5 “(B) establish performance indicators to be
6 used in measuring and assessing the achieve-
7 ment of the performance goals described in sub-
8 paragraph (A); and

9 “(C) provide a basis for recommendations
10 for adjustments to assistance described in para-
11 graph (1) to enhance the impact of such assist-
12 ance.

13 “(c) TARGETED USE OF TRAFFICKING PROGRAMS.—
14 The Director of the Office to Monitor and Combat Traf-
15 ficking shall undertake efforts to provide assistance to for-
16 eign countries and nongovernmental organizations under
17 this division and the amendments made by this division
18 based on the priorities and country assessments contained
19 in the most recent report submitted by the Secretary of
20 State to Congress pursuant to section 110(b) of this Act.

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

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

3 (a) MINIMUM STANDARDS.—Section 108 of the Traf-
4 ficking Victims Protection Act of 2000 (22 U.S.C. 7106)
5 is amended—

6 (1) in the matter preceding paragraph (1) of
7 subsection (a), by striking “a significant number
8 of”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(c) RULE OF CONSTRUCTION.—For purposes of
12 subsection (a), the minimum standards for the elimination
13 of trafficking shall not apply to the government of a coun-
14 try if the Secretary of State determines by credible evi-
15 dence that there is not a significant number of victims
16 that leave, enter, or transit the country, and the Secretary
17 describes the basis for such determination and an analysis
18 of any steps that the country has taken to reduce traf-
19 ficking in persons to such a level, if any, in the most recent
20 report submitted by the Secretary to Congress pursuant
21 to section 110(b) of this Act.”.

22 (b) CRITERIA.—Subsection (b) of such section is
23 amended—

24 (1) in paragraph (1)—

25 (A) in the first sentence, by inserting at
26 the end before the period the following: “, in-

1 including in all appropriate cases requiring incar-
2 ceration of individuals convicted of such acts”;
3 and

4 (B) by inserting after the first sentence
5 the following new sentence: “For purposes of
6 the preceding sentence, suspended or signifi-
7 cantly-reduced sentences for convictions of acts
8 of severe forms of trafficking in persons shall
9 not be considered to be an indicator of serious
10 and sustained efforts to eliminate severe forms
11 of trafficking in persons.”;

12 (2) in paragraph (2), by inserting at the end
13 before the period the following: “, including by pro-
14 viding training to law enforcement and immigration
15 officials in the identification and treatment of traf-
16 ficking victims using approaches that focus on the
17 needs of the victims”;

18 (3) in paragraph (3), by striking “, measures to
19 reduce the demand for commercial sex acts and for
20 participation in international sex tourism by nation-
21 als of the country” and inserting “, measures to es-
22 tablish the identity of local populations, including
23 birth registration, citizenship, and nationality”;

24 (4) by adding at the end the following new
25 paragraph:

1 “(11) Whether the government has made seri-
2 ous and sustained efforts to reduce the demand for
3 commercial sex acts and for participation in inter-
4 national sex tourism by nationals of the country.”.

5 **SEC. 107. ACTIONS AGAINST GOVERNMENTS FAILING TO**
6 **MEET MINIMUM STANDARDS.**

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

13 “(D) COUNTRIES ON SPECIAL WATCH LIST
14 FOR TWO CONSECUTIVE YEARS.—If a country is
15 included on the special watch list described in
16 subparagraph (A) for two consecutive years,
17 such country shall be included on the list of
18 countries described in paragraph (1)(C), unless
19 the Secretary of State provides to the appro-
20 priate congressional committees credible evi-
21 dence that (i) the country has a written plan to
22 begin making significant efforts to bring itself
23 into compliance with the minimum standards
24 for the elimination of trafficking, (ii) the plan,
25 if implemented, would constitute making such

1 significant efforts, and (iii) the country is de-
2 voting sufficient resources to implement the
3 plan. Such credible evidence shall be provided
4 as part of the report required by paragraph (1)
5 and the interim assessment required by sub-
6 paragraph (B).”.

7 (b) CLARIFICATION OF MEASURES AGAINST CERTAIN
8 FOREIGN COUNTRIES.—Subsection (d)(1)(A)(ii) of such
9 section is amended by striking “the United States will not
10 provide” and inserting “the United States will not provide
11 such assistance to the government of the country for the
12 subsequent fiscal year and will not provide”.

13 (c) TRANSLATION OF TRAFFICKING IN PERSONS RE-
14 PORT.—

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

1 (2) MATTERS TO BE INCLUDED.—The trans-
2 lation required by paragraph (1) shall include the in-
3 troduction, other sections of general interest, and
4 the relevant country narratives of the annual report.
5 The Secretary of State shall ensure that such trans-
6 lations are available on the Internet Web site of the
7 Department of State.

8 **SEC. 108. RESEARCH ON DOMESTIC AND INTERNATIONAL**
9 **TRAFFICKING IN PERSONS.**

10 (a) IN GENERAL.—Subsection (a)(5) of section 112A
11 of the Trafficking Victims Protection Act of 2000 (22
12 U.S.C. 7109a) is amended by adding at the end the fol-
13 lowing new sentence: “Such mechanism shall include, not
14 later than two years after the date of the enactment of
15 the William Wilberforce Trafficking Victims Protection
16 Reauthorization Act of 2007, the establishment of an inte-
17 grated data base by combining all applicable data collected
18 by each Federal department and agency represented on
19 the Interagency Task Force to Monitor and Combat Traf-
20 ficking (established under section 105 of this Act) and,
21 to the maximum extent practicable, applicable data from
22 relevant international organizations, for the purpose of un-
23 dertaking a meta-analysis of patterns of trafficking in per-
24 sons, slavery, and slave-like conditions.”.

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

5 **SEC. 109. PRESIDENTIAL AWARD FOR EXTRAORDINARY EF-**
6 **FORTS TO COMBAT TRAFFICKING IN PER-**
7 **SONS.**

8 The Trafficking Victims Protection Act of 2000 (22
9 U.S.C. 7101 et seq.) is amended by inserting after section
10 112A the following new section:

11 **“SEC. 112B. PRESIDENTIAL AWARD FOR EXTRAORDINARY**
12 **EFFORTS TO COMBAT TRAFFICKING IN PER-**
13 **SONS.**

14 “(a) ESTABLISHMENT OF AWARD.—The President is
15 authorized to establish an award for extraordinary efforts
16 engaged in outside the United States to combat trafficking
17 in persons, to be known as the ‘Presidential Award for
18 Extraordinary Efforts to Combat Trafficking in Persons’.
19 To the maximum extent practicable, the Secretary should
20 make the award annually to up to 5 individuals, including
21 individuals who are foreign nationals.

22 “(b) SELECTION.—The President shall establish pro-
23 cedures for selecting recipients of the award authorized
24 under subsection (a). The criteria for selecting recipients
25 of the award shall include whether the candidate risked

1 his or her physical safety during efforts to combat traf-
2 ficking in persons.

3 “(c) CEREMONY.—The President shall host an an-
4 nual ceremony for recipients of the award authorized
5 under subsection (a) at the time the report required by
6 section 110(b) of this Act is submitted by the Secretary
7 of State to Congress pursuant to such section. The Sec-
8 retary of State is authorized to pay the costs associated
9 with travel by each recipient to the ceremony.

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

14 **SEC. 110. RESPONSIBILITIES OF CONSULAR OFFICERS OF**
15 **THE DEPARTMENT OF STATE.**

16 (a) INTERVIEWS.—

17 (1) IN GENERAL.—In the case of a consular
18 interview of an alien for an employment- or edu-
19 cation-based nonimmigrant visa, the consular officer
20 conducting the interview shall ensure that the alien
21 has information relating to the following, both orally
22 and through the pamphlet required under section
23 202:

24 (A) The illegality of slavery, peonage, traf-
25 ficking in persons, sexual assault, extortion,

1 blackmail and worker exploitation in the United
2 States, and the right of the alien to retain the
3 alien's passport in the alien's possession at all
4 times.

5 (B) The availability of services for victims
6 of human trafficking and worker exploitation in
7 the United States, including the contact infor-
8 mation for relevant community organizations
9 that provide services to trafficking victims (to
10 the extent practicable), the National Trafficking
11 in Persons and Worker Exploitation Task Force
12 complaint line, the Operation Rescue and Re-
13 store hotline, and a general description of the
14 types of victims services available if an indi-
15 vidual is subject to trafficking in persons.

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

1 (D) The requirements that section
2 202(g)(2) places upon persons engaging in for-
3 eign labor contracting activity.

4 (2) REVIEW.—Before conducting an interview
5 described in paragraph (1), the consular officer shall
6 review the summary of the pamphlet required under
7 section 202.

8 (3) DEFINITION.—In this subsection, the term
9 “employment- or education-based nonimmigrant
10 visa” has the meaning given such term in section
11 202(h).

12 (b) SPECIAL PROVISIONS RELATING TO ALIENS
13 ISSUED A–3 AND G–5 VISAS.—

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

23 (2) FEASIBILITY OF OVERSIGHT OF EMPLOYEES
24 OF DIPLOMATS AND REPRESENTATIVES OF OTHER
25 INSTITUTIONS.—Not later than 180 days after the

1 date of the enactment of this Act, the Secretary of
2 State shall submit to the Committee on Foreign Af-
3 fairs of the House of Representatives and the Com-
4 mittee on Foreign Relations of the Senate a report
5 on the feasibility of—

6 (A) establishing a system to monitor the
7 treatment of aliens who have been admitted to
8 the United States as nonimmigrants described
9 in subparagraph (A)(iii) or (G)(v) of section
10 101(a)(15) of the Immigration and Nationality
11 Act; and

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

1 (3) ASSISTANCE TO LAW ENFORCEMENT INVES-
2 TIGATIONS.—The Secretary of State shall cooperate,
3 to the fullest extent possible consistent with the
4 United States obligations under the Vienna Conven-
5 tion on Diplomatic Relations, done at Vienna, April
6 18, 1961, (23 U.S.T. 3229), with any investigation
7 by United States law enforcement authorities of
8 crimes related to trafficking in persons, worker ex-
9 ploitation, or other related violations of United
10 States law with respect to an alien described in
11 paragraph (1).

12 (4) ZERO TOLERANCE FOR ABUSE.—

13 (A) LIMITATION.—The Secretary of State
14 shall direct consular officers not to issue a visa
15 to an alien who applies for a visa under sub-
16 paragraph (A)(iii) or (G)(v) of section
17 101(a)(15) of the Immigration and Nationality
18 Act if the person who would employ such an
19 alien serves at a diplomatic mission or an inter-
20 national institution described in subparagraph
21 (B) of this paragraph.

22 (B) MISSION OR INSTITUTION.—A diplo-
23 matic mission or international institution is re-
24 ferred to in subparagraph (A) if—

1 (i) the Secretary of State determines
2 that an alien described in paragraph (1)
3 has been subjected to trafficking of per-
4 sons, worker exploitation, or other related
5 violations of United States law, by an indi-
6 vidual serving at such a mission or institu-
7 tion during the two year period before the
8 date of the application for a visa referred
9 to in subparagraph (A); or

10 (ii) an individual serving at such a
11 mission or institution has departed the
12 United States because there is credible evi-
13 dence that such individual trafficked, ex-
14 ploited, or otherwise abused an alien de-
15 scribed in paragraph (1).

16 (C) EXCEPTION.—The Secretary of State
17 may suspend the application of the limitation
18 under subparagraph (A) if the Secretary deter-
19 mines and reports to the committees specified
20 in paragraph (2) that a mechanism is in place
21 to ensure that such trafficking, exploitation, or
22 abuse does not occur again with respect to any
23 alien employed by such mission or institution.

24 (5) REPORT.—Not later than June 1, 2008,
25 and annually thereafter, the Secretary of State shall

1 submit to the Committee on Foreign Affairs of the
2 House of Representatives and the Committee on
3 Foreign Relations of the Senate a report describing
4 the diplomatic missions or international institutions
5 that are subject to the visa restriction referred to in
6 subparagraph (A) of paragraph (4), any exceptions
7 that have been made pursuant to subparagraph (C)
8 of such paragraph (4), and any requests for waivers
9 of diplomatic immunity that have been made that
10 are related to actions involving trafficking of per-
11 sons, worker exploitation, or other related violations
12 of United States law.

13 **SEC. 111. REPORT ON ACTIVITIES OF THE DEPARTMENT OF**
14 **LABOR TO MONITOR AND COMBAT FORCED**
15 **LABOR AND CHILD LABOR.**

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

1 (b) FINAL REPORT; PUBLIC AVAILABILITY OF
2 LIST.—Not later than September 30, 2008, the Secretary
3 of Labor shall—

4 (1) submit to the appropriate congressional
5 committees a final report on the implementation of
6 section 105(b) of the Trafficking Victims Protection
7 Reauthorization Act of 2005, which shall include an
8 initial list of goods described in paragraph (2)(C) of
9 such section; and

10 (2) make available to the public such list of
11 goods in accordance with paragraph (2)(C) of such
12 section.

13 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” has the meaning given the term in sec-
16 tion 103 of the Trafficking Victims Protection Act of 2000
17 (22 U.S.C. 7102).

18 **SEC. 112. SENSE OF CONGRESS REGARDING MULTILAT-**
19 **ERAL FRAMEWORK BETWEEN LABOR EX-**
20 **PORTING AND LABOR IMPORTING COUN-**
21 **TRIES.**

22 It is the sense of Congress that the Secretary of
23 State, in conjunction with the International Labor Organi-
24 zation, the United Nations Office of Drug and Crime Pre-
25 vention, and other relevant international and nongovern-

1 mental organizations, should seek to establish a multilat-
2 eral framework between labor exporting and labor import-
3 ing countries to ensure that workers migrating between
4 such countries are protected from trafficking in persons
5 and worker exploitation of any kind.

6 **TITLE II—COMBATTING TRAF-**
7 **FICKING IN PERSONS IN THE**
8 **UNITED STATES**

9 **Subtitle A—Ensuring Availability**
10 **of Possible Witnesses and In-**
11 **formants**

12 **SEC. 201. PROTECTING TRAFFICKING VICTIMS AGAINST RE-**
13 **TALIATION.**

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

17 (1) in clause (i)—

18 (A) in the matter preceding subclause (I),
19 by striking “jointly;” and inserting “jointly;”;

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

22 (C) in subclause (II), by adding at the end
23 the following: “, including physical presence on
24 account of the alien having been allowed entry

1 into the United States for participation in in-
2 vestigative or judicial processes;”;

3 (D) in subclause (III)—

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

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

8 (iii) by redesignating item (bb) as
9 item (cc); and

10 (iv) by inserting after item (aa) the
11 following:

12 “(bb) in the Secretary’s sole and
13 unreviewable discretion, that the alien is un-
14 likely or unable to cooperate with such a re-
15 quest due to physical or psychological trauma;
16 or”; and

17 (E) in subclause (IV)—

18 (i) by striking “involving unusual and
19 severe harm”; and

20 (ii) by adding “and” at the end;

21 (2) in clause (ii)(II), by striking “alien;” and
22 inserting “alien and any parents or siblings of such
23 alien who establish a present danger of retaliation as
24 a result of the alien’s cooperation with law enforce-
25 ment;” and

1 (3) by striking clause (iii).

2 (b) REQUIREMENTS FOR T VISA ISSUANCE.—Section
3 214(o) of the Immigration and Nationality Act (8 U.S.C.
4 1184(o)) is amended by adding at the end the following:

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

12 “(B) In determining whether extreme hardship
13 described in section 101(a)(15)(T)(i)(IV) exists, the
14 Secretary of Homeland Security, in consultation
15 with investigators, prosecutors, and relevant individ-
16 uals responsible for working with victims and wit-
17 nesses shall consider whether the country to which
18 the alien is likely to be removed can adequately ad-
19 dress security concerns and the mental and physical
20 health needs of the alien and of persons described in
21 section 101(a)(15)(T)(ii).”.

22 (c) EXPANSION OF AUTHORITY TO PERMIT CONTIN-
23 UED PRESENCE IN THE UNITED STATES.—

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

4 “(3) AUTHORITY TO PERMIT CONTINUED PRES-
5 ENCE IN THE UNITED STATES.—

6 “(A) TRAFFICKING VICTIMS.—

7 “(i) IN GENERAL.—Upon application
8 from law enforcement officials, the Sec-
9 retary of Homeland Security may permit
10 an alien’s continued presence in the United
11 States if—

12 “(I) after a prima facie assess-
13 ment, the Secretary determines that
14 such alien may be a victim of a severe
15 form of trafficking; and

16 “(II) the Secretary is notified by
17 such law enforcement officials that
18 such alien may be a potential witness
19 to such trafficking, in order to effec-
20 tuate prosecution of those responsible.

21 “(ii) SAFETY.—Federal law enforce-
22 ment officials described in clause (i), in in-
23 vestigating and prosecuting traffickers,
24 shall protect the safety of trafficking vic-
25 tims, including taking measures to protect

1 trafficked persons and their family mem-
2 bers from intimidation, threats of reprisals,
3 and reprisals from traffickers and their as-
4 sociates.

5 “(iii) CONTINUATION OF PRES-
6 ENCE.—The Secretary shall continue to
7 permit the continued presence of an alien
8 described in clause (i) if such alien has
9 filed a civil action under section 1595 of
10 title 18, United States Code, until such ac-
11 tion is concluded.

12 “(B) PAROLE FOR RELATIVES.—Pursuant
13 to section 240A(b)(6) of the Immigration and
14 Nationality Act (8 U.S.C. 1229b(b)(b)), as
15 added by section 205 of the William Wilberforce
16 Trafficking Victims Protection Reauthorization
17 Act of 2007, law enforcement officials may sub-
18 mit a written request to the Secretary of Home-
19 land Security to permit the parole into the
20 United States of certain relatives of an alien de-
21 scribed in subparagraph (A)(i).”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall take effect on the date of en-
24 actment of this Act and shall apply to requests for
25 continued presence filed pursuant to section

1 107(c)(3) of the Trafficking Victims Protection Act
2 (22 U.S.C. 7105(c)(3)) before, on, or after such
3 date, except that this paragraph does not permit the
4 application of section 107(c)(3)(A) of such Act, as
5 added by paragraph (1), to an alien who is not
6 present in the United States.

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

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

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

14 (3) by adding at the end the following new
15 paragraph—

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

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

4 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
5 rity, in consultation with the Secretary of State and the
6 Trafficking in Persons and Worker Exploitation Task
7 Force, shall develop an information pamphlet, as described
8 in subsection (b), on legal rights and resources for aliens
9 applying for employment- or education-based non-
10 immigrant visas, and shall distribute and make such pam-
11 phlet available as described in subsection (e). In preparing
12 the information pamphlet, the Secretary of Homeland Se-
13 curity shall consult with nongovernmental organizations
14 with expertise on the legal rights of workers and victims
15 of severe forms of trafficking in persons.

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

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

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

4 (3) Services for victims of severe forms of traf-
5 ficking in persons and worker exploitation in the
6 United States, including the Trafficking in Persons
7 and Worker Exploitation Task Force complaint line
8 and the Operation Rescue and Restore hotline.

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

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

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

25 (d) TRANSLATION.—

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

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

20 (e) AVAILABILITY AND DISTRIBUTION.—

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

1 sular posts processing applications for nonimmigrant
2 visas.

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

8 (f) DEADLINE FOR PAMPHLET DEVELOPMENT AND
9 DISTRIBUTION.—The information pamphlet developed
10 under subsection (a) shall be distributed and made avail-
11 able (including in the languages specified under subsection
12 (d)) not later than 120 days after the date of the enact-
13 ment of this Act.

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

16 (1) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

22 (4) REGISTRATION.—

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

1 certificate of registration from the Secretary of
2 Labor specifying the activities that such person
3 is authorized to perform.

4 (B) ISSUANCE.—The Secretary shall pro-
5 mulgate regulations to establish an efficient
6 electronic process for the investigation and ap-
7 proval of an application for a certificate of reg-
8 istration of foreign labor contractors not later
9 than 14 days after such application is filed, in-
10 cluding—

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

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

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

19 (C) TERM OF REGISTRATION.—Unless sus-
20 pended or revoked, a certificate under this sub-
21 paragraph shall be valid for 2 years.

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

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

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

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

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

14 (II) has had a certificate revoked;

15 or

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

18 (iii) the applicant for, or holder of, the
19 certification has failed to comply with this
20 Act.

21 (E) COMPLAINTS AND INVESTIGATIONS.—

22 The Secretary of Labor shall establish a process
23 for the receipt, investigation, and disposition of
24 complaints respecting a foreign labor contrac-
25 tor's compliance with this Act. Complaints may

1 be filed by any aggrieved person or organization
2 (including bargaining representatives). No in-
3 vestigation or hearing shall be conducted on a
4 complaint concerning a violation of this Act un-
5 less the complaint was filed not later than 12
6 months after the date of the violation. The Sec-
7 retary shall conduct an investigation under this
8 paragraph if there is reasonable cause to believe
9 that such a violation occurred.

10 (F) MAINTENANCE OF LISTS.—

11 (i) IN GENERAL.—The Secretary shall
12 maintain a list of all foreign labor contrac-
13 tors registered under this Act; and

14 (ii) PUBLIC AVAILABILITY.—The Sec-
15 retary shall make the list described in
16 clause (i) publicly available, including
17 through publication on the Internet.

18 (G) RE-REGISTRATION OF VIOLATORS.—

19 The Secretary shall provide a procedure by
20 which a foreign labor contractor that has had
21 its registration revoked may seek to re-register
22 under this paragraph by demonstrating to the
23 Secretary's satisfaction that the foreign labor
24 contractor has not violated this section in the
25 previous 5 years.

1 (5) AMENDMENT TO IMMIGRATION AND NA-
2 TIONALITY ACT.—Section 214 of the Immigration
3 and Nationality Act is amended by adding at the
4 end the following:

5 “(s) A visa shall not be issued under the subpara-
6 graph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section
7 101(a)(15) until the consular officer—

8 “(1) has provided to and reviewed with the ap-
9 plicant, in the applicant’s language (or a language
10 the applicant understands), a copy of the informa-
11 tion and resources pamphlet required by section 202
12 of the William Wilberforce Trafficking Victims Pro-
13 tection Reauthorization Act of 2007; and

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

17 (6) ENFORCEMENT PROVISIONS.—

18 (A) ADMINISTRATIVE ENFORCEMENT.—

19 The Secretary of Labor may impose, for know-
20 ingly or recklessly failing to comply with the re-
21 quirements of this section—

22 (i) a fine in an amount not more than
23 \$4,000 per affected worker; and

24 (ii) upon the occasion of a third of-
25 fense or failure to comply with representa-

1 tions, a fine of not more than \$10,000 per
2 affected worker.

3 (B) CIVIL ACTION.—

4 (i) IN GENERAL.—The Secretary of
5 Labor may bring a civil action in any court
6 of competent jurisdiction—

7 (I) to seek remedial action, in-
8 cluding injunctive relief;

9 (II) to recover damages suffered
10 by any worker harmed by such a vio-
11 lation, which shall include wages
12 owed, and any debts incurred or fees
13 paid by such worker, to any person, in
14 reliance on the representations of the
15 defendant or agents of the defendants;
16 and

17 (III) to ensure compliance with
18 requirements of this section.

19 (ii) SUMS RECOVERED.—Any sums re-
20 covered by the Secretary on behalf of an
21 employee under clause (i) shall be held in
22 a special deposit account and shall be paid,
23 on order of the Secretary, directly to each
24 employee affected. Any such sums not paid
25 to an employee because of inability to do

1 so within a period of 3 years shall be cred-
2 ited as an offsetting collection to the ap-
3 propriations account of the Secretary of
4 Labor for expenses for the administration
5 of this section and shall remain available
6 to the Secretary until expended.

7 (iii) REPRESENTATION.—Except as
8 provided in section 518(a) of title 28,
9 United States Code, the Solicitor of Labor
10 may appear for and represent the Sec-
11 retary of Labor in any civil litigation
12 brought under this subsection. All such
13 litigation shall be subject to the direction
14 and control of the Attorney General.

15 (C) AGENCY LIABILITY.—An employer who
16 retains the services of a foreign labor contractor
17 shall only use those foreign labor contractors
18 who are registered under paragraph (4). An
19 employer who uses a foreign labor contractor
20 who is not registered under paragraph (4), or
21 who uses a foreign labor contractor knowing or
22 in reckless disregard that such contractor has
23 violated any provision of this section, shall be
24 subject to paragraph (5) for violations com-
25 mitted by such foreign labor contractor to the

1 same extent as if the employer had committed
2 the violation.

3 (h) DEFINITIONS.—In this section:

4 (1) EMPLOYMENT- OR EDUCATION-BASED NON-
5 IMMIGRANT VISA.—The term “employment- or edu-
6 cation-based nonimmigrant visa” means a non-
7 immigrant visa issued for the purpose of employ-
8 ment, education, or training in the United States,
9 including a visas issued under subparagraph (A)(iii),
10 (G)(v), (H), (J), (L), (Q), or (R) of section
11 101(a)(15) of the Immigration and Nationality Act
12 (8 U.S.C. 1101(a)(15)).

13 (2) SEVERE FORMS OF TRAFFICKING IN PER-
14 SONS.—The term “severe forms of trafficking in
15 persons” has the meaning given the term in section
16 103 of the Trafficking Victims Protection Act of
17 2000 (22 U.S.C. 7102).

18 **SEC. 203. CLARIFICATION OF ROLES OF SECRETARY OF**
19 **HOMELAND SECURITY AND ATTORNEY GEN-**
20 **ERAL.**

21 (a) T VISA CLASSIFICATION.—Section
22 101(a)(15)(T)(i) of the Immigration and Nationality Act
23 (8 U.S.C. 1101(a)(15)(T)(i)), as amended by section
24 201(a), is further amended by striking “, or in the case

1 of subclause (III)(aa) the Secretary of Homeland Security
2 and the Attorney General jointly,”.

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

6 (1) in the matter preceding subparagraph (A),
7 by striking “, or in the case of subparagraph (C)(i),
8 the Attorney General,”;

9 (2) in subparagraph (A), by striking “Attorney
10 General,” and inserting “Secretary of Homeland Se-
11 curity,”; and

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

15 (c) ADJUSTMENT OF STATUS FOR CRIME VICTIMS.—
16 Section 245(m)(1) of the Immigration and Nationality Act
17 (8 U.S.C. 1255(m)(1)) is amended, in the matter pre-
18 ceding subparagraph (A), by striking “unless the Attorney
19 General” and inserting “unless the Secretary”.

20 **SEC. 204. RELIEF FOR CERTAIN VICTIMS PENDING AC-**
21 **TIONS ON PETITIONS AND APPLICATIONS**
22 **FOR RELIEF.**

23 Section 237 of the Immigration and Nationality Act
24 (8 U.S.C. 1227) is amended by adding at the end the fol-
25 lowing:

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

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

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

20 **SEC. 205. PAROLE FOR DERIVATIVES OF TRAFFICKING VIC-**
21 **TIMS.**

22 Section 240A(b) of the Immigration and Nationality
23 Act (8 U.S.C. 1229b(b)) is amended by adding at the end
24 the following:

25 “(6) RELATIVES OF TRAFFICKING VICTIMS.—

1 “(A) IN GENERAL.—Upon written request
2 by a law enforcement official, the Secretary of
3 Homeland Security shall grant parole under
4 section 212(d)(5) to any alien who is a relative
5 of an alien granted continued presence pursu-
6 ant to section 107(c)(3)(A) of the Trafficking
7 Victims Protection Act (22 U.S.C.
8 7105(c)(3)(A)), if the relative was, on the date
9 on which law enforcement applied for such con-
10 tinued presence—

11 “(i) in the case of an alien granted
12 continued presence who is under 21 years
13 of age, the spouse, child, parent, or unmar-
14 ried sibling under 18 years of age, of the
15 alien; or

16 “(ii) in the case of an alien granted
17 continued presence who is 21 years of age
18 or older, the spouse or child of the alien,
19 or a parent or sibling of the alien who es-
20 tablishes a present danger of retaliation as
21 a result of the alien’s cooperation with law
22 enforcement.

23 “(B) DURATION OF PAROLE.—

24 “(i) IN GENERAL.—The grant of pa-
25 role under subparagraph (A) shall extend

1 until the date an application filed by the
2 principal alien under section
3 101(a)(15)(T)(ii) has been finally adju-
4 dicated.

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

8 “(I) the date on which the prin-
9 cipal alien’s continued presence in the
10 United States under section
11 107(c)(3)(A) of the Trafficking Vie-
12 tims Protection Act (22 U.S.C.
13 7105(c)(3)(A)) is terminated; or

14 “(II) the date on which a civil ac-
15 tion filed by the principal alien under
16 section 1595 of title 18, United States
17 Code, is concluded.

18 “(iii) DUE DILIGENCE.—Failure by
19 the principal alien to exercise due diligence
20 in filing a visa petition on behalf of an
21 alien described in clause (i) or (ii) of sub-
22 paragraph (A) may result in revocation of
23 parole.”.

1 **SEC. 206. IMPLEMENTATION OF TRAFFICKING VICTIMS**
2 **PROTECTION REAUTHORIZATION ACT OF**
3 **2005.**

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

17 **Subtitle B—Assistance for**
18 **Trafficking Victims**

19 **SEC. 211. VICTIM OF TRAFFICKING CERTIFICATION PROC-**
20 **ESS.**

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

24 (1) in clause (i)—

25 (A) in the matter preceding subclause (I),
26 by striking “consultation” and all that follows

1 through “person” and inserting “consultation
2 with the Attorney General or the Secretary of
3 Homeland Security, that the person”; and

4 (B) in subclause (II)(bb), by striking
5 “United States” and all that follows through
6 “ensuring” and inserting “United States the
7 Secretary of Homeland Security is ensuring”;
8 and

9 (2) in clause (ii), by striking “so long as” and
10 all that follows through “determines” and inserting
11 “so long as the Secretary of Homeland Security de-
12 termines”.

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

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

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

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

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

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

1 (b) CONSTRUCTION.—The provisions of section
2 431(c)(4) of the Personal Responsibility and Work Oppor-
3 tunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(4)),
4 as added by subsection (a), are in addition to the access
5 to public benefits provided in the Trafficking Victims Pro-
6 tection Act of 2000 and the Trafficking Victims Reauthor-
7 ization Act of 2003.

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

13 **SEC. 213. INTERIM ASSISTANCE FOR CHILD VICTIMS OF**
14 **TRAFFICKING.**

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

19 “(F) ELIGIBILITY OF INTERIM ASSISTANCE
20 FOR CHILD VICTIMS.—

21 “(i) DETERMINATION.—With respect
22 to a person referred to in subparagraph
23 (C)(ii)(I) who is seeking assistance under
24 this paragraph, if credible information is
25 presented on behalf of the person that the

1 person has been subjected to a severe form
2 of trafficking in persons, the Secretary of
3 Health and Human Services shall promptly
4 make a determination of the person's eligi-
5 bility under this paragraph.

6 “(ii) EXCLUSIVE AUTHORITY.—The
7 Secretary of Health and Human Services
8 shall have exclusive authority in making
9 determinations of edibility under clause (i).

10 “(iii) DURATION.—Assistance pro-
11 vided under this paragraph for an indi-
12 vidual determined to be eligible under
13 clause (i) may be provided for up to 90
14 days and may be extended for an addi-
15 tional 30 days.

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

18 “(I) to ensure the best interests
19 of the child and to create an increased
20 chance of cooperation by child victims
21 of severe forms of trafficking in per-
22 sons, the United States Government
23 should provide assistance to protect
24 and care for such child victims during
25 the pendency of proceedings to deter-

1 mine whether a child is a victim of se-
2 vere forms of trafficking; and

3 “(II) in order to further the ob-
4 jective of subclause (I), the Secretary
5 of Health and Human Services should
6 make the determination of eligibility
7 for assistance under clause (i) on the
8 basis of the information provided and
9 the Secretary’s own assessment of
10 such information without regard to
11 the assessments by other departments
12 and agencies of the United States
13 Government regarding whether such
14 child victim’s application for relief or
15 benefits under this Act or the Immi-
16 gration and Nationality Act will be
17 approved.

18 “(G) NOTIFICATION OF CHILD VICTIMS
19 FOR INTERIM ASSISTANCE.—

20 “(i) FEDERAL OFFICIALS.—Any Fed-
21 eral official who has reason to believe that
22 a person may be a juvenile victim of traf-
23 ficking referred to in subparagraph
24 (C)(ii)(I) shall notify the Secretary of
25 Health and Human Services not later than

1 48 hours after the official first learns that
2 the person may be a juvenile victim of traf-
3 ficking for the purpose of facilitating the
4 provision of interim assistance under sub-
5 paragraph (F).

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

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

19 (1) by striking “and the Department of Jus-
20 tice” and inserting “, the Department of Homeland
21 Security, and the Department of Health and Human
22 Services”;

23 (2) by inserting before the period at the end the
24 following: “, including the identification of juvenile
25 victims of trafficking”; and

1 (3) by adding at the end the following new sen-
2 tence: “The Attorney General and the Secretary of
3 Heath and Human Services shall provide education
4 and guidance to State and local officials on the iden-
5 tification of aliens who are the victims of severe
6 forms of trafficking, and in particular child victims
7 of trafficking, including education and guidance on
8 the requirements of subsection (b)(1)(G)(ii).”.

9 **SEC. 214. ENSURING ASSISTANCE FOR ALL VICTIMS OF**
10 **TRAFFICKING IN PERSONS.**

11 (a) AMENDMENTS TO THE TRAFFICKING VICTIMS
12 PROTECTION ACT OF 2000.—

13 (1) ASSISTANCE FOR UNITED STATES CITI-
14 ZENS.—Section 107 of the Trafficking Victims Pro-
15 tection Act of 2000 (22 U.S.C. 7105) is amended by
16 adding at the end the following:

17 “(h) ASSISTANCE FOR UNITED STATES CITIZENS.—

18 “(1) IN GENERAL.—The Secretary of Health
19 and Human Services and the Attorney General, in
20 consultation with the Secretary of State and the
21 Secretary of Labor, are authorized to establish a
22 program to provide assistance to United States citi-
23 zens who are victims of severe forms of trafficking.
24 In determining the types of assistance that would be
25 most beneficial for such victims, the Secretary of

1 Health and Human Services and the Attorney Gen-
2 eral shall consult with nongovernmental organiza-
3 tions that provide services to victims of severe forms
4 of trafficking in the United States.

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

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

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

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

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

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

21 (1) VICTIMS OF CRIMES ACT.—The Attorney
22 General is authorized to use funds available under
23 the Victims of Crimes Act of 1984 to provide assist-
24 ance to persons victimized in cases brought under
25 chapter 117 of title 18, United States Code.

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

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

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

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

12 (d) STUDY.—

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

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

1 (A) investigate factors relating to the legal
2 ability of foreign and United States citizen vic-
3 tims of trafficking to access government-funded
4 social services in general, including the applica-
5 tion of the Personal Responsibility and Work
6 Opportunity Reconciliation Act of 1996 (8
7 U.S.C. 1641(e)(5)) and the Illegal Immigration
8 and Immigrant Responsibility Act of 1996 (di-
9 vision C of Public Law 104–208; 110 Stat.
10 3009 et seq.);

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

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

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

1 (E) include findings, best practices, and
2 recommendations based on the study of the ele-
3 ments in subparagraphs (A) through (D) and
4 any other related information.

5 **Subtitle C—Penalties Against**
6 **Traffickers and Other Crimes**

7 **SEC. 221. ENHANCING TRAFFICKING AND OTHER RELATED**
8 **OFFENSES.**

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

11 (1) by striking “that the person has not at-
12 tained the age of 18 years and” and inserting “that
13 the person (being a person who has not attained the
14 age of 18 years)”; and

15 (2) by inserting at the end “In a prosecution
16 under this subsection, the Government need not
17 prove that the defendant knew that the person had
18 not attained the age of 18 years.”.

19 (b) COMPELLED SERVICE.—

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

22 **“§ 1592. Unlawful compelled service**

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

1 or to obtain or maintain a person for use in a commercial
2 sex act (as defined in section 1591)—

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

10 “(2) improperly uses a position of real or ap-
11 parent governmental authority;

12 “(3) asserts as fact, exposes, or threatens to ex-
13 pose, a matter, whether true or false, tending to
14 subject some person to hatred, contempt or ridicule;
15 or

16 “(4) exposes any person to bankruptcy or other
17 financial harm,

18 shall be punished as provided in subsection (b).

19 “(b) PUNISHMENT.—A violator of subsection (a)
20 shall—

21 “(1) if the offense involved a violation of sub-
22 section (a)(1) or (2), or a violation of subsection
23 (a)(3) in which bodily injury, incarceration, or de-
24 portation occurred as a result of the blackmail, be

1 fined under this title or imprisoned not more than
2 5 years, or both;

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

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

13 “(c) DEFINITION.—For purposes of this paragraph,
14 ‘financial harm’ includes the factors set forth in section
15 892(b) of this title, and fees charged for foreign labor con-
16 tracting activity, as defined in section 202(g) of the Wil-
17 liam Wilberforce Trafficking Reauthorization Act of 2007,
18 that are not reasonably related to services provided to the
19 foreign worker.”.

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

“1592.Unlawful compelled service.”.

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

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

10 (2) Section 1594 of title 18, United States Code, is
11 amended—

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

15 (B) in subsection (c), by adding at the end the
16 following:

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

22 “(4) In a prosecution brought under any other provi-
23 sion of Federal law, the Attorney General may grant res-
24 toration or remission of property to victims of severe forms
25 of trafficking as defined in section 103 of the Trafficking

1 Victims Protection Act of 2000, in accordance with section
2 1594(b)(4).”.

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

5 (1) in subsection (a) by—

6 (A) by striking “of section 1589, 1590, or
7 1591”; and

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

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

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

17 (e) ENDING FOREIGN LABOR CONTRACTING
18 ABUSES.—

19 (1) IN GENERAL.—Chapter 73 of title 18,
20 United States Code, is amended by adding at the
21 end the following:

22 **“§ 1521. Retaliation in foreign labor contracting**

23 “(a)(1) Whoever knowingly uses intimidation, threat-
24 ens, or corruptly persuades another person, or attempts
25 to do so, or engages in misleading conduct toward another

1 person, with intent to prevent or to retaliate against such
2 person for—

3 “(A) the disclosure of information by such per-
4 son concerning violations with respect to aliens of
5 the provisions of employment-based immigration
6 programs or any other Federal labor or employment
7 law; or

8 “(B) the cooperation of such person in an in-
9 vestigation or other proceeding concerning compli-
10 ance with respect to aliens with the requirements of
11 employment-based immigration programs or any
12 other Federal labor or employment law,
13 shall be punished as provided in paragraph (2).

14 “(2) A violator of paragraph (1) shall—

15 “(A) if death results from the violation, or if
16 the violation includes kidnapping or an attempt to
17 kidnap, aggravated sexual abuse, or the attempt to
18 commit aggravated sexual abuse, or an attempt to
19 kill, be fined under this title or imprisoned for any
20 term of years or life, or both;

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

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

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

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

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

“1521. Retaliation in foreign labor contracting.”.

19 (f) TRANSPORTATION GENERALLY.—Section 2421 of
20 title 18, United States Code, is amended—

21 (1) by inserting “or affecting” after “individual
22 in”; and

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

1 (g) SEX TOURISM.—

2 (1) GENERALLY.—Chapter 117 of title 18,
3 United States Code, is amended by inserting after
4 section 2423 the following:

5 **“§ 2423A. Sex tourism**

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

14 “(b) ENGAGING IN ILLICIT SEXUAL CONDUCT IN
15 FOREIGN PLACES.—Any United States citizen or alien ad-
16 mitted for permanent residence who travels in foreign
17 commerce, and engages in any illicit sexual conduct with
18 another person shall be fined under this title or imprisoned
19 not more than 10 years, or both.

20 “(c) ARRANGING TRAVEL AND RELATED CON-
21 DUCT.—Whoever, for the purpose of commercial advan-
22 tage or private financial gain, arranges, induces, procures,
23 or facilitates the travel of a person knowing that such a
24 person is traveling in interstate commerce or foreign com-
25 merce for the purpose of engaging in illicit sexual conduct

1 shall be fined under this title, imprisoned not more than
2 10 years, or both.

3 “(d) INCREASED PENALTY FOR OFFENSES INVOLV-
4 ING CHILDREN.—If the illicit sexual conduct is with a
5 child, the maximum term of imprisonment for an offense
6 under this section is 30 years.

7 “(e) ATTEMPT AND CONSPIRACY.—Whoever at-
8 tempts or conspires to violate this section shall be punish-
9 able in the same manner as for the completed violation.

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

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

12 “(A) a sexual act (as defined in section
13 2246) that would be in violation of chapter
14 109A if the sexual act occurred in the special
15 maritime and territorial jurisdiction of the
16 United States; or

17 “(B) any commercial sex act (as defined in
18 section 1591); and

19 “(2) the term ‘child’ means a person under 18
20 years of age.

21 “(g) DEFENSE.—In a prosecution under this section
22 for a violation where an element of the offense involves
23 commercial sex act with a child, it is a defense, which the
24 defendant must establish by a preponderance of the evi-

1 dence, that the person engaging in that act reasonably be-
2 lieved that the other person was not a child.”;

3 (2) CONFORMING AMENDMENT.—Section 2423
4 of title 18, United States Code, is amended by strik-
5 ing subsections (b) through (g).

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

“2423A. Sex tourism.”.

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

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

22 (2) to persons convicted of offenses created by
23 subsection (f) or (g) of this section, to ensure con-
24 formity with the United States Sentencing Guide-
25 lines, sections 2G1.1 (promoting commercial sex acts

1 with persons other than minors) and 2G1.3 (pro-
2 moting commercial sex acts or prohibited sexual con-
3 duct with a minor, and related offenses.

4 **SEC. 222. JURISDICTION IN CERTAIN TRAFFICKING OF-**
5 **FENSES.**

6 (a) IN GENERAL.—Chapter 77 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 1596. Additional jurisdiction in certain trafficking**
10 **offenses**

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

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

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

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

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

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

15 **SEC. 223. AMENDMENT OF OTHER CRIMES RELATED TO**
16 **TRAFFICKING.**

17 (a) ALIENS ENTERING THE UNITED STATES.—

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

21 “ALIENS IN PROSTITUTION

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

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

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

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

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents of the Immigration and Nationality Act is
18 amended by amending the item relating to section
19 278 to read as follows:

“Sec. 278. Aliens in prostitution.”.

20 (b) AMENDMENT TO THE SENTENCING GUIDE-
21 LINES.—Pursuant to its authority under section 994 of
22 title 28, United States Code, and in accordance with this
23 section, the United States Sentencing Commission shall
24 review and, if appropriate, amend the sentencing guide-
25 lines and policy statements applicable to persons convicted

1 of offenses created by this section to ensure conformity
2 with the United States Sentencing Guidelines, section
3 2H4.1 (peonage offenses) in violations involving a holding
4 under section 278(a)(2) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1328(a)(2)), and section.2G1.1 other-
6 wise.

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

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

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

1 (b) PUBLICATION.—The Attorney General shall en-
2 sure that any new model statute that is consistent with
3 subsection (a) shall be immediately put on the website of
4 the Department of Justice in place of the existing statute.

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

11 **Subtitle D—Activities of the United** 12 **States Government**

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

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

16 (1) in subparagraph (A), by inserting “the At-
17 torney General,” after “the Secretary of Labor,”;

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

20 (3) by redesignating subparagraph (H) as sub-
21 paragraph (J); and

22 (4) by inserting after subparagraph (G) the fol-
23 lowing new subparagraphs:

24 “(H) activities by the Department of De-
25 fense to combat trafficking in persons, includ-

1 ing educational efforts for and disciplinary ac-
2 tions taken against members of the United
3 States Armed Forces, materials included in
4 training of the armed forces of foreign coun-
5 tries, and efforts to ensure that United States
6 Government contractors do not engage in traf-
7 ficking in persons;

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

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

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

1 “(iii) prohibitions on the procurement
2 by the United States Government of items
3 or services produced by slave labor, con-
4 sistent with Executive Order 13107 (De-
5 cember 10, 1998); and”.

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

7 Section 201(a)(2)(A)(ii) of the Trafficking Victims
8 Protection Reauthorization Act of 2005 (42 U.S.C.
9 14044(a)(2)(A)(ii)) is amended by inserting before the
10 semi-colon at the end the following: “and the use of exist-
11 ing Federal and State criminal laws that do not require
12 force, fraud, or coercion as an element of a felony crime
13 to prosecute such persons”.

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

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

19 **SEC. 234. COORDINATORS TO COMBAT HUMAN TRAF-**
20 **FICKING.**

21 (a) DEPARTMENT OF JUSTICE.—

22 (1) ESTABLISHMENT.—The Attorney General
23 shall establish within the Office of the Deputy Attor-
24 ney General a Coordinator to Combat Human Traf-
25 ficking.

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

4 (A) Ensure coordination of policies relating
5 to victims of trafficking among the various of-
6 fices and components of the Department of
7 Justice, including the Civil Division, the Crimi-
8 nal Division, the Office of Justice Programs,
9 and the Federal Bureau of Investigation.

10 (B) Monitor, review, and make rec-
11 ommendations regarding assistance to victims
12 of trafficking to ensure that assistance policies
13 are consistent with the Department’s prosecu-
14 tion strategies and activities.

15 (C) Ensure improved communication and
16 coordination with State and local law enforce-
17 ment agencies regarding prosecution of offenses
18 relating to victims of trafficking.

19 (D) Represent the Department at inter-
20 agency mechanisms relating to trafficking in
21 persons, including the Senior Policy Operating
22 Group.

23 (E) Serve, in conjunction with the Coordi-
24 nator to Combat Human Trafficking of the De-
25 partment of Labor (established pursuant to

1 subsection (b)), as the executive secretariat of
2 the Trafficking in Persons and Worker Exploi-
3 tation Task Force.

4 (3) STAFF.—The Attorney General shall ensure
5 that the Coordinator has sufficient staff to carry out
6 the duties described in paragraph (2).

7 (4) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated such sums as
9 may be necessary to carry out this subsection.

10 (b) DEPARTMENT OF LABOR.—

11 (1) ESTABLISHMENT.—The Secretary of Labor
12 shall establish within the Department of Labor a
13 Coordinator to Combat Human Trafficking.

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

17 (A) Ensure coordination of policies relating
18 to victims of trafficking, both in the United
19 States and abroad, among the various offices
20 and components of the Department of Labor,
21 including the Office of the Solicitor, the Em-
22 ployment Standards Administration, the Wage
23 and Hour Division, the Bureau of International
24 Labor Affairs, and the Office of Child Labor,
25 Forced Labor, and Human Trafficking.

1 (B) Ensure improved communication and
2 coordination with State labor agencies relating
3 to trafficking in persons.

4 (C) Represent the Department at inter-
5 agency mechanisms relating to trafficking in
6 persons, including the Senior Policy Operating
7 Group.

8 (D) Serve, in conjunction with the Coordi-
9 nator to Combat Human Trafficking of the De-
10 partment of Justice (established pursuant to
11 subsection (a)), as the executive secretariat of
12 the Trafficking in Persons and Worker Exploi-
13 tation Task.

14 (3) STAFF.—The Secretary of Labor shall en-
15 sure that the Coordinator has sufficient staff to
16 carry out the duties described in paragraph (2).

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated such sums as
19 may be necessary to carry out this subsection.

20 (c) DEFINITION.—In this section, the term “victim
21 of trafficking” has the meaning given the term in section
22 103 of the Trafficking Victims Protection Act of 2000 (22
23 U.S.C. 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.
24 This disparity between estimated and identified
25 victims demonstrates that much more needs to

1 be done in educating individuals who may be
2 coming into contact with trafficked children.

3 (2) SENSE OF CONGRESS.—It is the sense of
4 the Congress that, to the extent consistent with the
5 treaties and other international agreements to which
6 the 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
10 children 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
4 the United States and has an agreement in
5 writing with the United States described in sub-
6 paragraph (C), shall be treated in accordance
7 with subparagraph (B), if the Secretary of
8 Homeland Security determines, on a case-by-
9 case basis, 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
13 trafficked upon return to the child’s coun-
14 try of nationality or of last habitual resi-
15 dence;

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

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

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

1 application 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
9 seq.) 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
13 and Nationality Act (8 U.S.C. 1225(a)(4));
14 and

15 (ii) return such child to the child’s
16 country of nationality or country of last
17 habitual residence.

18 (C) CONTIGUOUS COUNTRY AGREE-
19 MENTS.—The Secretary of State shall ensure
20 that any agreements entered into between the
21 United States and a country contiguous to the
22 United States with respect to the repatriation
23 of children shall be designed to protect children
24 from severe forms of trafficking in persons.

1 Such agreements shall, at a minimum, provide
2 that—

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

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

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

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

21 (4) SCREENING.—Within 48 hours of the ap-
22 prehension of a child who is believed to be described
23 in paragraph (2)(A), but in any event prior to re-
24 turning such child to the child's country of nation-
25 ality or of last habitual residence, the child shall be

1 screened to determine whether the child meets the
2 criteria listed in paragraph (2)(A). If the child does
3 not meet such criteria, or if no determination can be
4 made within 48 hours of apprehension, the child
5 shall immediately be transferred to the Secretary of
6 Health and Human Services and treated in accord-
7 ance with subsection (c).

8 (5) ENSURING THE SAFE REPATRIATION OF
9 CHILDREN.—

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

22 (B) ASSESSMENT OF COUNTRY CONDI-
23 TIONS.—The Secretary of Homeland Security
24 shall consult the Country Reports on Human
25 Rights Practices and the Trafficking in Persons

1 Report in assessing whether to repatriate an
2 unaccompanied alien child to a particular coun-
3 try. Such assessment shall consider whether
4 there is reasonable risk that repatriation of an
5 unaccompanied alien child would threaten the
6 life or safety of the child.

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

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

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

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

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

13 (v) any information gathered in as-
14 sessments of country and local conditions
15 pursuant to paragraph (2); and

16 (vi) statistical information and other
17 data on unaccompanied alien children as
18 provided for in section 462(b)(1)(J) of the
19 Homeland Security Act of 2002 (6 U.S.C.
20 279(b)(1)(J)).

21 (D) PLACEMENT IN REMOVAL PRO-
22 CEEDINGS.—Any unaccompanied alien child
23 sought to be removed by the Department of
24 Homeland Security, except for an unaccom-
25 panied alien child from a contiguous country

1 subject to exceptions under subsection (b)(2),
2 shall be placed in removal proceedings under
3 section 240 of the Immigration and Nationality
4 Act (8 U.S.C. 1229a).

5 (c) COMBATting CHILD TRAFFICKING AND EXPLOI-
6 TATION IN THE UNITED STATES.—

7 (1) CARE AND CUSTODY OF UNACCOMPANIED
8 ALIEN CHILDREN.—

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

16 (B) EXCEPTION FOR CHILDREN WHO HAVE
17 COMMITTED CRIMES.—Notwithstanding sub-
18 paragraph (A), the Attorney General shall re-
19 tain or assume the custody and care of any un-
20 accompanied alien child who is pending pros-
21 ecution for a Federal crime or serving a sen-
22 tence pursuant to a conviction for a Federal
23 crime.

24 (C) EXCEPTION FOR CHILDREN WHO
25 THREATEN NATIONAL SECURITY.—Notwith-

1 standing subparagraph (A), the Secretary of
2 Homeland Security shall retain or assume the
3 custody and care of an unaccompanied alien
4 child if the Secretary of Homeland Security has
5 substantial evidence, based on an individualized
6 determination, that such child could personally
7 endanger the national security of the United
8 States.

9 (2) NOTIFICATION.—Each department or agen-
10 cy of the Federal Government shall notify the De-
11 partment of Health and Human services within 48
12 hours upon—

13 (A) the apprehension or discovery of an
14 unaccompanied alien child; or

15 (B) any claim or suspicion that an alien in
16 the custody of such department or agency is
17 under 18 years of age.

18 (3) TRANSFERS OF UNACCOMPANIED ALIEN
19 CHILDREN.—Any department or agency of the Fed-
20 eral Government that has an unaccompanied alien
21 child in its custody shall transfer the custody of such
22 child to the Secretary of Health and Human Serv-
23 ices within 72 hours—

24 (A) upon a determination that such child
25 is an unaccompanied alien child, if the child is

1 not described in subparagraph (B) or (C) of
2 paragraph (1); or

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

10 (4) AGE DETERMINATIONS.—

11 (A) IN GENERAL.—The Secretary of
12 Health and Human Services shall make an age
13 determination for an alien described in para-
14 graph (2)(B) and take whatever other steps are
15 necessary to determine whether such alien is el-
16 igible for treatment under this section or sec-
17 tion 462 of the Homeland Security Act of 2002
18 (6 U.S.C. 279).

19 (B) PROCEDURES.—The Secretary of
20 Health and Human Services, in consultation
21 with the Secretary of Homeland Security, shall
22 develop procedures to make a prompt deter-
23 mination of the age of an alien, which proce-
24 dures shall be used by the Secretary of Home-
25 land Security and the Secretary of Health and

1 Human Services for children in their respective
2 custody. At a minimum, these procedures shall
3 permit the presentation of multiple forms of
4 evidence, including the non-exclusive use of
5 radiographs, to determine the age of the unac-
6 companied alien.

7 (d) PROVIDING SAFE AND SECURE PLACEMENTS
8 FOR CHILDREN.—

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

19 (2) SAFE AND SECURE PLACEMENTS.—Subject
20 to section 462(b)(2) of the Homeland Security Act
21 of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied
22 alien child in the custody of the Secretary of Health
23 and Human Services shall be promptly placed in the
24 least restrictive setting that is in the best interest of
25 the child. Placement of child trafficking victims may

1 include placement with competent adult victims of
2 the same trafficking scheme in order to ensure con-
3 tinuity of care and support. A child shall not be
4 placed in a secure facility absent an independent
5 finding that the child poses a danger to self or oth-
6 ers.

7 (3) SAFETY AND SUITABILITY ASSESSMENTS.—

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

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

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

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

19 (4) LEGAL ORIENTATION PRESENTATIONS.—
20 The Secretary of Health and Human Services shall
21 ensure that custodians receive legal orientation pres-
22 entations provided through the Legal Orientation
23 Program administered by the Executive Office for
24 Immigration Review. At a minimum, such presen-
25 tations shall address the custodian's responsibility to

1 ensure the child's appearance at all immigration pro-
2 ceedings and to protect the child from mistreatment,
3 exploitation, and trafficking.

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

18 (6) GUARDIANS AD LITEM.—The Secretary of
19 Health and Human Services shall implement a pro-
20 gram to appoint independent guardians ad litem for
21 child trafficking victims and other vulnerable unac-
22 companied alien children. A guardian ad litem shall
23 be provided access to materials necessary to effec-
24 tively advocate for the best interest of the child. The
25 guardian ad litem shall not be compelled to testify

1 or provide evidence in any proceeding concerning
2 any information or opinion received from the child in
3 the course of serving as a guardian ad litem. The
4 guardian ad litem shall be presumed to be acting in
5 good faith and be immune from civil and criminal li-
6 ability for lawful conduct of duties as described in
7 this provision.

8 (7) CONFIDENTIALITY.—The Secretary of
9 Health and Human Services shall maintain the pri-
10 vacy and confidentiality of all information gathered
11 in the course of the care, custody, and placement of
12 unaccompanied alien children, consistent with its
13 role and responsibilities under the Homeland Secu-
14 rity Act of 2002 to act as guardian in loco parentis
15 in the best interest of the unaccompanied alien child,
16 by not disclosing such information to other govern-
17 ment agencies or nonparental third parties. The Sec-
18 retary may provide information to a duly recognized
19 law enforcement entity in connection with a prosecu-
20 tion or investigation of an offense described in para-
21 graph (2) or (3) of section 212(a) of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1182(a)), when
23 such information is requested in writing by such en-
24 tity.

1 (e) PERMANENT PROTECTION FOR CERTAIN AT-RISK
2 CHILDREN.—

3 (1) IN GENERAL.—Section 101(a)(27)(J) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1101(a)(27)(J)) is amended—

6 (A) in clause (i), by striking “State and
7 who has been deemed eligible by that court for
8 long-term foster care due to abuse, neglect, or
9 abandonment;” and inserting “State, or an in-
10 dividual or entity appointed by a State or juve-
11 nile court located in the United States, and
12 whose reunification with one or both of the im-
13 migrant’s parents is not viable due to abuse,
14 neglect, abandonment, or a similar basis found
15 under State law;”;

16 (B) in clause (iii), in the matter preceding
17 subclause (I), by striking “the Attorney General
18 expressly consents to the dependency order
19 serving as a precondition to the grant of special
20 immigrant juvenile status;” and inserting “the
21 Secretary of Homeland Security consents to the
22 grant of special immigrant juvenile status;”;
23 and

24 (C) in clause (iii)(I), by striking “in the
25 actual or constructive custody of the Attorney

1 General unless the Attorney General specifically
2 consents to such jurisdiction;” and inserting “in
3 the custody of the Secretary of Health and
4 Human Services unless the Secretary of Health
5 and Human Services specifically consents to
6 such jurisdiction;”.

7 (2) EXPEDITIOUS ADJUDICATION.—All applica-
8 tions for special immigrant status under section
9 101(a)(27)(J) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(27)(J)) shall be adjudicated
11 by the Secretary of Homeland Security not later
12 than 180 days after the date of filing the applica-
13 tion.

14 (3) ADJUSTMENT OF STATUS.—Section
15 245(h)(2)(A) of the Immigration and Nationality
16 Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as
17 follows:

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

21 (4) ELIGIBILITY FOR ASSISTANCE.—

22 (A) IN GENERAL.—A child who has been
23 granted special immigrant status under section
24 101(a)(27)(J) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1101(a)(27)(J)) and who

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

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

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

17 (B) STATE REIMBURSEMENT.—If State
18 foster care funds are expended on behalf of a
19 child who is not described in subparagraph (A)
20 and has been granted special immigrant status
21 under section 101(a)(27)(J) of the Immigration
22 and Nationality Act (8 U.S.C. 1101(a)(27)(J)),
23 the Federal Government shall reimburse the
24 State in which the child resides for such ex-
25 penditures by the State.

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

8 (6) TRANSITION RULE.—Notwithstanding any
9 other provision of law, an alien described in section
10 101(a)(27)(J) of the Immigration and Nationality
11 Act (8 U.S.C. 1101(a)(27)(J)), as amended by para-
12 graph (1), may not be denied special immigrant sta-
13 tus under such section after the date of the enact-
14 ment of this Act based on age if the alien was a
15 child on the date on which the alien applied for such
16 status.

17 (7) ACCESS TO ASYLUM PROTECTIONS.—Sec-
18 tion 208 of the Immigration and Nationality Act (8
19 U.S.C. 1158) is amended—

20 (A) in subsection (a)(2), by adding at the
21 end the following:

22 “(E) APPLICABILITY.—Subparagraphs (A)
23 and (B) shall not apply to an unaccompanied
24 alien child (as defined in section 462(g) of the

1 Homeland Security Act of 2002 (6 U.S.C.
2 279(g)).”]; and

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

5 “(C) INITIAL JURISDICTION.—An asylum
6 officer (as defined in section 235(b)(1)(E))
7 shall have initial jurisdiction over any asylum
8 application filed by an unaccompanied alien
9 child (as defined in section 462(g) of the Home-
10 land Security Act of 2002 (6 U.S.C. 279(g))),
11 regardless of whether filed in accordance with
12 this section or section 235(b).”.

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

20 (f) TRAINING.—The Secretary of State, the Secretary
21 of Homeland Security, the Secretary of Health and
22 Human Services and the Attorney General shall provide
23 specialized training to all Federal personnel who come into
24 contact with unaccompanied alien children. Such per-
25 sonnel shall be trained to work with unaccompanied alien

1 children, including identifying children who are a victim
2 of a severe form of trafficking in persons, and children
3 for whom asylum or special immigrant relief may be ap-
4 propriate, including children described in subsection
5 (b)(2).

6 (g) AMENDMENTS TO THE HOMELAND SECURITY
7 ACT OF 2002.—

8 (1) ADDITIONAL RESPONSIBILITIES.—Section
9 462(b)(1)(L) of the Homeland Security Act of 2002
10 (6 U.S.C. 279(b)(1)(L)) is amended by striking the
11 period at the end and inserting “, including regular
12 follow-up visits to such facilities, placements, and
13 other entities, to assess the continued suitability of
14 such placements.”.

15 (2) TECHNICAL CORRECTIONS.—Section 462(b)
16 of the Homeland Security Act of 2002 (6 U.S.C.
17 279(b)) is amended—

18 (A) in paragraph (3), by striking “para-
19 graph (1)(G),” and inserting “paragraph (1),”;
20 and

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

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

1 (h) DEFINITION OF UNACCOMPANIED ALIEN
2 CHILD.—

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

7 (2) CLARIFICATION OF DEFINITION.—For the
8 purposes of section 462(g)(2) of the Homeland Se-
9 curity Act of 2002 (6 U.S.C. 279(g)(2)) and this
10 section, a parent or legal guardian shall not be con-
11 sidered to be available to provide care and physical
12 custody of an alien child unless such parent is in the
13 physical presence of, and able to exercise parental
14 responsibilities over, such child at the time of such
15 child’s apprehension and during the child’s deten-
16 tion.

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

20 (j) APPLICABILITY.—This section shall apply to all
21 aliens in the United States before, on, or after the date
22 of the enactment of this Act.

23 (k) GRANTS AND CONTRACTS.—The Secretary of
24 Health and Human Services may award grants to, and
25 enter into contracts with, voluntary agencies to carry out

1 this section and section 462 of the Homeland Security Act
2 of 2002 (6 U.S.C. 279).

3 **TITLE III—AUTHORIZATIONS OF**
4 **APPROPRIATIONS**

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

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

8 (1) in subsection (a)—

9 (A) in the first sentence—

10 (i) by striking “104,”; and

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

15 (B) in the second sentence—

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

20 (ii) by striking “2006 and 2007” and
21 inserting “2008 through 2011”;

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

1 (3) in subsection (c)—

2 (A) in paragraph (1)—

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

6 (ii) in subparagraph (B)—

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

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

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

22 (B) by striking paragraph (2);

23 (C) by redesignating paragraph (3) as
24 paragraph (2); and

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

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

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

10 (4) in subsection (d)—

11 (A) in the first sentence, by striking
12 “\$10,000,000” and all that follows through
13 “2007” and inserting “\$15,000,000 for each of
14 the fiscal years 2008 through 2011”; and

15 (B) in the second sentence, by striking
16 “\$250,000” and all that follows through
17 “2007” and inserting “\$500,000 for each of
18 the fiscal years 2008 through 2011”;

19 (5) in subsection (e)—

20 (A) in paragraph (1), by striking
21 “\$5,000,000” and all that follows through
22 “2007” and inserting “\$15,000,000 for each of
23 the fiscal years 2008 through 2011”;

24 (B) in paragraph (2)—

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

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

9 (C) in paragraph (3), by striking
10 “\$300,000” and all that follows through
11 “2007” and inserting “\$500,000 for each of
12 the fiscal years 2008 through 2011”;

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

17 (7) in subsection (h), by striking “fiscal year
18 2006” and inserting “each of the fiscal years 2008
19 through 2011”; and

20 (8) in subsection (i), by striking “\$18,000,000”
21 and all that follows through “2007” and inserting
22 “\$18,000,000 for each of the fiscal years 2008
23 through 2011”.

1 **SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHOR-**
2 **IZATION ACT OF 2005.**

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

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

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

10 “(3) AUTHORIZATION OF APPROPRIATIONS.—
11 To carry out this subsection, there are authorized to
12 be appropriated to the Secretary of Labor
13 \$1,000,000 for each of the fiscal years 2008 through
14 2011.”;

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

16 (A) in paragraph (1), by striking
17 “\$2,500,000 for each of the fiscal years 2006
18 and 2007” each place it appears and inserting
19 “\$3,000,000 for each of the fiscal years 2008
20 through 2011”; and

21 (B) in paragraph (2), by striking
22 “\$1,000,000” and all that follows through
23 “2007” and inserting “\$1,000,000 for each of
24 the fiscal years 2008 through 2011”;

25 (4) in subsection (d) of section 202, by striking
26 “\$10,000,000” and all that follows through “2007”

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

3 (5) in subsection (g) of section 203, by striking
4 “\$5,000,000” and all that follows through “2007”
5 and inserting “\$5,000,000 for each of the fiscal
6 years 2008 through 2011”; and

7 (6) in subsection (d) of section 204, by striking
8 “\$25,000,000” and all that follows through “2007”
9 and inserting “\$25,000,000 for each of the fiscal
10 years 2008 through 2011”.

11 **SEC. 303. RULE OF CONSTRUCTION.**

12 The amendments made by sections 301 and 302 shall
13 not be construed to affect the availability of funds appro-
14 priated pursuant to the authorizations of appropriations
15 under the Trafficking Victims Protection Act of 2000 (di-
16 vision A of Public Law 106–386; 22 U.S.C. 7101 et seq.)
17 and the Trafficking Victims Protection Reauthorization
18 Act of 2005 (Public Law 109–164) before the date of the
19 enactment of this Act.

20 **SEC. 304. TECHNICAL AMENDMENTS.**

21 (a) **TRAFFICKING VICTIMS PROTECTION ACT OF**
22 **2000.**—Sections 103(1) and 105(d)(7) of the Trafficking
23 Victims Protection Act of 2000 (22 U.S.C. 7102(1) and
24 7103(d)(7)) are amended by striking “Committee on

1 International Relations” each place it appears and insert-
2 ing “Committee on Foreign Affairs”.

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

10 **TITLE IV—PREVENTION OF THE** 11 **USE OF CHILD SOLDIERS**

12 **SEC. 401. SHORT TITLE.**

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

15 **SEC. 402. DEFINITIONS.**

16 In this title:

17 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
18 **TEES.**—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Foreign Affairs of
21 the House of Representatives; and

22 (B) the Committee on Foreign Relations of
23 the Senate.

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

4 (A) means—

5 (i) any person under age 18 who takes
6 a direct part in hostilities as a member of
7 governmental armed forces;

8 (ii) any person under age 18 who has
9 been compulsorily recruited into govern-
10 mental armed forces;

11 (iii) any person under age 15 volun-
12 tarily recruited into governmental armed
13 forces; and

14 (iv) any person under age 18 re-
15 cruited or used in hostilities by armed
16 forces distinct from the armed forces of a
17 state; and

18 (B) includes any person described in
19 clauses (ii), (iii), and (iv) of subparagraph (A)
20 who is serving in any capacity, including in a
21 support role such as a cook, porter, messenger,
22 medic, guard, or sex slave.

23 (3) OPTIONAL PROTOCOL.—The term “Optional
24 Protocol” means the Optional Protocol to the Con-
25 vention on the Rights of the Child on the Involve-

1 ment of Children in Armed Conflict, which estab-
2 lishes 18 as the minimum age for conscription or
3 forced recruitment and requires states party to en-
4 sure that members of their armed forces under the
5 age of 18 do not take a direct part in hostilities

6 (4) UNITED STATES MUNITIONS LIST.—The
7 term “United States Munitions List” means the list
8 referred to in section 38(a)(1) of the Arms Export
9 Control Act (22 U.S.C. 2778(a)(1)).

10 **SEC. 403. FINDINGS.**

11 Congress makes the following findings:

12 (1) According to the September 7, 2005, report
13 to the General Assembly of the United Nations by
14 the Special Representative of the Secretary-General
15 for Children and Armed Conflict, “In the last dec-
16 ade, two million children have been killed in situa-
17 tions of armed conflict, while six million children
18 have been permanently disabled or injured. Over
19 250,000 children continue to be exploited as child
20 soldiers and tens of thousands of girls are being sub-
21 jected to rape and other forms of sexual violence.”.

22 (2) According to the Center for Emerging
23 Threats and Opportunities (CETO), Marine Corps
24 Warfighting Laboratory, “The Child Soldier Phe-
25 nomenon has become a post-Cold War epidemic that

1 has proliferated to every continent with the excep-
2 tion of Antarctica and Australia.”.

3 (3) Many of the children currently serving in
4 armed forces or paramilitaries were forcibly con-
5 scripted through kidnapping or coercion, a form of
6 human trafficking, while others joined military units
7 due to economic necessity, to avenge the loss of a
8 family member, or for their own personal safety.

9 (4) Some military and militia commanders force
10 child soldiers to commit gruesome acts of ritual
11 killings or torture, including acts of violence against
12 other children.

13 (5) Many female child soldiers face the addi-
14 tional psychological and physical horrors of rape and
15 sexual abuse, enslavement for sexual purposes by mi-
16 litia commanders, and severe social stigma should
17 they return home.

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

1 (7) Child soldiers are exposed to hazardous con-
2 ditions and are at risk of physical injury and dis-
3 ability, psychological trauma, sexually transmitted
4 diseases, respiratory and skin infections, and often
5 death.

6 (8) On May 25, 2000, the United Nations
7 adopted and opened for signature, ratification, and
8 accession the Optional Protocol to the Convention on
9 the Rights of the Child on the Involvement of Chil-
10 dren in Armed Conflict.

11 (9) On June 18, 2002, the Senate unanimously
12 approved the resolution advising and consenting to
13 the ratification of the Optional Protocol.

14 (10) On December 23, 2002, the United States
15 presented the ratified Optional Protocol to the
16 United Nations.

17 (11) More than 110 governments worldwide
18 have ratified the Optional Protocol, establishing a
19 clear international norm concerning the use of chil-
20 dren in combat.

21 (12) On December 2, 1999, the United States
22 ratified International Labour Convention 182, the
23 Convention concerning the Prohibition and Imme-
24 diate Action for the Elimination of the Worst Forms

1 of Child Labour, which includes the use of child sol-
2 diers among the worst forms of child labor.

3 (13) On October 7, 2005, the Senate gave its
4 advice and consent to the ratification of the Protocol
5 to Prevent, Suppress and Punish Trafficking in Per-
6 sons, Especially Women and Children,
7 Supplementing the United Nations Convention
8 Against Transnational Organized Crime.

9 (14) It is in the national security interest of the
10 United States to reduce the chances that members
11 of the United States Armed Forces will be forced to
12 encounter children in combat situations.

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

1 **SEC. 404. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States Government should con-
4 demn the conscription, forced recruitment or use of
5 children by governments, paramilitaries, or other or-
6 ganizations in hostilities;

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

11 (3) the United States Government should ex-
12 pand ongoing services to rehabilitate recovered child
13 soldiers and to reintegrate them back into their com-
14 munities by—

15 (A) offering ongoing psychological services
16 to help victims recover from their trauma and
17 relearn how to deal with others in nonviolent
18 ways such that they are no longer a danger to
19 their community;

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

25 (C) providing educational and vocational
26 assistance;

1 (4) the United States should work with the
2 international community, including, where appro-
3 priate, third country governments, nongovernmental
4 organizations, faith-based organizations, United Na-
5 tions agencies, local governments, labor unions, and
6 private enterprise—

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

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

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

1 their mission program plans a strategy to achieve
2 the goals specified in such paragraph;

3 (6) United States diplomatic missions in coun-
4 tries in which governments use or tolerate child sol-
5 diers should develop, as part of annual program
6 planning, strategies to promote efforts to end this
7 abuse of human rights; and

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

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

18 (a) IN GENERAL.—Subject to subsections (b), (c),
19 and (d), none of the funds made available to carry out
20 sections 516 or 541 of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2321j or 2347) or section 23 of the Arms Ex-
22 port Control Act (22 U.S.C. 2763) may be used to provide
23 assistance to, and no item on the United States Munition
24 List may be exported to, the government of a country that
25 the Secretary of State determines has governmental armed

1 forces or government supported armed groups, including
2 paramilitaries, militias, or civil defense forces, that recruit
3 or use child soldiers.

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

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

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

17 (c) NATIONAL INTEREST WAIVER.—

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

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

1 each such waiver, including the justification for the
2 waiver, in accordance with the regular notification
3 procedures of such committees.

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

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

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

16 (e) EXCEPTIONS.—

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

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

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

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

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

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

18 (2) ASSISTANCE TO FURTHER COOPERATION
19 WITH THE UNITED STATES TO COMBAT INTER-
20 NATIONAL TERRORISM.—The President may provide
21 to a foreign government assistance under any provi-
22 sion of law specified in subsection (a) if the purpose
23 of the assistance is specifically designed to further
24 cooperation between the United States and the for-
25 eign government to combat international terrorism.

1 (f) EFFECTIVE DATE; APPLICABILITY.—This section
2 takes effect 180 days after the date of the enactment of
3 this Act and shall apply to funds made available for the
4 first fiscal year beginning after such effective date and
5 each subsequent fiscal year.

6 **SEC. 406. REPORTS.**

7 (a) PREPARATION OF REPORTS REGARDING CHILD
8 SOLDIERS.—The Secretary of State shall ensure that
9 United States missions abroad thoroughly investigate re-
10 ports of the use of child soldiers in the countries in which
11 such missions are located.

12 (b) INFORMATION FOR ANNUAL HUMAN RIGHTS RE-
13 PORTS.—In preparing those portions of the Department
14 of State’s annual Country Reports on Human Rights
15 Practices that relate to child soldiers, the Secretary of
16 State shall ensure that such portions include a description
17 of the use of child soldiers in each foreign country, includ-
18 ing—

19 (1) trends toward improvement in such country
20 of the status of child soldiers or the continued or in-
21 creased tolerance of such practices; and

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

24 (c) NOTIFICATION TO CONGRESS.—Not later than
25 June 15 of each year for 10 years following the date of

1 the enactment of this Act, the President shall submit to
2 the appropriate congressional committees—

3 (1) a list of any waivers or exceptions exercised
4 under section 405;

5 (2) a justification for those waivers and excep-
6 tions; and

7 (3) a description of any assistance provided
8 pursuant to section 405.

9 (d) REPORT ON IMPLEMENTATION OF TITLE.—Not
10 later than 180 days after the date of the enactment of
11 this Act, the President shall submit to appropriate con-
12 gressional committees a report setting forth a strategy for
13 achieving the policy objectives of this title, including a de-
14 scription of an effective mechanism for coordination of
15 United States Government efforts to implement this strat-
16 egy.

17 (e) REPORT ON CHILD SOLDIERS IN BURMA.—Not
18 later than 120 days after the date of enactment of this
19 Act, the Secretary of State shall submit to the appropriate
20 congressional committees a report of the recruitment and
21 use of child soldiers by the governmental armed forces or
22 government-supported armed groups of the Government of
23 Burma, including paramilitaries, militias, or civil defense
24 forces.

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

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

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

○