

110TH CONGRESS  
2D SESSION

# H. R. 7311

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

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2008

Mr. BERMAN (for himself, Mr. SMITH of New Jersey, Mr. CONYERS, Ms. ROSLEHTINEN, Mr. SCOTT of Virginia, Mr. FORTENBERRY, and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Energy and Commerce and the Judiciary, 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

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “William Wilberforce Trafficking Victims Protection Re-  
6 authorization Act of 2008”.

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

Sec. 1. Short title; table of contents.

TITLE I—COMBATING 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. Report on activities of the Department of Labor to monitor and combat  
 forced labor and child labor.  
 Sec. 111. Sense of Congress regarding multilateral framework between labor  
 exporting and labor importing countries.

TITLE II—COMBATING 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. Protections for domestic workers and other nonimmigrants.  
 Sec. 203. Protections, remedies, and limitations on issuance for A-3 and G-5  
 visas.  
 Sec. 204. Relief for certain victims pending actions on petitions and applica-  
 tions for relief.  
 Sec. 205. Expansion of authority to permit continued presence in the United  
 States.

Subtitle B—Assistance for Trafficking Victims

- Sec. 211. Assistance for certain nonimmigrant status applicants.  
 Sec. 212. Interim assistance for children.  
 Sec. 213. Ensuring assistance for all victims of trafficking in persons.

Subtitle C—Penalties Against Traffickers and Other Crimes

- Sec. 221. Restitution of forfeited assets; enhancement of civil action.  
 Sec. 222. Enhancing penalties for trafficking offenses.  
 Sec. 223. Jurisdiction in certain trafficking offenses.  
 Sec. 224. Bail conditions, subpoenas, and repeat offender penalties for sex traf-  
 ficking.  
 Sec. 225. Promoting effective State enforcement.

Subtitle D—Activities of the United States Government

- Sec. 231. Annual report by the Attorney General.  
 Sec. 232. Investigation by the Inspectors General.

- Sec. 233. Senior Policy Operating Group.
- Sec. 234. Preventing United States travel by traffickers.
- Sec. 235. Enhancing efforts to combat the trafficking of children.
- Sec. 236. Restriction of passports for sex tourism.
- Sec. 237. Additional reporting on crime.
- Sec. 238. Processing of certain visas.
- Sec. 239. Temporary increase in fee for certain consular services.

#### TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

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

#### TITLE IV—CHILD SOLDIERS PREVENTION

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Sense of Congress.
- Sec. 404. Prohibition.
- Sec. 405. Reports.
- Sec. 406. Training for foreign service officers.
- Sec. 407. Effective date; applicability.

1 **TITLE I—COMBATING 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,”.

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

11 Section 105(e) of the Trafficking Victims Protection  
 12 Act of 2000 (22 U.S.C. 7103(e)) is amended—

1           (1) in the subsection heading, by striking “SUP-  
2       PORT FOR THE TASK FORCE” and inserting “OF-  
3       FICE TO MONITOR AND COMBAT TRAFFICKING”;

4           (2) by striking “The Secretary of State is au-  
5       thorized to” and inserting the following:

6           “(1) IN GENERAL.—The Secretary of State  
7       shall”; and

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

9           “(2) COORDINATION OF CERTAIN ACTIVITIES.—

10           “(A) PARTNERSHIPS.—The Director, in  
11       coordination and cooperation with other officials  
12       at the Department of State involved in cor-  
13       porate responsibility, the Deputy Under Sec-  
14       retary for International Affairs of the Depart-  
15       ment of Labor, and other relevant officials of  
16       the United States Government, shall promote,  
17       build, and sustain partnerships between the  
18       United States Government and private entities  
19       (including foundations, universities, corpora-  
20       tions, community-based organizations, and  
21       other nongovernmental organizations) to ensure  
22       that—

23           “(i) United States citizens do not use  
24       any item, product, or material produced or

1 extracted with the use of labor from vic-  
2 tims of severe forms of trafficking; and

3 “(ii) such entities do not contribute to  
4 trafficking in persons involving sexual ex-  
5 ploitation.

6 “(B) UNITED STATES ASSISTANCE.—The  
7 Director shall be responsible for—

8 “(i) all policy, funding, and program-  
9 ming decisions regarding funds made avail-  
10 able for trafficking in persons programs  
11 that are centrally controlled by the Office  
12 to Monitor and Combat Trafficking; and

13 “(ii) coordinating any trafficking in  
14 persons programs of the Department of  
15 State or the United States Agency for  
16 International Development that are not  
17 centrally controlled by the Director.”.

18 **SEC. 103. PREVENTION AND PROSECUTION OF TRAF-**  
19 **FICKING IN FOREIGN COUNTRIES.**

20 (a) PREVENTION.—Section 106 of the Trafficking  
21 Victims Protection Act of 2000 (22 U.S. C. 7104) is  
22 amended by adding at the end the following:

23 “(i) ADDITIONAL MEASURES TO PREVENT AND  
24 DETER TRAFFICKING.—The President shall establish and

1 carry out programs to prevent and deter trafficking in per-  
2 sons, including—

3           “(1) technical assistance and other support to  
4 improve the capacity of foreign governments to in-  
5 vestigate, identify, and carry out inspections of pri-  
6 vate entities, including labor recruitment centers, at  
7 which trafficking victims may be exploited, particu-  
8 larly exploitation involving forced and child labor;

9           “(2) technical assistance and other support for  
10 foreign governments and nongovernmental organiza-  
11 tions to provide immigrant populations with infor-  
12 mation, in the native languages of the major immi-  
13 grant groups of such populations, regarding the  
14 rights of such populations in the foreign country and  
15 local in-country nongovernmental organization-oper-  
16 ated hotlines;

17           “(3) technical assistance to provide legal frame-  
18 works and other programs to foreign governments  
19 and nongovernmental organizations to ensure that—

20                   “(A) foreign migrant workers are provided  
21 the same protection as nationals of the foreign  
22 country;

23                   “(B) labor recruitment firms are regulated;  
24 and

1 “(C) workers providing domestic services  
2 in households are provided protection under  
3 labor rights laws; and

4 “(4) assistance to foreign governments to reg-  
5 ister vulnerable populations as citizens or nationals  
6 of the country to reduce the ability of traffickers to  
7 exploit such populations.”.

8 (b) PROSECUTION.—Section 134(a)(2) of the Foreign  
9 Assistance Act of 1961 (22 U.S.C. 2152d(a)(2)) is amend-  
10 ed by adding at the end before the semicolon the following:  
11 “, including investigation of individuals and entities that  
12 may be involved in trafficking in persons involving sexual  
13 exploitation”.

14 **SEC. 104. ASSISTANCE FOR VICTIMS OF TRAFFICKING IN**  
15 **OTHER COUNTRIES.**

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

18 (1) in paragraph (1)—

19 (A) in the second sentence, by inserting be-  
20 fore the period at the end the following: “, and  
21 shall be carried out in a manner which takes  
22 into account the cross-border, regional, and  
23 transnational aspects of trafficking in persons”;  
24 and

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

1           “(F) In cooperation and coordination with  
2 relevant organizations, such as the United Na-  
3 tions High Commissioner for Refugees, the  
4 International Organization for Migration, and  
5 private nongovernmental organizations that  
6 contract with, or receive grants from, the  
7 United States Government to assist refugees  
8 and internally displaced persons, support for—

9           “(i) increased protections for refugees  
10 and internally displaced persons, including  
11 outreach and education efforts to prevent  
12 such refugees and internally displaced per-  
13 sons from being exploited by traffickers;  
14 and

15           “(ii) performance of best interest de-  
16 terminations for unaccompanied and sepa-  
17 rated children who come to the attention of  
18 the United Nations High Commissioner for  
19 Refugees, its partner organizations, or any  
20 organization that contracts with the De-  
21 partment of State in order to identify child  
22 trafficking victims and to assist their safe  
23 integration, reintegration, and resettle-  
24 ment.”; and



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

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

9           The Trafficking Victims Protection Act of 2000 (22  
10 U.S.C. 7101 et seq.) is amended by inserting after section  
11 107 the following:

12 **“SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAF-**  
13 **FICKING PROGRAMS.**

14           “(a) AWARDING OF GRANTS, COOPERATIVE AGREE-  
15 MENTS, AND CONTRACTS.—In administering funds made  
16 available to carry out this Act within and outside the  
17 United States—

18           “(1) solicitations of grants, cooperative agree-  
19 ments, and contracts for such programs shall be  
20 made publicly available;

21           “(2) grants, cooperative agreements, and con-  
22 tracts shall be subject to full and open competition,  
23 in accordance with applicable laws; and

24           “(3) the internal department or agency review  
25 process for such grants, cooperative agreements, and

1 contracts shall not be subject to ad hoc or intermit-  
2 tent review or influence by individuals or organiza-  
3 tions outside the United States Government except  
4 as provided under paragraphs (1) and (2).

5 “(b) ELIGIBILITY.—

6 “(1) IN GENERAL.—An applicant desiring a  
7 grant, contract, or cooperative agreement under this  
8 Act shall certify that, to the extent practicable, per-  
9 sons or entities providing legal services, social serv-  
10 ices, health services, or other assistance have com-  
11 pleted, or will complete, training in connection with  
12 trafficking in persons.

13 “(2) DISCLOSURE.—If appropriate, applicants  
14 should indicate collaboration with nongovernmental  
15 organizations, including organizations with expertise  
16 in trafficking in persons.

17 “(c) EVALUATION OF ANTI-TRAFFICKING PRO-  
18 GRAMS.—

19 “(1) IN GENERAL.—The President shall estab-  
20 lish a system to evaluate the effectiveness and effi-  
21 ciency of the assistance provided under anti-traf-  
22 ficking programs established under this Act on a  
23 program-by-program basis in order to maximize the  
24 long-term sustainable development impact of such  
25 assistance.

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

3           “(A) establish performance goals for the  
4 assistance described in paragraph (1), ex-  
5 pressed in an objective and quantifiable form,  
6 to the extent practicable;

7           “(B) ensure that performance indicators  
8 are used for programs authorized under this  
9 Act to measure and assess the achievement of  
10 the performance goals described in subpara-  
11 graph (A);

12           “(C) provide a basis for recommendations  
13 for adjustments to the assistance described in  
14 paragraph (1) to enhance the impact of such  
15 assistance; and

16           “(D) ensure that evaluations are conducted  
17 by subject matter experts in and outside the  
18 United States Government, to the extent prac-  
19 ticable.

20           “(d) TARGETED USE OF ANTI-TRAFFICKING PRO-  
21 GRAMS.—In providing assistance under this division, the  
22 President should take into account the priorities and coun-  
23 try assessments contained in the most recent report sub-  
24 mitted by the Secretary of State to Congress pursuant to  
25 section 110(b).

1       “(e) CONSISTENCY WITH OTHER PROGRAMS.—The  
2 President shall ensure that the design, monitoring, and  
3 evaluation of United States assistance programs for emer-  
4 gency relief, development, and poverty alleviation under  
5 part I and chapter 4 of part II of the Foreign Assistance  
6 Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)  
7 and other similar United States assistance programs are  
8 consistent with United States policies and other United  
9 States programs relating to combating trafficking in per-  
10 sons.

11       “(f) AUTHORIZATION OF APPROPRIATIONS.—For  
12 each of the fiscal years 2008 through 2011, not more than  
13 5 percent of the amounts made available to carry out this  
14 division may be used to carry out this section, including—

15               “(1) evaluations of promising anti-trafficking  
16 programs and projects funded by the disbursing  
17 agency pursuant to this Act; and

18               “(2) evaluations of emerging problems or global  
19 trends.”.

20 **SEC. 106. MINIMUM STANDARDS FOR THE ELIMINATION OF**  
21 **TRAFFICKING.**

22       Section 108 of the Trafficking Victims Protection Act  
23 of 2000 (22 U.S.C. 7106) is amended—

24               (1) in subsection (a), by striking “a significant  
25 number of”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1), by striking the pe-  
3 riod at the end of the first sentence and insert-  
4 ing the following: “, including, as appropriate,  
5 requiring incarceration of individuals convicted  
6 of such acts. For purposes of the preceding sen-  
7 tence, suspended or significantly-reduced sen-  
8 tences for convictions of principal actors in  
9 cases of severe forms of trafficking in persons  
10 shall be considered, on a case-by-case basis,  
11 whether to be considered an indicator of serious  
12 and sustained efforts to eliminate severe forms  
13 of trafficking in persons.”;

14 (B) in paragraph (2), by inserting before  
15 the period at the end the following: “, including  
16 by providing training to law enforcement and  
17 immigration officials regarding the identifica-  
18 tion and treatment of trafficking victims using  
19 approaches that focus on the needs of the vic-  
20 tims”;

21 (C) in paragraph (3), by striking “meas-  
22 ures to reduce the demand for commercial sex  
23 acts and for participation in international sex  
24 tourism by nationals of the country” and insert-  
25 ing “measures to establish the identity of local

1 populations, including birth registration, citi-  
2 zenship, and nationality’; and

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

4 “(11) Whether the government of the country  
5 has made serious and sustained efforts to reduce the  
6 demand for—

7 “(A) commercial sex acts; and

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

10 **SEC. 107. ACTIONS AGAINST GOVERNMENTS FAILING TO**  
11 **MEET MINIMUM STANDARDS.**

12 (a) COUNTRIES ON SPECIAL WATCH LIST RELATING  
13 TO TRAFFICKING IN PERSONS FOR 2 CONSECUTIVE  
14 YEARS.—Section 110(b)(3) of the Trafficking Victims  
15 Protection Act of 2000 (22 U.S.C. 7107(b)(3)) is amend-  
16 ed by adding at the end the following:

17 “(D) COUNTRIES ON SPECIAL WATCH LIST  
18 FOR 2 CONSECUTIVE YEARS.—

19 “(i) IN GENERAL.—Except as pro-  
20 vided under clause (ii), a country that is  
21 included on the special watch list described  
22 in subparagraph (A) for 2 consecutive  
23 years after the date of the enactment of  
24 this subparagraph, shall be included on the

1 list of countries described in paragraph  
2 (1)(C).

3 “(ii) EXERCISE OF WAIVER AUTHOR-  
4 ITY.—The President may waive the appli-  
5 cation of clause (i) for up to 2 years if the  
6 President determines, and reports credible  
7 evidence to the Committee on Foreign Re-  
8 lations of the Senate and the Committee  
9 on Foreign Affairs of the House of Rep-  
10 resentatives, that such a waiver is justified  
11 because—

12 “(I) the country has a written  
13 plan to begin making significant ef-  
14 forts to bring itself into compliance  
15 with the minimum standards for the  
16 elimination of trafficking;

17 “(II) the plan, if implemented,  
18 would constitute making such signifi-  
19 cant efforts; and

20 “(III) the country is devoting  
21 sufficient resources to implement the  
22 plan.”.

23 (b) CLARIFICATION OF MEASURES AGAINST CERTAIN  
24 FOREIGN COUNTRIES.—Section 110(d)(1)(A)(ii) of the  
25 Trafficking Victims Protection Act of 2000 (22 U.S.C.

1 7107(d)(1)(A)) is amended by inserting “such assistance  
2 to the government of the country for the subsequent fiscal  
3 year and will not provide” after “will not provide”.

4 (c) TRANSLATION OF TRAFFICKING IN PERSONS RE-  
5 PORT.—The Secretary of State shall—

6 (1) timely translate the annual report submitted  
7 under section 110(b) of the Trafficking Victims Pro-  
8 tection Act of 2000 (22 U.S.C. 7107(b)) into the  
9 principal languages of as many countries as possible,  
10 with particular emphasis on the languages of the  
11 countries on the lists described in subparagraphs  
12 (B) and (C) of section 110(b)(1) of such Act; and

13 (2) ensure that the translations described in  
14 paragraph (1) are made available to the public  
15 through postings on the Internet website of the De-  
16 partment of State and other appropriate websites.

17 **SEC. 108. RESEARCH ON DOMESTIC AND INTERNATIONAL**  
18 **TRAFFICKING IN PERSONS.**

19 (a) INTEGRATED DATABASE.—Section 112A of the  
20 Trafficking Victims Protection Act of 2000 (22 U.S.C.  
21 7109a) is amended—

22 (1) in subsection (a), by amending paragraph  
23 (5) to read as follows:

24 “(5) An effective mechanism for quantifying the  
25 number of victims of trafficking on a national, re-



1 regional, and international basis, which shall include,  
2 not later than 2 years after the date of the enact-  
3 ment of the William Wilberforce Trafficking Victims  
4 Protection Reauthorization Act of 2008, the estab-  
5 lishment and maintenance of an integrated database  
6 within the Human Smuggling and Trafficking Cen-  
7 ter.”; and

8 (2) by amending subsection (b) to read as fol-  
9 lows:

10 “(b) ROLE OF HUMAN SMUGGLING AND TRAF-  
11 FICKING CENTER.—

12 “(1) IN GENERAL.—The research initiatives de-  
13 scribed in paragraphs (4) and (5) of subsection (a)  
14 shall be carried out by the Human Smuggling and  
15 Trafficking Center, established under section 7202  
16 of the 9/11 Commission Implementation Act of 2004  
17 (8 U.S.C. 1777).

18 “(2) DATABASE.—The database described in  
19 subsection (a)(5) shall be established by combining  
20 all applicable data collected by each Federal depart-  
21 ment and agency represented on the Interagency  
22 Task Force to Monitor and Combat Trafficking,  
23 consistent with the protection of sources and meth-  
24 ods, and, to the maximum extent practicable, appli-

1 cable data from relevant international organizations,  
2 to—

3 “(A) improve the coordination of the col-  
4 lection of data related to trafficking in persons  
5 by each agency of the United States Govern-  
6 ment that collects such data;

7 “(B) promote uniformity of such data col-  
8 lection and standards and systems related to  
9 such collection;

10 “(C) undertake a meta-analysis of patterns  
11 of trafficking in persons, slavery, and slave-like  
12 conditions to develop and analyze global trends  
13 in human trafficking;

14 “(D) identify emerging issues in human  
15 trafficking and establishing integrated methods  
16 to combat them; and

17 “(E) identify research priorities to respond  
18 to global patterns and emerging issues.

19 “(3) CONSULTATION.—The database estab-  
20 lished in accordance with paragraph (2) shall be  
21 maintained in consultation with the Director of the  
22 Office to Monitor and Combat Trafficking in Per-  
23 sons of the Department of State.

24 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
25 There are authorized to be appropriated \$2,000,000

1 to the Human Smuggling and Trafficking Center for  
2 each of the fiscal years 2008 through 2011 to carry  
3 out the activities described in this subsection.”.

4 (b) REPORT.—Section 110(b)(1) of the Trafficking  
5 Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1))  
6 is amended—

7 (1) in subparagraph (C), by striking “and” at  
8 the end;

9 (2) in subparagraph (D), by striking the period  
10 at the end and inserting a semicolon; and

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

12 “(E) reporting and analysis on the emer-  
13 gence or shifting of global patterns in human  
14 trafficking, including data on the number of  
15 victims trafficked to, through, or from major  
16 source and destination countries, disaggregated  
17 by nationality, gender, and age, to the extent  
18 possible; and

19 “(F) emerging issues in human traf-  
20 ficking.”.

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

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

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

10 “(a) ESTABLISHMENT OF AWARD.—The President is  
11 authorized to establish an award, to be known as the  
12 ‘Presidential Award for Extraordinary Efforts To Combat  
13 Trafficking in Persons’, for extraordinary efforts to com-  
14 bat trafficking in persons. To the maximum extent prac-  
15 ticable, the Secretary of State shall present the award an-  
16 nually to not more than 5 individuals or organizations, in-  
17 cluding—

18 “(1) individuals who are United States citizens  
19 or foreign nationals; and

20 “(2) United States or foreign nongovernmental  
21 organizations.

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

25 “(c) CEREMONY.—The Secretary of State shall host  
26 an annual ceremony for recipients of the award authorized

1 under subsection (a) as soon as practicable after the date  
2 on which the Secretary submits to Congress the report re-  
3 quired under section 110(b)(1). The Secretary of State  
4 may pay the travel costs of each recipient and a guest  
5 of each recipient who attends the ceremony.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated, for each of the fiscal  
8 years 2008 through 2011, such sums as may be necessary  
9 to carry out this section.”.

10 **SEC. 110. REPORT ON ACTIVITIES OF THE DEPARTMENT OF**  
11 **LABOR TO MONITOR AND COMBAT FORCED**  
12 **LABOR AND CHILD LABOR.**

13 (a) FINAL REPORT; PUBLIC AVAILABILITY OF  
14 LIST.—Not later than January 15, 2010, the Secretary  
15 of Labor shall—

16 (1) submit to the appropriate congressional  
17 committees a final report that—

18 (A) describes the implementation of section  
19 105(b) of the Trafficking Victims Protection  
20 Reauthorization Act of 2005 (22 U.S.C.  
21 7103(b)); and

22 (B) includes an initial list of goods de-  
23 scribed in paragraph (2)(C) of such section;  
24 and

1           (2) make the list of goods described in para-  
2 graph (1)(B) available to the public.

3           (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
4 DEFINED.—In this section, the term “appropriate con-  
5 gressional committees” has the meaning given the term  
6 in section 103 of the Trafficking Victims Protection Act  
7 of 2000 (22 U.S.C. 7102).

8 **SEC. 111. SENSE OF CONGRESS REGARDING MULTILAT-**  
9 **ERAL FRAMEWORK BETWEEN LABOR EX-**  
10 **PORTING AND LABOR IMPORTING COUN-**  
11 **TRIES.**

12       It is the sense of Congress that the Secretary of  
13 State, in conjunction with the International Labour Orga-  
14 nization, the United Nations Office of Drug and Crime  
15 Prevention, and other relevant international and non-  
16 governmental organizations, should seek to establish a  
17 multilateral framework between labor exporting and labor  
18 importing countries to ensure that workers migrating be-  
19 tween such countries are protected from trafficking in per-  
20 sons.

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

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

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

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

12 (1) in clause (i)—

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

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

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

25 (D) in subclause (III)—

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

3 (ii) by redesignating item (bb) as item  
4 (cc);

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

7 “(bb) in consultation with the Attorney  
8 General, as appropriate, is unable to cooperate  
9 with a request described in item (aa) due to  
10 physical or psychological trauma; or”; and

11 (iv) in item (cc), as redesignated, by  
12 striking “, and” at the end and inserting  
13 “; and”; and

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

16 (2) in clause (ii)—

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

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

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

22 “(III) any parent or unmarried sibling  
23 under 18 years of age of an alien described in  
24 subclause (I) or (II) who the Secretary of  
25 Homeland Security, in consultation with the



1 law enforcement officer investigating a severe  
2 form of trafficking, determines faces a present  
3 danger of retaliation as a result of the alien’s  
4 escape from the severe form of trafficking or  
5 cooperation with law enforcement.”; and

6 (3) by striking clause (iii).

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

10 (1) in subparagraph (B)—

11 (A) by striking “subparagraph (A) if a  
12 Federal” and inserting the following: “subpara-  
13 graph (A) if—

14 “(i) a Federal”;

15 (B) by striking the period at the end and  
16 inserting a semicolon; and

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

18 “(ii) the alien is eligible for relief under section  
19 245(l) and is unable to obtain such relief because  
20 regulations have not been issued to implement such  
21 section; or

22 “(iii) the Secretary of Homeland Security deter-  
23 mines that an extension of the period of such non-  
24 immigrant status is warranted due to exceptional  
25 circumstances.”; and

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

2 “(C) Nonimmigrant status under section  
3 101(a)(15)(T) shall be extended during the pendency of  
4 an application for adjustment of status under section  
5 245(l).”.

6 (c) CONDITIONS ON NONIMMIGRANT STATUS FOR  
7 CERTAIN CRIME VICTIMS.—Section 214(p)(6) of the Im-  
8 migration and Nationality Act (8 U.S.C. 1184(p)(6)) is  
9 amended by adding at the end the following: “The Sec-  
10 retary of Homeland Security may extend, beyond the 4-  
11 year period authorized under this section, the authorized  
12 period of status of an alien as a nonimmigrant under sec-  
13 tion 101(a)(15)(U) if the Secretary determines that an ex-  
14 tension of such period is warranted due to exceptional cir-  
15 cumstances. Such alien’s nonimmigrant status shall be ex-  
16 tended beyond the 4-year period authorized under this sec-  
17 tion if the alien is eligible for relief under section 245(m)  
18 and is unable to obtain such relief because regulations  
19 have not been issued to implement such section and shall  
20 be extended during the pendency of an application for ad-  
21 justment of status under section 245(m). The Secretary  
22 may grant work authorization to any alien who has a  
23 pending, bona fide application for nonimmigrant status  
24 under section 101(a)(15)(U).”.

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

4 (1) in paragraph (1)—

5 (A) in the matter preceding subparagraph  
6 (A), by striking “the Attorney General,” and  
7 inserting “in the opinion of the Secretary of  
8 Homeland Security, in consultation with the At-  
9 torney General, as appropriate”;

10 (B) in subparagraph (B)—

11 (i) by inserting “subject to paragraph  
12 (6),” after “(B)”;

13 (ii) by striking “, and” and inserting  
14 “; and”;

15 (C) in subparagraph (C)—

16 (i) in clause (i), by striking “, or” and  
17 inserting a semicolon;

18 (ii) in clause (ii), by striking “, or in  
19 the case of subparagraph (C)(i), the Attor-  
20 ney General, as appropriate”;

21 (iii) by striking the period at the end  
22 and inserting the following: “; or

23 “(iii) was younger than 18 years of  
24 age at the time of the victimization quali-

1                   fying the alien for relief under section  
2                   101(a)(15)(T).”;

3                   (2) in paragraph (3), by striking the period at  
4                   the end and inserting the following: “, unless—

5                   “(A) the absence was necessary to assist in the  
6                   investigation or prosecution described in paragraph  
7                   (1)(A); or

8                   “(B) an official involved in the investigation or  
9                   prosecution certifies that the absence was otherwise  
10                  justified.”; and

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

12                  “(6) For purposes of paragraph (1)(B), the Secretary  
13                  of Homeland Security may waive consideration of a dis-  
14                  qualification from good moral character with respect to  
15                  an alien if the disqualification was caused by, or incident  
16                  to, the trafficking described in section 101(a)(15)(T)(i)(I).

17                  “(7) The Secretary of Homeland Security shall per-  
18                  mit aliens to apply for a waiver of any fees associated with  
19                  filing an application for relief through final adjudication  
20                  of the adjustment of status for a VAWA self-petitioner  
21                  and for relief under sections 101(a)(15)(T),  
22                  101(a)(15)(U), 106, 240A(b)(2), and 244(a)(3) (as in ef-  
23                  fect on March 31, 1997).”.

1 (e) ADJUSTMENT OF STATUS FOR CRIME VICTIMS.—  
2 Section 245(m) of the Immigration and Nationality Act  
3 (8 U.S.C. 1255(m)) is amended—

4 (1) in paragraph (1), in the matter preceding  
5 subparagraph (A), by striking “unless the Attorney  
6 General” and inserting “unless the Secretary”; and

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

8 “(5)(A) The Secretary of Homeland Security shall  
9 consult with the Attorney General, as appropriate, in mak-  
10 ing a determination under paragraph (1) whether affirma-  
11 tive evidence demonstrates that the alien unreasonably re-  
12 fused to provide assistance to a Federal law enforcement  
13 official, Federal prosecutor, Federal judge, or other Fed-  
14 eral authority investigating or prosecuting criminal activ-  
15 ity described in section 101(a)(15)(U)(iii).

16 “(B) Nothing in paragraph (1)(B) may be construed  
17 to prevent the Secretary from consulting with the Attorney  
18 General in making a determination whether affirmative  
19 evidence demonstrates that the alien unreasonably refused  
20 to provide assistance to a State or local law enforcement  
21 official, State or local prosecutor, State or local judge, or  
22 other State or local authority investigating or prosecuting  
23 criminal activity described in section 101(a)(15)(U)(iii).”.

24 (f) EFFECTIVE DATE.—The amendments made by  
25 this section shall—

1           (1) take effect on the date of enactment of the  
2     Act; and

3           (2) apply to applications for immigration bene-  
4     fits filed on or after such date.

5 **SEC. 202. PROTECTIONS FOR DOMESTIC WORKERS AND**  
6           **OTHER NONIMMIGRANTS.**

7     (a) INFORMATION PAMPHLET.—

8           (1) DEVELOPMENT AND DISTRIBUTION.—The  
9     Secretary of State, in consultation with the Sec-  
10    retary of Homeland Security, the Attorney General,  
11    and the Secretary of Labor, shall develop an infor-  
12    mation pamphlet on legal rights and resources for  
13    aliens applying for employment- or education-based  
14    nonimmigrant visas.

15          (2) CONSULTATION.—In developing the infor-  
16    mation pamphlet under paragraph (1), the Secretary  
17    of State shall consult with nongovernmental organi-  
18    zations with expertise on the legal rights of workers  
19    and victims of severe forms of trafficking in persons.

20     (b) CONTENTS.—The information pamphlet devel-  
21    oped under subsection (a) shall include information con-  
22    cerning items such as—

23          (1) the nonimmigrant visa application proc-  
24    esses, including information about the portability of  
25    employment;

1           (2) the legal rights of employment or education-  
2           based nonimmigrant visa holders under Federal im-  
3           migration, labor, and employment law;

4           (3) the illegality of slavery, peonage, trafficking  
5           in persons, sexual assault, extortion, blackmail, and  
6           worker exploitation in the United States;

7           (4) the legal rights of immigrant victims of  
8           trafficking in persons and worker exploitation, in-  
9           cluding—

10                   (A) the right of access to immigrant and  
11                   labor rights groups;

12                   (B) the right to seek redress in United  
13                   States courts;

14                   (C) the right to report abuse without retal-  
15                   iation;

16                   (D) the right of the nonimmigrant to relin-  
17                   quish possession of his or her passport to his or  
18                   her employer;

19                   (E) the requirement of an employment  
20                   contract between the employer and the non-  
21                   immigrant; and

22                   (F) an explanation of the rights and pro-  
23                   tections included in the contract described in  
24                   subparagraph (E); and

1           (5) information about nongovernmental organi-  
2           zations that provide services for victims of traf-  
3           ficking in persons and worker exploitation, includ-  
4           ing—

5                   (A) anti-trafficking in persons telephone  
6                   hotlines operated by the Federal Government;

7                   (B) the Operation Rescue and Restore hot-  
8                   line; and

9                   (C) a general description of the types of  
10                  victims services available for individuals subject  
11                  to trafficking in persons or worker exploitation.

12          (c) TRANSLATION.—

13               (1) IN GENERAL.—To best serve the language  
14               groups having the greatest concentration of employ-  
15               ment-based nonimmigrant visas, the Secretary of  
16               State shall translate the information pamphlet devel-  
17               oped under subsection (a) into all relevant foreign  
18               languages, to be determined by the Secretary based  
19               on the languages spoken by the greatest concentra-  
20               tions of employment- or education-based non-  
21               immigrant visa applicants.

22               (2) REVISION.—Every 2 years, the Secretary of  
23               State, in consultation with the Attorney General and  
24               the Secretary of Homeland Security, shall determine  
25               the specific languages into which the information



1 pamphlet will be translated based on the languages  
2 spoken by the greatest concentrations of  
3 employment- or education-based nonimmigrant visa  
4 applicants.

5 (d) AVAILABILITY AND DISTRIBUTION.—

6 (1) POSTING ON FEDERAL WEBSITES.—The in-  
7 formation pamphlet developed under subsection (a)  
8 shall be posted on the websites of the Department  
9 of State, the Department of Homeland Security, the  
10 Department of Justice, the Department of Labor,  
11 and all United States consular posts processing ap-  
12 plications for employment- or education-based non-  
13 immigrant visas.

14 (2) OTHER DISTRIBUTION.—The information  
15 pamphlet developed under subsection (a) shall be  
16 made available to any—

17 (A) government agency;

18 (B) nongovernmental advocacy organiza-  
19 tion; or

20 (C) foreign labor broker doing business in  
21 the United States.

22 (3) DEADLINE FOR PAMPHLET DEVELOPMENT  
23 AND DISTRIBUTION.—Not later than 180 days after  
24 the date of the enactment of this Act, the Secretary  
25 of State shall distribute and make available the in-

1 formation pamphlet developed under subsection (a)  
2 in all the languages referred to in subsection (c).

3 (e) RESPONSIBILITIES OF CONSULAR OFFICERS OF  
4 THE DEPARTMENT OF STATE.—

5 (1) INTERVIEWS.—A consular officer con-  
6 ducting an interview of an alien for an employ-  
7 ment-based nonimmigrant visa shall—

8 (A)(i) confirm that the alien has received,  
9 read, and understood the contents of the pam-  
10 phlet described in subsections (a) and (b); and

11 (ii) if the alien has not received, read, or  
12 understood the contents of the pamphlet de-  
13 scribed in subsections (a) and (b), distribute  
14 and orally disclose to the alien the information  
15 described in paragraphs (2) and (3) in a lan-  
16 guage that the alien understands; and

17 (B) offer to answer any questions the alien  
18 may have regarding the contents of the pam-  
19 phlet described in subsections (a) and (b).

20 (2) LEGAL RIGHTS.—The consular officer shall  
21 disclose to the alien—

22 (A) the legal rights of employment-based  
23 nonimmigrants under Federal immigration,  
24 labor, and employment laws;

1 (B) the illegality of slavery, peonage, traf-  
2 ficking in persons, sexual assault, extortion,  
3 blackmail, and worker exploitation in the  
4 United States; and

5 (C) the legal rights of immigrant victims of  
6 trafficking in persons, worker exploitation, and  
7 other related crimes, including—

8 (i) the right of access to immigrant  
9 and labor rights groups;

10 (ii) the right to seek redress in United  
11 States courts; and

12 (iii) the right to report abuse without  
13 retaliation.

14 (3) VICTIM SERVICES.—In carrying out the dis-  
15 closure requirement under this subsection, the con-  
16 sular officer shall disclose to the alien the avail-  
17 ability of services for victims of human trafficking  
18 and worker exploitation in the United States, includ-  
19 ing victim services complaint hotlines.

20 (f) DEFINITIONS.—In this section:

21 (1) EMPLOYMENT- OR EDUCATION-BASED NON-  
22 IMMIGRANT VISA.—The term “employment- or edu-  
23 cation-based nonimmigrant visa” means—

24 (A) a nonimmigrant visa issued under sub-  
25 paragraph (A)(iii), (G)(v), (H), or (J) of section

1           101(a)(15) of the Immigration and Nationality  
2           Act (8 U.S.C. 1101(a)(15)); and

3                   (B) any nonimmigrant visa issued to a per-  
4           sonal or domestic servant who is accompanying  
5           or following to join an employer.

6           (2) SEVERE FORMS OF TRAFFICKING IN PER-  
7           SONS.—The term “severe forms of trafficking in  
8           persons” has the meaning given the term in section  
9           103 of the Trafficking Victims Protection Act of  
10          2000 (22 U.S.C. 7102).

11          (3) SECRETARY.—The term “Secretary” means  
12          the Secretary of State.

13          (4) ABUSING AND EXPLOITING.—The term  
14          “abusing and exploiting” means any conduct which  
15          would constitute a violation of section 1466A, 1589,  
16          1591, 1592, 2251, or 2251A of title 18, United  
17          States Code.

18 **SEC. 203. PROTECTIONS, REMEDIES, AND LIMITATIONS ON**

19                   **ISSUANCE FOR A-3 AND G-5 VISAS.**

20          (a) LIMITATIONS ON ISSUANCE OF A-3 AND G-5  
21          VISAS.—

22                  (1) CONTRACT REQUIREMENT.—Notwith-  
23          standing any other provision of law, the Secretary of  
24          State may not issue—

1 (A) an A-3 visa unless the applicant is em-  
2 ployed, or has signed a contract to be employed  
3 containing the requirements set forth in sub-  
4 section (d)(2), by an officer of a diplomatic mis-  
5 sion or consular post; or

6 (B) a G-5 visa unless the applicant is em-  
7 ployed, or has signed a contract to be employed  
8 by an employee in an international organiza-  
9 tion.

10 (2) SUSPENSION REQUIREMENT.—Notwith-  
11 standing any other provision of law, the Secretary  
12 shall suspend, for such period as the Secretary de-  
13 termines necessary, the issuance of A-3 visas or G-  
14 5 visas to applicants seeking to work for officials of  
15 a diplomatic mission or an international organiza-  
16 tion, if the Secretary determines that there is cred-  
17 ible evidence that 1 or more employees of such mis-  
18 sion or international organization have abused or ex-  
19 ploited 1 or more nonimmigrants holding an A-3  
20 visa or a G-5 visa, and that the diplomatic mission  
21 or international organization tolerated such actions.

22 (3) ACTION BY DIPLOMATIC MISSIONS OR  
23 INTERNATIONAL ORGANIZATIONS.—The Secretary  
24 may suspend the application of the limitation under  
25 paragraph (2) if the Secretary determines and re-

1 ports to the appropriate congressional committees  
2 that a mechanism is in place to ensure that such  
3 abuse or exploitation does not reoccur with respect  
4 to any alien employed by an employee of such mis-  
5 sion or institution.

6 (b) PROTECTIONS AND REMEDIES FOR A-3 AND G-  
7 5 NONIMMIGRANTS EMPLOYED BY DIPLOMATS AND  
8 STAFF OF INTERNATIONAL ORGANIZATIONS.—

9 (1) IN GENERAL.—The Secretary may not issue  
10 or renew an A-3 visa or a G-5 visa unless—

11 (A) the visa applicant has executed a con-  
12 tract with the employer or prospective employer  
13 containing provisions described in paragraph  
14 (2); and

15 (B) a consular officer has conducted a per-  
16 sonal interview with the applicant outside the  
17 presence of the employer or any recruitment  
18 agent in which the officer reviewed the terms of  
19 the contract and the provisions of the pamphlet  
20 required under section 202.

21 (2) MANDATORY CONTRACT.—The contract be-  
22 tween the employer and domestic worker required  
23 under paragraph (1) shall include—

1           (A) an agreement by the employer to abide  
2           by all Federal, State, and local laws in the  
3           United States;

4           (B) information on the frequency and form  
5           of payment, work duties, weekly work hours,  
6           holidays, sick days, and vacation days; and

7           (C) an agreement by the employer not to  
8           withhold the passport, employment contract, or  
9           other personal property of the employee.

10          (3) TRAINING OF CONSULAR OFFICERS.—The  
11          Secretary shall provide appropriate training to con-  
12          sular officers on the fair labor standards described  
13          in the pamphlet required under section 202, traf-  
14          ficking in persons, and the provisions of this section.

15          (4) RECORD KEEPING.—

16                (A) IN GENERAL.—The Secretary shall  
17                maintain records on the presence of non-  
18                immigrants holding an A-3 visa or a G-5 visa  
19                in the United States, including—

20                    (i) information about when the non-  
21                    immigrant entered and permanently exited  
22                    the country of residence;

23                    (ii) the official title, contact informa-  
24                    tion, and immunity level of the employer;  
25                    and

1 (iii) information regarding any allega-  
2 tions of employer abuse received by the  
3 Department of State.

4 (c) PROTECTION FROM REMOVAL DURING LEGAL  
5 ACTIONS AGAINST FORMER EMPLOYERS.—

6 (1) REMAINING IN THE UNITED STATES TO  
7 SEEK LEGAL REDRESS.—

8 (A) EFFECT OF COMPLAINT FILING.—Ex-  
9 cept as provided in subparagraph (B), if a non-  
10 immigrant holding an A-3 visa or a G-5 visa  
11 working in the United States files a civil action  
12 under section 1595 of title 18, United States  
13 Code, or a civil action regarding a violation of  
14 any of the terms contained in the contract or  
15 violation of any other Federal, State, or local  
16 law in the United States governing the terms  
17 and conditions of employment of the non-  
18 immigrant that are associated with acts covered  
19 by such section, the Attorney General and the  
20 Secretary of Homeland Security shall permit  
21 the nonimmigrant to remain legally in the  
22 United States for time sufficient to fully and ef-  
23 fectively participate in all legal proceedings re-  
24 lated to such action.



1 (B) EXCEPTION.—An alien described in  
2 subparagraph (A) may be deported before the  
3 conclusion of the legal proceedings related to a  
4 civil action described in such subparagraph if  
5 such alien is—

6 (i) inadmissible under paragraph  
7 (2)(A)(i)(II), (2)(B), (2)(C), (2)(E),  
8 (2)(H), (2)(I), (3)(A)(i), (3)(A)(iii),  
9 (3)(B), (3)(C), or (3)(F) of section 212(a)  
10 of the Immigration and Nationality Act (8  
11 U.S.C. 1182(a)); or

12 (ii) deportable under paragraph  
13 (2)(A)(ii), (2)(A)(iii), (4)(A)(i), (4)(A)(iii),  
14 (4)(B), or (4)(C) of section 237(a) of such  
15 Act (8 U.S.C. 1227(a)).

16 (C) FAILURE TO EXERCISE DUE DILI-  
17 GENCE.—If the Secretary of Homeland Secu-  
18 rity, after consultation with the Attorney Gen-  
19 eral, determines that the nonimmigrant holding  
20 an A–3 visa or a G–5 visa has failed to exercise  
21 due diligence in pursuing an action described in  
22 subparagraph (A), the Secretary may terminate  
23 the status of the A–3 or G–5 nonimmigrant.

24 (2) AUTHORIZATION TO WORK.—The Attorney  
25 General and the Secretary of Homeland Security

1 shall authorize any nonimmigrant described in para-  
2 graph (1) to engage in employment in the United  
3 States during the period the nonimmigrant is in the  
4 United States pursuant to paragraph (1).

5 (d) STUDY AND REPORT.—

6 (1) INVESTIGATION REPORT.—

7 (A) IN GENERAL.—Not later than 180  
8 days after the date of the enactment of this  
9 Act, and every 2 years thereafter for the fol-  
10 lowing 10 years, the Secretary shall submit a  
11 report to the appropriate congressional commit-  
12 tees on the implementation of this section.

13 (B) CONTENTS.—The report submitted  
14 under subparagraph (A) shall include—

15 (i) an assessment of the actions taken  
16 by the Department of State and the De-  
17 partment of Justice to investigate allega-  
18 tions of trafficking or abuse of non-  
19 immigrants holding an A-3 visa or a G-5  
20 visa; and

21 (ii) the results of such investigations.

22 (2) FEASIBILITY OF OVERSIGHT OF EMPLOYEES  
23 OF DIPLOMATS AND REPRESENTATIVES OF OTHER  
24 INSTITUTIONS REPORT.—Not later than 180 days  
25 after the date of the enactment of this Act, the Sec-

1       retary shall submit a report to the appropriate con-  
2       gressional committees on the feasibility of—

3               (A) establishing a system to monitor the  
4       treatment of nonimmigrants holding an A-3  
5       visa or a G-5 visa who have been admitted to  
6       the United States;

7               (B) a range of compensation approaches,  
8       such as a bond program, compensation fund, or  
9       insurance scheme, to ensure that such non-  
10      immigrants receive appropriate compensation if  
11      their employers violate the terms of their em-  
12      ployment contracts; and

13              (C) with respect to each proposed com-  
14      pensation approach described in subparagraph  
15      (B), an evaluation and proposal describing the  
16      proposed processes for—

17                      (i) adjudicating claims of rights viola-  
18                      tions;

19                      (ii) determining the level of compensa-  
20                      tion; and

21                      (iii) administering the program, fund,  
22                      or scheme.

23       (e) ASSISTANCE TO LAW ENFORCEMENT INVESTIGA-  
24      TIONS.—The Secretary shall cooperate, to the fullest ex-  
25      tent possible consistent with the United States obligations

1 under the Vienna Convention on Diplomatic Relations,  
2 done at Vienna, April 18, 1961, (23 U.S.T. 3229), with  
3 any investigation by United States law enforcement au-  
4 thorities of crimes related to abuse or exploitation of a  
5 nonimmigrant holding an A-3 visa or a G-5 visa.

6 (f) DEFINITIONS.—In this section:

7 (1) A-3 VISA.—The term “A-3 visa” means a  
8 nonimmigrant visa issued pursuant to section  
9 101(a)(15)(A)(iii) of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1101(a)(15)(A)(iii)).

11 (2) G-5 VISA.—The term “G-5 visa” means a  
12 nonimmigrant visa issued pursuant to section  
13 101(a)(15)(G)(v) of the Immigration and Nation-  
14 ality Act (8 U.S.C. 1101(a)(15)(G)(v)).

15 (3) SECRETARY.—The term “Secretary” means  
16 the Secretary of State.

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

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

23 (B) the Committee on Foreign Relations  
24 and the Committee on the Judiciary of the Sen-  
25 ate.

1 **SEC. 204. RELIEF FOR CERTAIN VICTIMS PENDING AC-**  
2 **TIONS ON PETITIONS AND APPLICATIONS**  
3 **FOR RELIEF.**

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

7 “(d)(1) If the Secretary of Homeland Security deter-  
8 mines that an application for nonimmigrant status under  
9 subparagraph (T) or (U) of section 101(a)(15) filed for  
10 an alien in the United States sets forth a prima facie case  
11 for approval, the Secretary may grant the alien an admin-  
12 istrative stay of a final order of removal under section  
13 241(c)(2) until—

14 “(A) the application for nonimmigrant status  
15 under such subparagraph (T) or (U) is approved; or

16 “(B) there is a final administrative denial of  
17 the application for such nonimmigrant status after  
18 the exhaustion of administrative appeals.

19 “(2) The denial of a request for an administrative  
20 stay of removal under this subsection shall not preclude  
21 the alien from applying for a stay of removal, deferred  
22 action, or a continuance or abeyance of removal pro-  
23 ceedings under any other provision of the immigration  
24 laws of the United States.

25 “(3) During any period in which the administrative  
26 stay of removal is in effect, the alien shall not be removed.

1 “(4) Nothing in this subsection may be construed to  
2 limit the authority of the Secretary of Homeland Security  
3 or the Attorney General to grant a stay of removal or de-  
4 portation in any case not described in this subsection.”.

5 **SEC. 205. EXPANSION OF AUTHORITY TO PERMIT CONTIN-**  
6 **UED PRESENCE IN THE UNITED STATES.**

7 (a) EXPANSION OF AUTHORITY.—

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

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

13 “(A) TRAFFICKING VICTIMS.—

14 “(i) IN GENERAL.—If a Federal law  
15 enforcement official files an application  
16 stating that an alien is a victim of a severe  
17 form of trafficking and may be a potential  
18 witness to such trafficking, the Secretary  
19 of Homeland Security may permit the alien  
20 to remain in the United States to facilitate  
21 the investigation and prosecution of those  
22 responsible for such crime.

23 “(ii) SAFETY.—While investigating  
24 and prosecuting suspected traffickers, Fed-  
25 eral law enforcement officials described in

1 clause (i) shall endeavor to make reason-  
2 able efforts to protect the safety of traf-  
3 ficking victims, including taking measures  
4 to protect trafficked persons and their  
5 family members from intimidation, threats  
6 of reprisals, and reprisals from traffickers  
7 and their associates.

8 “(iii) CONTINUATION OF PRES-  
9 ENCE.—The Secretary shall permit an  
10 alien described in clause (i) who has filed  
11 a civil action under section 1595 of title  
12 18, United States Code, to remain in the  
13 United States until such action is con-  
14 cluded. If the Secretary, in consultation  
15 with the Attorney General, determines that  
16 the alien has failed to exercise due dili-  
17 gence in pursuing such action, the Sec-  
18 retary may revoke the order permitting the  
19 alien to remain in the United States.

20 “(iv) EXCEPTION.—Notwithstanding  
21 clause (iii), an alien described in such  
22 clause may be deported before the conclu-  
23 sion of the administrative and legal pro-  
24 ceedings related to a complaint described  
25 in such clause if such alien is inadmissible

1 under paragraph (2)(A)(i)(II), (2)(B),  
2 (2)(C), (2)(E), (2)(H), (2)(I), (3)(A)(i),  
3 (3)(A)(iii), (3)(B), or (3)(C) of section  
4 212(a) of the Immigration and Nationality  
5 Act (8 U.S.C. 1182(a)).

6 “(B) PAROLE FOR RELATIVES.—Law en-  
7 forcement officials may submit written requests  
8 to the Secretary of Homeland Security, in ac-  
9 cordance with section 240A(b)(6) of the Immi-  
10 gration and Nationality Act (8 U.S.C.  
11 1229b(b)(6)), to permit the parole into the  
12 United States of certain relatives of an alien de-  
13 scribed in subparagraph (A)(i).

14 “(C) STATE AND LOCAL LAW ENFORCE-  
15 MENT.—The Secretary of Homeland Security,  
16 in consultation with the Attorney General,  
17 shall—

18 “(i) develop materials to assist State  
19 and local law enforcement officials in work-  
20 ing with Federal law enforcement to obtain  
21 continued presence for victims of a severe  
22 form of trafficking in cases investigated or  
23 prosecuted at the State or local level; and



1           “(ii) distribute the materials devel-  
2           oped under clause (i) to State and local  
3           law enforcement officials.”.

4           (2) EFFECTIVE DATE.—The amendment made  
5           by paragraph (1)—

6           (A) shall take effect on the date of the en-  
7           actment of this Act;

8           (B) shall apply to pending requests for  
9           continued presence filed pursuant to section  
10          107(c)(3) of the Trafficking Victims Protection  
11          Act (22 U.S.C. 7105(c)(3)) and requests filed  
12          on or after such date; and

13          (C) may not be applied to an alien who is  
14          not present in the United States.

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

19               “(6) RELATIVES OF TRAFFICKING VICTIMS.—

20               “(A) IN GENERAL.—Upon written request  
21               by a law enforcement official, the Secretary of  
22               Homeland Security may parole under section  
23               212(d)(5) any alien who is a relative of an alien  
24               granted continued presence under section  
25               107(c)(3)(A) of the Trafficking Victims Protec-

1           tion Act (22 U.S.C. 7105(c)(3)(A)), if the rel-  
2           ative—

3                   “(i) was, on the date on which law en-  
4                   forcement applied for such continued pres-  
5                   ence—

6                           “(I) in the case of an alien grant-  
7                           ed continued presence who is under  
8                           21 years of age, the spouse, child,  
9                           parent, or unmarried sibling under 18  
10                          years of age, of the alien; or

11                           “(II) in the case of an alien  
12                           granted continued presence who is 21  
13                           years of age or older, the spouse or  
14                           child of the alien; or

15                          “(ii) is a parent or sibling of the alien  
16                          who the requesting law enforcement offi-  
17                          cial, in consultation with the Secretary of  
18                          Homeland Security, as appropriate, deter-  
19                          mines to be in present danger of retaliation  
20                          as a result of the alien’s escape from the  
21                          severe form of trafficking or cooperation  
22                          with law enforcement, irrespective of age.

23                          “(B) DURATION OF PAROLE.—

24                           “(i) IN GENERAL.—The Secretary  
25                          may extend the parole granted under sub-

1 paragraph (A) until the final adjudication  
2 of the application filed by the principal  
3 alien under section 101(a)(15)(T)(ii).

4 “(ii) OTHER LIMITS ON DURATION.—  
5 If an application described in clause (i) is  
6 not filed, the parole granted under sub-  
7 paragraph (A) may extend until the later  
8 of—

9 “(I) the date on which the prin-  
10 cipal alien’s authority to remain in the  
11 United States under section  
12 107(c)(3)(A) of the Trafficking Vic-  
13 tims Protection Act (22 U.S.C.  
14 7105(c)(3)(A)) is terminated; or

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

19 “(iii) DUE DILIGENCE.—Failure by  
20 the principal alien to exercise due diligence  
21 in filing a visa petition on behalf of an  
22 alien described in clause (i) or (ii) of sub-  
23 paragraph (A), or in pursuing the civil ac-  
24 tion described in clause (ii)(II) (as deter-  
25 mined by the Secretary of Homeland Secu-

1           rity in consultation with the Attorney Gen-  
2           eral), may result in revocation of parole.

3           “(C) OTHER LIMITATIONS.—A relative  
4           may not be granted parole under this para-  
5           graph if—

6                   “(i) the Secretary of Homeland Secu-  
7                   rity or the Attorney General has reason to  
8                   believe that the relative was knowingly  
9                   complicit in the trafficking of an alien per-  
10                  mitted to remain in the United States  
11                  under section 107(c)(3)(A) of the Traf-  
12                  ficking Victims Protection Act (22 U.S.C.  
13                  7105(c)(3)(A)); or

14                   “(ii) the relative is an alien described  
15                   in paragraph (2) or (3) of section 212(a)  
16                   or paragraph (2) or (4) of section  
17                   237(a).”.

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

20           **SEC. 211. ASSISTANCE FOR CERTAIN NONIMMIGRANT STA-**  
21           **TUS APPLICANTS.**

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

1           (1) in paragraph (2)(B), by striking “or” at the  
2           end;

3           (2) in paragraph (3)(B), by striking the period  
4           at the end and inserting “; or”; and

5           (3) by inserting after paragraph (3) the fol-  
6           lowing:

7           “(4) an alien who has been granted non-  
8           immigrant status under section 101(a)(15)(T) of the  
9           Immigration and Nationality Act (8 U.S.C.  
10          1101(a)(15)(T)) or who has a pending application  
11          that sets forth a prima facie case for eligibility for  
12          such nonimmigrant status.”.

13          (b) **EFFECTIVE DATE.**—The amendments made by  
14          subsection (a) shall apply to applications for public bene-  
15          fits and public benefits provided on or after the date of  
16          the enactment of this Act without regard to whether regu-  
17          lations have been implemented to carry out such amend-  
18          ments.

19          **SEC. 212. INTERIM ASSISTANCE FOR CHILDREN.**

20          (a) **IN GENERAL.**—Section 107(b)(1) of the Traf-  
21          ficking Victims Protection Act of 2000 (22 U.S.C.  
22          7105(b)(1)) is amended—

23                  (1) in subparagraph (E)(i)(I), by inserting “or  
24                  is unable to cooperate with such a request due to

1 physical or psychological trauma” before the semi-  
2 colon; and

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

4 “(F) ELIGIBILITY FOR INTERIM ASSIST-  
5 ANCE OF CHILDREN.—

6 “(i) DETERMINATION.—Upon receiv-  
7 ing credible information that a child de-  
8 scribed in subparagraph (C)(ii)(I) who is  
9 seeking assistance under this paragraph  
10 may have been subjected to a severe form  
11 of trafficking in persons, the Secretary of  
12 Health and Human Services shall promptly  
13 determine if the child is eligible for interim  
14 assistance under this paragraph. The Sec-  
15 retary shall have exclusive authority to  
16 make interim eligibility determinations  
17 under this clause. A determination of in-  
18 terim eligibility under this clause shall not  
19 affect the independent determination  
20 whether a child is a victim of a severe form  
21 of trafficking.

22 “(ii) NOTIFICATION.—The Secretary  
23 of Health and Human Services shall notify  
24 the Attorney General and the Secretary of  
25 Homeland Security not later than 24 hours

1 after all interim eligibility determinations  
2 have been made under clause (i).

3 “(iii) DURATION.—Assistance under  
4 this paragraph may be provided to individ-  
5 uals determined to be eligible under clause  
6 (i) for a period of up to 90 days and may  
7 be extended for an additional 30 days.

8 “(iv) LONG-TERM ASSISTANCE FOR  
9 CHILDREN.—

10 “(I) ELIGIBILITY DETERMINA-  
11 TION.—Before the expiration of the  
12 period for interim assistance under  
13 clause (iii), the Secretary of Health  
14 and Human Services shall determine  
15 if the child referred to in clause (i) is  
16 eligible for assistance under this para-  
17 graph.

18 “(II) CONSULTATION.—In mak-  
19 ing a determination under subclause  
20 (I), the Secretary shall consult with  
21 the Attorney General, the Secretary of  
22 Homeland Security, and nongovern-  
23 mental organizations with expertise on  
24 victims of severe form of trafficking.

1                   “(III) LETTER OF ELIGI-  
2                   BILITY.—If the Secretary, after re-  
3                   ceiving information the Secretary be-  
4                   lieves, taken as a whole, indicates that  
5                   the child is eligible for assistance  
6                   under this paragraph, the Secretary  
7                   shall issue a letter of eligibility. The  
8                   Secretary may not require that the  
9                   child cooperate with law enforcement  
10                  as a condition for receiving such letter  
11                  of eligibility.

12                  “(G) NOTIFICATION OF CHILDREN FOR IN-  
13                  TERIM ASSISTANCE.—Not later than 24 hours  
14                  after a Federal, State, or local official discovers  
15                  that a person who is under 18 years of age may  
16                  be a victim of a severe form of trafficking in  
17                  persons, the official shall notify the Secretary of  
18                  Health and Human Services to facilitate the  
19                  provision of interim assistance under subpara-  
20                  graph (F).”.

21                  (b) TRAINING OF GOVERNMENT PERSONNEL.—Sec-  
22                  tion 107(c)(4) of the Trafficking Victims Protection Act  
23                  of 2000 (22 U.S.C. 7105(c)(4)) is amended—

24                         (1) by inserting “, the Department of Home-  
25                         land Security, the Department of Health and



1 Human Services,” after “the Department of State”;  
2 and

3 (2) by inserting “, including juvenile victims.  
4 The Attorney General and the Secretary of Health  
5 and Human Services shall provide training to State  
6 and local officials to improve the identification and  
7 protection of such victims” before the period at the  
8 end.

9 **SEC. 213. ENSURING ASSISTANCE FOR ALL VICTIMS OF**  
10 **TRAFFICKING IN PERSONS.**

11 (a) AMENDMENTS TO TRAFFICKING VICTIMS PRO-  
12 TECTION ACT OF 2000.—

13 (1) ASSISTANCE FOR UNITED STATES CITIZENS  
14 AND LAWFUL PERMANENT RESIDENTS.—Section  
15 107 of the Trafficking Victims Protection Act of  
16 2000 (22 U.S.C. 7105) is amended by inserting  
17 after subsection (e) the following:

18 “(f) ASSISTANCE FOR UNITED STATES CITIZENS  
19 AND LAWFUL PERMANENT RESIDENTS.—

20 “(1) IN GENERAL.—The Secretary of Health  
21 and Human Services and the Attorney General, in  
22 consultation with the Secretary of Labor, shall es-  
23 tablish a program to assist United States citizens  
24 and aliens lawfully admitted for permanent residence  
25 (as defined in section 101(a)(20) of the Immigration

1 and Nationality Act (8 U.S.C. 1101(a)(20)) who  
2 are victims of severe forms of trafficking. In deter-  
3 mining the assistance that would be most beneficial  
4 for such victims, the Secretary and the Attorney  
5 General shall consult with nongovernmental organi-  
6 zations that provide services to victims of severe  
7 forms of trafficking in the United States.

8 “(2) USE OF EXISTING PROGRAMS.—In addi-  
9 tion to specialized services required for victims de-  
10 scribed in paragraph (1), the program established  
11 pursuant to paragraph (1) shall—

12 “(A) facilitate communication and coordi-  
13 nation between the providers of assistance to  
14 such victims;

15 “(B) provide a means to identify such pro-  
16 viders; and

17 “(C) provide a means to make referrals to  
18 programs for which such victims are already eli-  
19 gible, including programs administered by the  
20 Department of Justice and the Department of  
21 Health and Human Services.

22 “(3) GRANTS.—

23 “(A) IN GENERAL.—The Secretary of  
24 Health and Human Services and the Attorney  
25 General may award grants to States, Indian

1 tribes, units of local government, and nonprofit,  
2 nongovernmental victim service organizations to  
3 develop, expand, and strengthen victim service  
4 programs authorized under this subsection.

5 “(B) MAXIMUM FEDERAL SHARE.—The  
6 Federal share of a grant awarded under this  
7 paragraph may not exceed 75 percent of the  
8 total costs of the projects described in the appli-  
9 cation submitted by the grantee.”.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—  
11 Section 113 of the Trafficking Victims Protection  
12 Act of 2000 (22 U.S.C. 7110) is amended—

13 (A) in subsection (b)—

14 (i) by striking “To carry out” and in-  
15 serting the following:

16 “(1) ELIGIBILITY FOR BENEFITS AND ASSIST-  
17 ANCE.—To carry out”; and

18 (ii) by adding at the end the fol-  
19 lowing:

20 “(2) ADDITIONAL BENEFITS FOR TRAFFICKING  
21 VICTIMS.—To carry out the purposes of section  
22 107(f), there are authorized to be appropriated to  
23 the Secretary of Health and Human Services—

24 “(A) \$2,500,000 for fiscal year 2008;

25 “(B) \$5,000,0000 for fiscal year 2009;

1 “(C) \$7,000,000 for fiscal year 2010; and

2 “(D) \$7,000,000 for fiscal year 2011.”;

3 and

4 (B) in subsection (d)—

5 (i) by striking “To carry out the pur-  
6 poses of section 107(b)” and inserting the  
7 following:

8 “(A) ELIGIBILITY FOR BENEFITS AND AS-  
9 SISTANCE.—To carry out the purposes of sec-  
10 tion 107(b)”;

11 (ii) by striking “To carry out the pur-  
12 poses of section 134” and inserting the fol-  
13 lowing:

14 “(B) ASSISTANCE TO FOREIGN COUN-  
15 TRIES.—To carry out the purposes of section  
16 134”; and

17 (iii) by adding at the end the fol-  
18 lowing:

19 “(C) ADDITIONAL BENEFITS FOR TRAF-  
20 FICKING VICTIMS.—To carry out the purposes  
21 of section 107(f), there are authorized to be ap-  
22 propriated to the Attorney General—

23 “(i) \$2,500,000 for fiscal year 2008;

24 “(ii) \$5,000,000 for fiscal year 2009;

1                   “(iii) \$7,000,000 for fiscal year 2010;  
2                   and  
3                   “(iv) \$7,000,000 for fiscal year  
4                   2011.”.

5                   (3)       TECHNICAL       ASSISTANCE.—Section  
6                   107(b)(2)(B)(ii) of the Trafficking Victims Protec-  
7                   tion Act of 2000 (22 U.S.C. 7105(b)(2)(B)(ii)) is  
8                   amended to read as follows:

9                   “(ii) 5 percent for training and tech-  
10                   nical assistance, including increasing ca-  
11                   pacity and expertise on security for and  
12                   protection of service providers from intimi-  
13                   dation or retaliation for their activities.”.

14                   (b) STUDY.—

15                   (1) REQUIREMENT.—Not later than 1 year  
16                   after the date of the enactment of this Act, the At-  
17                   torney General and the Secretary of Health and  
18                   Human Services shall submit a report to the appro-  
19                   priate congressional committees that identifies the  
20                   existence and extent of any service gap between vic-  
21                   tims described in section 107(b)(1) of the Traf-  
22                   ficking Victims Protection Act of 2000 (22 U.S.C.  
23                   7105) and individuals described in section 107(f) of  
24                   such Act, as amended by section 213(a) of this Act.

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

4           (A) investigate factors relating to the legal  
5 ability of the victims described in paragraph (1)  
6 to access government-funded social services in  
7 general, including the application of the Per-  
8 sonal Responsibility and Work Opportunity  
9 Reconciliation Act of 1996 (8 U.S.C.  
10 1641(c)(5)) and the Illegal Immigration and  
11 Immigrant Responsibility Act of 1996 (division  
12 C of Public Law 104–208; 110 Stat. 3009 et  
13 seq.);

14           (B) investigate any other impediments to  
15 the access of the victims described in paragraph  
16 (1) to government-funded social services;

17           (C) investigate any impediments to the ac-  
18 cess of the victims described in paragraph (1)  
19 to government-funded services targeted to vic-  
20 tims of severe forms of trafficking;

21           (D) investigate the effect of trafficking  
22 service-provider infrastructure development,  
23 continuity of care, and availability of case-  
24 workers on the eventual restoration and reha-

1           bilitation of the victims described in paragraph  
2           (1); and

3           (E) include findings, best practices, and  
4           recommendations, if any, based on the study of  
5           the elements described in subparagraphs (A)  
6           through (D) and any other related information.

7           **Subtitle C—Penalties Against**  
8           **Traffickers and Other Crimes**

9           **SEC. 221. RESTITUTION OF FORFEITED ASSETS; ENHANCE-**  
10           **MENT OF CIVIL ACTION.**

11           Chapter 77 of title 18, United States Code, is amend-  
12           ed—

13           (1) in section 1593(b), by adding at the end the  
14           following:

15           “(4) The forfeiture of property under this subsection  
16           shall be governed by the provisions of section 413 (other  
17           than subsection (d) of such section) of the Controlled Sub-  
18           stances Act (21 U.S.C. 853).”; and

19           (2) in section 1595—

20           (A) in subsection (a)—

21           (i) by striking “of section 1589, 1590,  
22           or 1591”; and

23           (ii) by inserting “(or whoever know-  
24           ingly benefits, financially or by receiving  
25           anything of value from participation in a

1           venture which that person knew or should  
2           have known has engaged in an act in viola-  
3           tion of this chapter)” after “perpetrator”;  
4           and

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

6           “(c) No action may be maintained under this section  
7 unless it is commenced not later than 10 years after the  
8 cause of action arose.”.

9   **SEC. 222. ENHANCING PENALTIES FOR TRAFFICKING OF-**  
10                                   **FENSES.**

11           (a) DETENTION.—Section 3142(e) of title 18, United  
12 States Code, is amended—

13           (1) by redesignating paragraphs (1), (2), and  
14           (3) as subparagraphs (A), (B), and (C), respectively;

15           (2) by inserting “(1)” before “If, after a hear-  
16           ing”;

17           (3) by inserting “(2)” before “In a case”;

18           (4) by inserting “(3)” before “Subject to rebut-  
19           tal”;

20           (5) by striking “paragraph (1) of this sub-  
21           section” each place it appears and inserting “sub-  
22           paragraph (A)”;

23           (6) in paragraph (3), as redesignated—

24                   (A) by striking “committed an offense”

25                   and inserting the following: “committed—



1 “(A) an offense”;

2 (B) by striking “46, an offense” and in-  
3 serting the following: “46;

4 “(B) an offense”;

5 (C) by striking “title, or an offense” and  
6 inserting the following: “title;

7 “(C) an offense”; and

8 (D) by striking “prescribed or an offense”  
9 and inserting the following: “prescribed;

10 “(D) an offense under chapter 77 of this title  
11 for which a maximum term of imprisonment of 20  
12 years or more is prescribed; or

13 “(E) an offense”.

14 (b) PREVENTING OBSTRUCTION.—

15 (1) ENTICEMENT INTO SLAVERY.—Section  
16 1583 of title 18, United States Code, is amended to  
17 read as follows:

18 “§ 1583. Enticement into slavery

19 “(a) Whoever—

20 “(1) kidnaps or carries away any other person,  
21 with the intent that such other person be sold into  
22 involuntary servitude, or held as a slave;

23 “(2) entices, persuades, or induces any other  
24 person to go on board any vessel or to any other  
25 place with the intent that he or she may be made

1 or held as a slave, or sent out of the country to be  
2 so made or held; or

3 “(3) obstructs, or attempts to obstruct, or in  
4 any way interferes with or prevents the enforcement  
5 of this section,

6 shall be fined under this title, imprisoned not more than  
7 20 years, or both.

8 “(b) Whoever violates this section shall be fined  
9 under this title, imprisoned for any term of years or for  
10 life, or both if—

11 “(1) the violation results in the death of the  
12 victim; or

13 “(2) the violation includes kidnaping, an at-  
14 tempt to kidnap, aggravated sexual abuse, an at-  
15 tempt to commit aggravated sexual abuse, or an at-  
16 tempt to kill.”.

17 (2) SALE INTO INVOLUNTARY SERVITUDE.—  
18 Section 1584 of such title is amended—

19 (A) by striking “Whoever” and inserting  
20 the following:

21 “(a) Whoever”; and

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

23 “(b) Whoever obstructs, attempts to obstruct, or in  
24 any way interferes with or prevents the enforcement of

1 this section, shall be subject to the penalties described in  
2 subsection (a).”.

3 (3) PUNISHING FINANCIAL GAIN FROM TRAF-  
4 FICKED LABOR.—Section 1589 of such title is  
5 amended to read as follows:

6 **“SEC. 1589. FORCED LABOR.**

7 “(a) Whoever knowingly provides or obtains the labor  
8 or services of a person by any one of, or by any combina-  
9 tion of, the following means—

10 “(1) by means of force, threats of force, phys-  
11 ical restraint, or threats of physical restraint to that  
12 person or another person;

13 “(2) by means of serious harm or threats of se-  
14 rious harm to that person or another person;

15 “(3) by means of the abuse or threatened abuse  
16 of law or legal process; or

17 “(4) by means of any scheme, plan, or pattern  
18 intended to cause the person to believe that, if that  
19 person did not perform such labor or services, that  
20 person or another person would suffer serious harm  
21 or physical restraint,

22 shall be punished as provided under subsection (d).

23 “(b) Whoever knowingly benefits, financially or by re-  
24 ceiving anything of value, from participation in a venture  
25 which has engaged in the providing or obtaining of labor

1 or services by any of the means described in subsection  
2 (a), knowing or in reckless disregard of the fact that the  
3 venture has engaged in the providing or obtaining of labor  
4 or services by any of such means, shall be punished as  
5 provided in subsection (d).

6 “(c) In this section:

7 “(1) The term ‘abuse or threatened abuse of  
8 law or legal process’ means the use or threatened  
9 use of a law or legal process, whether administrative,  
10 civil, or criminal, in any manner or for any purpose  
11 for which the law was not designed, in order to exert  
12 pressure on another person to cause that person to  
13 take some action or refrain from taking some action.

14 “(2) The term ‘serious harm’ means any harm,  
15 whether physical or nonphysical, including psycho-  
16 logical, financial, or reputational harm, that is suffi-  
17 ciently serious, under all the surrounding cir-  
18 cumstances, to compel a reasonable person of the  
19 same background and in the same circumstances to  
20 perform or to continue performing labor or services  
21 in order to avoid incurring that harm.

22 “(d) Whoever violates this section shall be fined  
23 under this title, imprisoned not more than 20 years, or  
24 both. If death results from a violation of this section, or  
25 if the violation includes kidnaping, an attempt to kidnap,

1 aggravated sexual abuse, or an attempt to kill, the defend-  
2 ant shall be fined under this title, imprisoned for any term  
3 of years or life, or both.”.

4 (4) TRAFFICKING.—Section 1590 of such title  
5 is amended—

6 (A) by striking “Whoever” and inserting  
7 the following:

8 “(a) Whoever”; and

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

10 “(b) Whoever obstructs, attempts to obstruct, or in  
11 any way interferes with or prevents the enforcement of  
12 this section, shall be subject to the penalties under sub-  
13 section (a).”.

14 (5) SEX TRAFFICKING OF CHILDREN.—Section  
15 1591 of such title is amended—

16 (A) in subsection (a)—

17 (i) in paragraph (1), by striking “or  
18 obtains” and inserting “obtains, or main-  
19 tains”; and

20 (ii) in the matter following paragraph  
21 (2), by striking “that force, fraud, or coer-  
22 cion described in subsection (c)(2)” and in-  
23 serting “, or in reckless disregard of the  
24 fact, that means of force, threats of force,

1 fraud, coercion described in subsection  
2 (e)(2), or any combination of such means”;

3 (B) by redesignating subsection (c) as sub-  
4 section (e);

5 (C) in subsection (b)(1), by striking “force,  
6 fraud, or coercion” and inserting “means of  
7 force, threats of force, fraud, or coercion de-  
8 scribed in subsection (e)(2), or by any combina-  
9 tion of such means,”;

10 (D) by inserting after subsection (b) the  
11 following:

12 “(c) In a prosecution under subsection (a)(1) in  
13 which the defendant had a reasonable opportunity to ob-  
14 serve the person so recruited, enticed, harbored, trans-  
15 ported, provided, obtained or maintained, the Government  
16 need not prove that the defendant knew that the person  
17 had not attained the age of 18 years.

18 “(d) Whoever obstructs, attempts to obstruct, or in  
19 any way interferes with or prevents the enforcement of  
20 this section, shall be fined under this title, imprisoned for  
21 a term not to exceed 20 years, or both.”;

22 (E) in subsection (e), as redesignated—

23 (i) by redesignating paragraph (3) as  
24 paragraph (5);

1 (ii) by redesignating paragraph (1) as  
2 paragraph (3);

3 (iii) by inserting before paragraph (2)  
4 the following:

5 “(1) The term ‘abuse or threatened abuse of  
6 law or legal process’ means the use or threatened  
7 use of a law or legal process, whether administrative,  
8 civil, or criminal, in any manner or for any purpose  
9 for which the law was not designed, in order to exert  
10 pressure on another person to cause that person to  
11 take some action or refrain from taking some ac-  
12 tion.”; and

13 (iv) by inserting after paragraph (3),  
14 as redesignated, the following:

15 “(4) The term ‘serious harm’ means any harm,  
16 whether physical or nonphysical, including psycho-  
17 logical, financial, or reputational harm, that is suffi-  
18 ciently serious, under all the surrounding cir-  
19 cumstances, to compel a reasonable person of the  
20 same background and in the same circumstances to  
21 perform or to continue performing commercial sex-  
22 ual activity in order to avoid incurring that harm.”.

23 (6) UNLAWFUL CONDUCT.—Section 1592 of  
24 such title is amended by adding at the end the fol-  
25 lowing:

1       “(c) Whoever obstructs, attempts to obstruct, or in  
2 any way interferes with or prevents the enforcement of  
3 this section, shall be subject to the penalties described in  
4 subsection (a).”.

5       (c) HOLDING CONSPIRATORS ACCOUNTABLE.—Sec-  
6 tion 1594 of title 18, United States Code, is amended—

7           (1) by redesignating subsections (b), (c), and  
8           (d) as subsections (d), (e), and (f), respectively; and

9           (2) by inserting after subsection (a) the fol-  
10       lowing:

11       “(b) Whoever conspires with another to violate sec-  
12 tion 1581, 1583, 1589, 1590, or 1592 shall be punished  
13 in the same manner as a completed violation of such sec-  
14 tion.

15       “(c) Whoever conspires with another to violate sec-  
16 tion 1591 shall be fined under this title, imprisoned for  
17 any term of years or for life, or both.”.

18       (d) BENEFITTING FINANCIALLY FROM PEONAGE,  
19 SLAVERY, AND TRAFFICKING IN PERSONS.—

20           (1) IN GENERAL.—Chapter 77 of title 18,  
21       United States Code, is amended by inserting after  
22       section 1593 the following:



1 **“§ 1593A. Benefitting financially from peonage, slav-**  
 2 **ery, and trafficking in persons**

3 “Whoever knowingly benefits, financially or by receiv-  
 4 ing anything of value, from participation in a venture  
 5 which has engaged in any act in violation of section  
 6 1581(a), 1592, or 1595(a), knowing or in reckless dis-  
 7 regard of the fact that the venture has engaged in such  
 8 violation, shall be fined under this title or imprisoned in  
 9 the same manner as a completed violation of such sec-  
 10 tion.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-  
 12 tions at the beginning of such chapter is amended  
 13 by inserting after the item relating to section 1593  
 14 the following:

“Sec. 1593A. Benefitting financially from peonage, slavery, and trafficking in  
 persons.”.

15 (e) RETALIATION IN FOREIGN LABOR CON-  
 16 TRACTING.—Chapter 63 of title 18, United States Code,  
 17 is amended—

18 (1) in the chapter heading, by adding at the  
 19 end the following: “**AND OTHER FRAUD OF-**  
 20 **FENSES**”;

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

22 **“§ 1351. Fraud in foreign labor contracting**

23 “Whoever knowingly and with intent to defraud re-  
 24 cruits, solicits or hires a person outside the United States

1 for purposes of employment in the United States by means  
2 of materially false or fraudulent pretenses, representations  
3 or promises regarding that employment shall be fined  
4 under this title or imprisoned for not more than 5 years,  
5 or both.”; and

6 (3) in the table of sections, by inserting after  
7 the item relating to section 1350 the following:

“1351. Fraud in foreign labor contracting.”.

8 (f) TIGHTENING IMMIGRATION PROHIBITIONS.—

9 (1) GROUND OF INADMISSIBILITY FOR TRAF-  
10 FICKING.—Section 212(a)(2)(H)(i) of the Immigra-  
11 tion and Nationality Act (8 U.S.C.  
12 1182(a)(2)(H)(i)) is amended by striking “who is  
13 listed in a report submitted pursuant to section  
14 111(b) of the Trafficking Victims Protection Act of  
15 2000” and inserting “who commits or conspires to  
16 commit human trafficking offenses in the United  
17 States or outside the United States”.

18 (2) GROUND OF REMOVABILITY.—Section  
19 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is  
20 amended by adding at the end the following:

21 “(F) TRAFFICKING.—Any alien described  
22 in section 212(a)(2)(H) is deportable.”.

23 (g) AMENDMENT TO SENTENCING GUIDELINES.—  
24 Pursuant to its authority under section 994 of title 28,  
25 United States Code, the United States Sentencing Com-

1 mission shall review and, if appropriate, amend the sen-  
2 tencing guidelines and policy statements applicable to per-  
3 sons convicted of alien harboring to ensure conformity  
4 with the sentencing guidelines applicable to persons con-  
5 victed of promoting a commercial sex act if—

6 (1) the harboring was committed in furtherance  
7 of prostitution; and

8 (2) the defendant to be sentenced is an orga-  
9 nizer, leader, manager, or supervisor of the criminal  
10 activity.

11 **SEC. 223. JURISDICTION IN CERTAIN TRAFFICKING OF-**  
12 **FENSES.**

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

16 **“§ 1596. Additional jurisdiction in certain trafficking**  
17 **offenses**

18 “(a) IN GENERAL.—In addition to any domestic or  
19 extra-territorial jurisdiction otherwise provided by law, the  
20 courts of the United States have extra-territorial jurisdic-  
21 tion over any offense (or any attempt or conspiracy to  
22 commit an offense) under section 1581, 1583, 1584, 1589,  
23 1590, or 1591 if—

24 “(1) an alleged offender is a national of the  
25 United States or an alien lawfully admitted for per-

1       manent residence (as those terms are defined in sec-  
2       tion 101 of the Immigration and Nationality Act (8  
3       U.S.C. 1101)); or

4               “(2) an alleged offender is present in the  
5       United States, irrespective of the nationality of the  
6       alleged offender.

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

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

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

20      **SEC. 224. BAIL CONDITIONS, SUBPOENAS, AND REPEAT OF-**  
21                                      **FENDER PENALTIES FOR SEX TRAFFICKING.**

22      (a) RELEASE AND DETENTION.—Subsections  
23      (f)(1)(A) and (g)(1) of section 3142 of title 18, United  
24      States Code, are amended by striking “violence,” each

1 place such term appears and inserting “violence, a viola-  
2 tion of section 1591,”.

3 (b) SUBPOENAS.—Section 3486(a)(1)(D) of title 18,  
4 United States Code, is amended by inserting “1591,”  
5 after “1201,”.

6 (c) REPEAT OFFENDERS.—Section 2426(b)(1)(A) of  
7 title 18, United States Code, is amended, by striking “or  
8 chapter 110” and inserting “chapter 110, or section  
9 1591”.

10 **SEC. 225. PROMOTING EFFECTIVE STATE ENFORCEMENT.**

11 (a) RELATIONSHIP AMONG FEDERAL AND STATE  
12 LAW.—Nothing in this Act, the Trafficking Victims Pro-  
13 tection Act of 2000, the Trafficking Victims Protection  
14 Reauthorization Act of 2003, the Trafficking Victims Pro-  
15 tection Reauthorization Act of 2005, chapters 77 and 117  
16 of title 18, United States Code, or any model law issued  
17 by the Department of Justice to carry out the purposes  
18 of any of the aforementioned statutes—

19 (1) may be construed to treat prostitution as a  
20 valid form of employment under Federal law; or

21 (2) shall preempt, supplant, or limit the effect  
22 of any State or Federal criminal law.

23 (b) MODEL STATE CRIMINAL PROVISIONS.—In addi-  
24 tion to any model State antitrafficking statutes in effect  
25 on the date of the enactment of this Act, the Attorney

1 General shall facilitate the promulgation of a model State  
2 statute that—

3 (1) furthers a comprehensive approach to inves-  
4 tigation and prosecution through modernization of  
5 State and local prostitution and pandering statutes;  
6 and

7 (2) is based in part on the provisions of the Act  
8 of August 15, 1935 (49 Stat. 651; D.C. Code 22–  
9 2701 et seq.) (relating to prostitution and pan-  
10 dering).

11 (c) DISTRIBUTION.—The model statute described in  
12 subsection (b) and the text of chapter 27 of the Criminal  
13 Code of the District of Columbia (D.C. Code 22–2701 et  
14 seq.) shall be—

15 (1) posted on the website of the Department of  
16 Justice; and

17 (2) distributed to the Attorney General of each  
18 State.

## 19 **Subtitle D—Activities of the United** 20 **States Government**

### 21 **SEC. 231. ANNUAL REPORT BY THE ATTORNEY GENERAL.**

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

24 (1) in subparagraph (A)—

1 (A) by striking “section 107(b)” and in-  
2 serting “subsections (b) and (f) of section 107”;  
3 and

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

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

8 (3) by redesignating subparagraph (H) as sub-  
9 paragraph (J); and

10 (4) by inserting after subparagraph (G) the fol-  
11 lowing:

12 “(H) activities by the Department of De-  
13 fense to combat trafficking in persons, includ-  
14 ing—

15 “(i) educational efforts for, and dis-  
16 ciplinary actions taken against, members  
17 of the United States Armed Forces;

18 “(ii) the development of materials  
19 used to train the armed forces of foreign  
20 countries; and

21 “(iii) efforts to ensure that United  
22 States Government contractors and their  
23 employees or United States Government  
24 subcontractors and their employees do not  
25 engage in trafficking in persons;

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

3 “(i) section 106(g) and any similar  
4 law, regulation, or policy relating to United  
5 States Government contractors and their  
6 employees or United States Government  
7 subcontractors and their employees that  
8 engage in severe forms of trafficking in  
9 persons, the procurement of commercial  
10 sex acts, or the use of forced labor, includ-  
11 ing debt bondage;

12 “(ii) section 307 of the Tariff Act of  
13 1930 (19 U.S.C. 1307; relating to prohibi-  
14 tion on importation of convict-made  
15 goods), including any determinations by  
16 the Secretary of Homeland Security to  
17 waive the restrictions of such section; and

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

23 **SEC. 232. INVESTIGATION BY THE INSPECTORS GENERAL.**

24 (a) IN GENERAL.—For each of the fiscal years 2010  
25 through 2012, the Inspectors General of the Department



1 of Defense, the Department of State, and the United  
2 States Agency for International Development shall inves-  
3 tigate a sample of the contracts described in subsection  
4 (b).

5 (b) CONTRACTS DESCRIBED.—

6 (1) IN GENERAL.—The contracts described in  
7 subsection (a) are contracts, or subcontracts at any  
8 tier, under which there is a heightened risk that a  
9 contractor may engage, knowingly or unknowingly,  
10 in acts related to trafficking in persons, such as—

11 (A) confiscation of an employee’s passport;

12 (B) restriction on an employee’s mobility;

13 (C) abrupt or evasive repatriation of an  
14 employee;

15 (D) deception of an employee regarding  
16 the work destination; or

17 (E) acts otherwise described in section  
18 106(g) of the Trafficking Victims Protection  
19 Act of 2000 (22 U.S.C. 7104).

20 (2) CONSULTATION AND INFORMATION RE-  
21 CEIVED.—In determining the type of contact that  
22 should be investigated pursuant to subsection (a),  
23 the Inspectors General shall—

1 (A) consult with the Director of the Office  
2 to Combat Trafficking in Persons of the De-  
3 partment of State; and

4 (B) take into account any credible infor-  
5 mation received regarding report of trafficking  
6 in persons.

7 (c) CONGRESSIONAL NOTIFICATION.—

8 (1) IN GENERAL.—Not later than January 15,  
9 2009, and annually thereafter through January 15,  
10 2011, each Inspector General shall submit a report  
11 to the congressional committees listed in paragraph  
12 (3)—

13 (A) summarizing the findings of the inves-  
14 tigation conducted in the previous year, includ-  
15 ing any findings regarding trafficking in per-  
16 sons or any improvements needed to prevent  
17 trafficking in persons; and

18 (B) in the case of any contractor or sub-  
19 contractor with regard to which the Inspector  
20 General has found substantial evidence of traf-  
21 ficking in persons, report as to—

22 (i) whether or not the case has been  
23 referred for prosecution; and

24 (ii) whether or not the case has been  
25 treated in accordance with section 106(g)

1 of the Trafficking Victims Protection Act  
2 of 2000 (22 U.S.C. 7104) (relating to ter-  
3 mination of certain grants, contracts and  
4 cooperative agreements).

5 (2) JOINT REPORT.—The Inspectors General  
6 described in subsection (a) may submit their reports  
7 jointly.

8 (3) CONGRESSIONAL COMMITTEES.—The com-  
9 mittees list in this paragraph are—

10 (A) the Committee on Armed Services of  
11 the Senate;

12 (B) the Committee on Foreign Relations of  
13 the Senate;

14 (C) the Committee on Armed Services of  
15 the House of Representatives; and

16 (D) the Committee on Foreign Affairs of  
17 the House of Representatives.

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

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

1 **SEC. 234. 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 Homeland Security, the Secretary of  
7 State,”.

8 **SEC. 235. ENHANCING EFFORTS TO COMBAT THE TRAF-**  
9 **FICKING OF CHILDREN.**

10 (a) **COMBATING CHILD TRAFFICKING AT THE BOR-**  
11 **DER AND PORTS OF ENTRY OF THE UNITED STATES.—**

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

21 (2) **SPECIAL RULES FOR CHILDREN FROM CON-**  
22 **TIGUOUS COUNTRIES.—**

23 (A) **DETERMINATIONS.—**Any unaccom-  
24 panied alien child who is a national or habitual  
25 resident of a country that is contiguous with  
26 the United States shall be treated in accordance

1 with subparagraph (B), if the Secretary of  
2 Homeland Security determines, on a case-by-  
3 case basis, that—

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

10 (ii) such child does not have a fear of  
11 returning to the child’s country of nation-  
12 ality or of last habitual residence owing to  
13 a credible fear of persecution; and

14 (iii) the child is able to make an inde-  
15 pendent decision to withdraw the child’s  
16 application for admission to the United  
17 States.

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

1 (i) permit such child to withdraw the  
2 child's application for admission pursuant  
3 to section 235(a)(4) of the Immigration  
4 and Nationality Act (8 U.S.C. 1225(a)(4));  
5 and

6 (ii) return such child to the child's  
7 country of nationality or country of last  
8 habitual residence.

9 (C) CONTIGUOUS COUNTRY AGREEMENTS.—The Secretary of State shall negotiate  
10 agreements between the United States and  
11 countries contiguous to the United States with  
12 respect to the repatriation of children. Such  
13 agreements shall be designed to protect children  
14 from severe forms of trafficking in persons, and  
15 shall, at a minimum, provide that—  
16

17 (i) no child shall be returned to the  
18 child's country of nationality or of last ha-  
19 bitual residence unless returned to appro-  
20 priate employees or officials, including  
21 child welfare officials where available, of  
22 the accepting country's government;

23 (ii) no child shall be returned to the  
24 child's country of nationality or of last ha-

1                   bitual residence outside of reasonable busi-  
2                   ness hours; and

3                   (iii) border personnel of the countries  
4                   that are parties to such agreements are  
5                   trained in the terms of such agreements.

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

12                  (4) SCREENING.—Within 48 hours of the ap-  
13                  prehension of a child who is believed to be described  
14                  in paragraph (2)(A), but in any event prior to re-  
15                  turning such child to the child’s country of nation-  
16                  ality or of last habitual residence, the child shall be  
17                  screened to determine whether the child meets the  
18                  criteria listed in paragraph (2)(A). If the child does  
19                  not meet such criteria, or if no determination can be  
20                  made within 48 hours of apprehension, the child  
21                  shall immediately be transferred to the Secretary of  
22                  Health and Human Services and treated in accord-  
23                  ance with subsection (b). Nothing in this paragraph  
24                  may be construed to preclude an earlier transfer of  
25                  the child.

1           (5) ENSURING THE SAFE REPATRIATION OF  
2 CHILDREN.—

3           (A) REPATRIATION PILOT PROGRAM.—To  
4 protect children from trafficking and exploi-  
5 tation, the Secretary of State shall create a  
6 pilot program, in conjunction with the Secretary  
7 of Health and Human Services and the Sec-  
8 retary of Homeland Security, nongovernmental  
9 organizations, and other national and inter-  
10 national agencies and experts, to develop and  
11 implement best practices to ensure the safe and  
12 sustainable repatriation and reintegration of  
13 unaccompanied alien children into their country  
14 of nationality or of last habitual residence, in-  
15 cluding placement with their families, legal  
16 guardians, or other sponsoring agencies.

17           (B) ASSESSMENT OF COUNTRY CONDI-  
18 TIONS.—The Secretary of Homeland Security  
19 shall consult the Department of State’s Country  
20 Reports on Human Rights Practices and the  
21 Trafficking in Persons Report in assessing  
22 whether to repatriate an unaccompanied alien  
23 child to a particular country.

24           (C) REPORT ON REPATRIATION OF UNAC-  
25 COMPANIED ALIEN CHILDREN.—Not later than



1 18 months after the date of the enactment of  
2 this Act, and annually thereafter, the Secretary  
3 of State and the Secretary of Health and  
4 Human Services, with assistance from the Sec-  
5 retary of Homeland Security, shall submit a re-  
6 port to the Committee on the Judiciary of the  
7 Senate and the Committee on the Judiciary of  
8 the House of Representatives on efforts to im-  
9 prove repatriation programs for unaccompanied  
10 alien children. Such report shall include—

11 (i) the number of unaccompanied  
12 alien children ordered removed and the  
13 number of such children actually removed  
14 from the United States;

15 (ii) a statement of the nationalities,  
16 ages, and gender of such children;

17 (iii) a description of the policies and  
18 procedures used to effect the removal of  
19 such children from the United States and  
20 the steps taken to ensure that such chil-  
21 dren were safely and humanely repatriated  
22 to their country of nationality or of last  
23 habitual residence, including a description  
24 of the repatriation pilot program created  
25 pursuant to subparagraph (A);

1 (iv) a description of the type of immi-  
2 gration relief sought and denied to such  
3 children;

4 (v) any information gathered in as-  
5 sessments of country and local conditions  
6 pursuant to paragraph (2); and

7 (vi) statistical information and other  
8 data on unaccompanied alien children as  
9 provided for in section 462(b)(1)(J) of the  
10 Homeland Security Act of 2002 (6 U.S.C.  
11 279(b)(1)(J)).

12 (D) PLACEMENT IN REMOVAL PRO-  
13 CEEDINGS.—Any unaccompanied alien child  
14 sought to be removed by the Department of  
15 Homeland Security, except for an unaccom-  
16 panied alien child from a contiguous country  
17 subject to exceptions under subsection (a)(2),  
18 shall be—

19 (i) placed in removal proceedings  
20 under section 240 of the Immigration and  
21 Nationality Act (8 U.S.C. 1229a);

22 (ii) eligible for relief under section  
23 240B of such Act (8 U.S.C. 1229c) at no  
24 cost to the child; and

1 (iii) provided access to counsel in ac-  
2 cordance with subsection (c)(5).

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

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

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

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

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

22 (3) TRANSFERS OF UNACCOMPANIED ALIEN  
23 CHILDREN.—Except in the case of exceptional cir-  
24 cumstances, any department or agency of the Fed-  
25 eral Government that has an unaccompanied alien

1 child in custody shall transfer the custody of such  
2 child to the Secretary of Health and Human Serv-  
3 ices not later than 72 hours after determining that  
4 such child is an unaccompanied alien child.

5 (4) AGE DETERMINATIONS.—The Secretary of  
6 Health and Human Services, in consultation with  
7 the Secretary of Homeland Security, shall develop  
8 procedures to make a prompt determination of the  
9 age of an alien, which shall be used by the Secretary  
10 of Homeland Security and the Secretary of Health  
11 and Human Services for children in their respective  
12 custody. At a minimum, these procedures shall take  
13 into account multiple forms of evidence, including  
14 the non-exclusive use of radiographs, to determine  
15 the age of the unaccompanied alien.

16 (c) PROVIDING SAFE AND SECURE PLACEMENTS FOR  
17 CHILDREN.—

18 (1) POLICIES AND PROGRAMS.—The Secretary  
19 of Health and Human Services, Secretary of Home-  
20 land Security, Attorney General, and Secretary of  
21 State shall establish policies and programs to ensure  
22 that unaccompanied alien children in the United  
23 States are protected from traffickers and other per-  
24 sons seeking to victimize or otherwise engage such  
25 children in criminal, harmful, or exploitative activity,

1 including policies and programs reflecting best prac-  
2 tices in witness security programs.

3 (2) SAFE AND SECURE PLACEMENTS.—Subject  
4 to section 462(b)(2) of the Homeland Security Act  
5 of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied  
6 alien child in the custody of the Secretary of Health  
7 and Human Services shall be promptly placed in the  
8 least restrictive setting that is in the best interest of  
9 the child. In making such placements, the Secretary  
10 may consider danger to self, danger to the commu-  
11 nity, and risk of flight. Placement of child traf-  
12 ficking victims may include placement in an Unac-  
13 companied Refugee Minor program, pursuant to sec-  
14 tion 412(d) of the Immigration and Nationality Act  
15 (8 U.S.C. 1522(d)), if a suitable family member is  
16 not available to provide care. A child shall not be  
17 placed in a secure facility absent a determination  
18 that the child poses a danger to self or others or has  
19 been charged with having committed a criminal of-  
20 fense. The placement of a child in a secure facility  
21 shall be reviewed, at a minimum, on a monthly  
22 basis, in accordance with procedures prescribed by  
23 the Secretary, to determine if such placement re-  
24 mains warranted.

25 (3) SAFETY AND SUITABILITY ASSESSMENTS.—

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

14          (B) HOME STUDIES.—Before placing the  
15          child with an individual, the Secretary of  
16          Health and Human Services shall determine  
17          whether a home study is first necessary. A  
18          home study shall be conducted for a child who  
19          is a victim of a severe form of trafficking in  
20          persons, a special needs child with a disability  
21          (as defined in section 3 of the Americans with  
22          Disabilities Act of 1990 (42 U.S.C. 12102(2))),  
23          a child who has been a victim of physical or  
24          sexual abuse under circumstances that indicate  
25          that the child’s health or welfare has been sig-

1 significantly harmed or threatened, or a child  
2 whose proposed sponsor clearly presents a risk  
3 of abuse, maltreatment, exploitation, or traf-  
4 ficking to the child based on all available objec-  
5 tive evidence. The Secretary of Health and  
6 Human Services shall conduct follow-up serv-  
7 ices, during the pendency of removal pro-  
8 ceedings, on children for whom a home study  
9 was conducted and is authorized to conduct fol-  
10 low-up services in cases involving children with  
11 mental health or other needs who could benefit  
12 from ongoing assistance from a social welfare  
13 agency.

14 (C) ACCESS TO INFORMATION.—Not later  
15 than 2 weeks after receiving a request from the  
16 Secretary of Health and Human Services, the  
17 Secretary of Homeland Security shall provide  
18 information necessary to conduct suitability as-  
19 sessments from appropriate Federal, State, and  
20 local law enforcement and immigration data-  
21 bases.

22 (4) LEGAL ORIENTATION PRESENTATIONS.—  
23 The Secretary of Health and Human Services shall  
24 cooperate with the Executive Office for Immigration  
25 Review to ensure that custodians receive legal ori-

1       entation presentations provided through the Legal  
2       Orientation Program administered by the Executive  
3       Office for Immigration Review. At a minimum, such  
4       presentations shall address the custodian’s responsi-  
5       bility to attempt to ensure the child’s appearance at  
6       all immigration proceedings and to protect the child  
7       from mistreatment, exploitation, and trafficking.

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

23              (6) CHILD ADVOCATES.—The Secretary of  
24      Health and Human Services is authorized to appoint  
25      independent child advocates for child trafficking vic-



1 tims and other vulnerable unaccompanied alien chil-  
2 dren. A child advocate shall be provided access to  
3 materials necessary to effectively advocate for the  
4 best interest of the child. The child advocate shall  
5 not be compelled to testify or provide evidence in  
6 any proceeding concerning any information or opin-  
7 ion received from the child in the course of serving  
8 as a child advocate. The child advocate shall be pre-  
9 sumed to be acting in good faith and be immune  
10 from civil and criminal liability for lawful conduct of  
11 duties as described in this provision.

12 (d) PERMANENT PROTECTION FOR CERTAIN AT-  
13 RISK CHILDREN.—

14 (1) IN GENERAL.—Section 101(a)(27)(J) of the  
15 Immigration and Nationality Act (8 U.S.C.  
16 1101(a)(27)(J)) is amended—

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

1 neglect, abandonment, or a similar basis found  
2 under State law;” and

3 (B) in clause (iii)—

4 (i) in the matter preceding subclause  
5 (I), by striking “the Attorney General ex-  
6 pressly consents to the dependency order  
7 serving as a precondition to the grant of  
8 special immigrant juvenile status;” and in-  
9 serting “the Secretary of Homeland Secu-  
10 rity consents to the grant of special immi-  
11 grant juvenile status;” and

12 (ii) in subclause (I), by striking “in  
13 the actual or constructive custody of the  
14 Attorney General unless the Attorney Gen-  
15 eral specifically consents to such jurisdic-  
16 tion;” and inserting “in the custody of the  
17 Secretary of Health and Human Services  
18 unless the Secretary of Health and Human  
19 Services specifically consents to such juris-  
20 diction;”.

21 (2) EXPEDITIOUS ADJUDICATION.—All applica-  
22 tions for special immigrant status under section  
23 101(a)(27)(J) of the Immigration and Nationality  
24 Act (8 U.S.C. 1101(a)(27)(J)) shall be adjudicated  
25 by the Secretary of Homeland Security not later

1 than 180 days after the date on which the applica-  
2 tion is filed.

3 (3) ADJUSTMENT OF STATUS.—Section  
4 245(h)(2)(A) of the Immigration and Nationality  
5 Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as  
6 follows:

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

10 (4) ELIGIBILITY FOR ASSISTANCE.—

11 (A) IN GENERAL.—A child who has been  
12 granted special immigrant status under section  
13 101(a)(27)(J) of the Immigration and Nation-  
14 ality Act (8 U.S.C. 1101(a)(27)(J)) and who  
15 was either in the custody of the Secretary of  
16 Health and Human Services at the time a de-  
17 pendency order was granted for such child or  
18 who was receiving services pursuant to section  
19 501(a) of the Refugee Education Assistance Act  
20 of 1980 (8 U.S.C. 1522 note) at the time such  
21 dependency order was granted, shall be eligible  
22 for placement and services under section 412(d)  
23 of the Immigration and Nationality Act (8  
24 U.S.C. 1522(d)) until the earlier of—

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

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

7 (B) STATE REIMBURSEMENT.—Subject to  
8 the availability of appropriations, if State foster  
9 care funds are expended on behalf of a child  
10 who is not described in subparagraph (A) and  
11 has been granted special immigrant status  
12 under section 101(a)(27)(J) of the Immigration  
13 and Nationality Act (8 U.S.C. 1101(a)(27)(J)),  
14 the Federal Government shall reimburse the  
15 State in which the child resides for such ex-  
16 penditures by the State.

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

24 (6) TRANSITION RULE.—Notwithstanding any  
25 other provision of law, an alien described in section

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

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

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

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

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

20 “(C) INITIAL JURISDICTION.—An asylum  
21 officer (as defined in section 235(b)(1)(E))  
22 shall have initial jurisdiction over any asylum  
23 application filed by an unaccompanied alien  
24 child (as defined in section 462(g) of the Home-  
25 land Security Act of 2002 (6 U.S.C. 279(g))),

1           regardless of whether filed in accordance with  
2           this section or section 235(b).”.

3           (8) SPECIALIZED NEEDS OF UNACCOMPANIED  
4           ALIEN CHILDREN.—Applications for asylum and  
5           other forms of relief from removal in which an unac-  
6           companied alien child is the principal applicant shall  
7           be governed by regulations which take into account  
8           the specialized needs of unaccompanied alien chil-  
9           dren and which address both procedural and sub-  
10          stantive aspects of handling unaccompanied alien  
11          children’s cases.

12          (e) TRAINING.—The Secretary of State, the Sec-  
13          retary of Homeland Security, the Secretary of Health and  
14          Human Services, and the Attorney General shall provide  
15          specialized training to all Federal personnel, and upon re-  
16          quest, state and local personnel, who have substantive con-  
17          tact with unaccompanied alien children. Such personnel  
18          shall be trained to work with unaccompanied alien chil-  
19          dren, including identifying children who are victims of se-  
20          vere forms of trafficking in persons, and children for  
21          whom asylum or special immigrant relief may be appro-  
22          priate, including children described in subsection (a)(2).

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

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

8           (2) TECHNICAL CORRECTIONS.—Section 462(b)  
9           of such Act (6 U.S.C. 279(b)) is further amended—

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

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

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

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

23           (h) EFFECTIVE DATE.—This section—

24                   (1) shall take effect on the date that is 90 days  
25                   after the date of the enactment of this Act; and

1           (2) shall also apply to all aliens in the United  
2 States in pending proceedings before the Depart-  
3 ment of Homeland Security or the Executive Office  
4 for Immigration Review, or related administrative or  
5 Federal appeals, on the date of the enactment of  
6 this Act.

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

12 **SEC. 236. RESTRICTION OF PASSPORTS FOR SEX TOURISM.**

13           (a) IN GENERAL.—Following any conviction of an in-  
14 dividual for a violation of section 2423 of title 18, United  
15 States Code, the Attorney General shall notify in a timely  
16 manner—

17                 (1) the Secretary of State for appropriate ac-  
18 tion under subsection (b); and

19                 (2) the Secretary of Homeland Security for ap-  
20 propriate action under the Immigration and Nation-  
21 ality Act.

22           (b) AUTHORITY TO RESTRICT PASSPORT.—

23                 (1) INELIGIBILITY FOR PASSPORT.—

24                         (A) IN GENERAL.—The Secretary of State  
25 shall not issue a passport or passport card to



1 an individual who is convicted of a violation of  
2 section 2423 of title 18, United States Code,  
3 during the covered period if the individual used  
4 a passport or passport card or otherwise  
5 crossed an international border in committing  
6 the offense.

7 (B) PASSPORT REVOCATION.—The Sec-  
8 retary of State shall revoke a passport or pass-  
9 port card previously issued to an individual de-  
10 scribed in subparagraph (A).

11 (2) EXCEPTIONS.—

12 (A) EMERGENCY AND HUMANITARIAN SIT-  
13 UATIONS.—Notwithstanding paragraph (1), the  
14 Secretary of State may issue a passport or  
15 passport card, in emergency circumstances or  
16 for humanitarian reasons, to an individual de-  
17 scribed in paragraph (1)(A).

18 (B) LIMITATION FOR RETURN TO UNITED  
19 STATES.—Notwithstanding paragraph (1), the  
20 Secretary of State may, prior to revocation,  
21 limit a previously issued passport or passport  
22 card only for return travel to the United States,  
23 or may issue a limited passport or passport  
24 card that only permits return travel to the  
25 United States.

1 (3) DEFINITIONS.—In this subsection—

2 (A) the term “covered period” means the  
3 period beginning on the date on which an indi-  
4 vidual is convicted of a violation of section 2423  
5 of title 18, United States Code, and ending on  
6 the later of—

7 (i) the date on which the individual is  
8 released from a sentence of imprisonment  
9 relating to the offense; and

10 (ii) the end of a period of parole or  
11 other supervised release of the covered in-  
12 dividual relating to the offense; and

13 (B) the term “imprisonment” means being  
14 confined in or otherwise restricted to a jail,  
15 prison, half-way house, treatment facility, or  
16 another institution, on a full or part-time basis,  
17 pursuant to the sentence imposed as the result  
18 of a criminal conviction.

19 **SEC. 237. ADDITIONAL REPORTING ON CRIME.**

20 (a) **TRAFFICKING OFFENSE CLASSIFICATION.**—The  
21 Director of the Federal Bureau of Investigation shall—

22 (1) classify the offense of human trafficking as  
23 a part I crime in the Uniform Crime Reports;

24 (2) to the extent feasible, establish subcat-  
25 egories for State sex crimes that involve—

1 (A) a person who is younger than 18 years  
2 of age;

3 (B) the use of force, fraud or coercion; or

4 (C) neither of the elements described in  
5 subparagraphs (A) and (B); and

6 (3) classify the offense of human trafficking as  
7 a Group A offense for purpose of the National Inci-  
8 dent-Based Reporting System.

9 (b) ADDITIONAL INFORMATION.—The Director of the  
10 Federal Bureau of Investigation shall revise the Uniform  
11 Crime Reporting System and the National Incident-Based  
12 Reporting System to distinguish between reports of—

13 (1) incidents of assisting or promoting prostitu-  
14 tion, which shall include crimes committed by per-  
15 sons who—

16 (A) do not directly engage in commercial  
17 sex acts; and

18 (B) direct, manage, or profit from such  
19 acts, such as State pimping and pandering  
20 crimes;

21 (2) incidents of purchasing prostitution, which  
22 shall include crimes committed by persons who pur-  
23 chase or attempt to purchase or trade anything of  
24 value for commercial sex acts; and

1           (3) incidents of prostitution, which shall include  
2 crimes committed by persons providing or attempt-  
3 ing to provide commercial sex acts.

4           (c) REPORTS AND STUDIES.—

5           (1) REPORTS.—Not later than February 1,  
6 2010, the Attorney General shall submit to the Com-  
7 mittee on Foreign Affairs and the Committee on the  
8 Judiciary of the House of Representatives and the  
9 Committee on Foreign Relations and the Committee  
10 on the Judiciary of the Senate reports on the fol-  
11 lowing:

12           (A) Activities or actions, in fiscal years  
13 2001 through 2009, by Federal departments  
14 and agencies to enforce the offenses set forth in  
15 chapter 117 of title 18, United States Code, in-  
16 cluding information regarding the number of  
17 prosecutions, the number of convictions, an  
18 identification of multiple-defendant cases and  
19 the results thereof, and, for fiscal years 2008  
20 and 2009, the number of prosecutions, the  
21 number of convictions, and an identification of  
22 multiple-defendant case and the results thereof,  
23 the use of expanded statutes of limitation and  
24 other tools to prosecute crimes against children

1           who reached the age of eighteen years since the  
2           time the crime was committed.

3           (B) The interaction, in Federal human  
4           trafficking prosecutions in fiscal years 2001  
5           through 2010, of Federal restitution provisions  
6           with those provisions of law allowing restoration  
7           and remission of criminally and civilly forfeited  
8           property, including the distribution of proceeds  
9           among multiple victims.

10          (C) Activities or actions, in fiscal years  
11          2001 through 2010, to enforce the offenses set  
12          forth in chapters 95 and 96 of title 18, United  
13          States Code, in cases involving human traf-  
14          ficking, sex trafficking, or prostitution offenses.

15          (D) Activities or actions, in fiscal years  
16          2008 and 2009, by Federal departments and  
17          agencies to enforce the offenses set forth in the  
18          Act of August 15, 1935 (49 Stat. 651; D.C.  
19          Code 22–2701 et seq.) (relating to prostitution  
20          and pandering), including information regard-  
21          ing the number of prosecutions, the number of  
22          convictions, and an identification of multiple-de-  
23          fendant cases and the results thereof.

1           (2) STUDIES.—Subject to availability of appro-  
2           priations, the head of the National Institute of Jus-  
3           tice shall conduct—

4                   (A) a comprehensive study to examine the  
5                   use of Internet-based businesses and services by  
6                   criminal actors in the sex industry, and to dis-  
7                   seminate best practices for investigation and  
8                   prosecution of trafficking and prostitution of-  
9                   fenses involving the Internet; and

10                   (B) a comprehensive study to examine the  
11                   application of State human trafficking statutes,  
12                   including such statutes based on the model law  
13                   developed by the Department of Justice, cases  
14                   prosecuted thereunder, and the impact, if any,  
15                   on enforcement of other State criminal statutes.

16           (3) STUDIES PREVIOUSLY REQUIRED BY  
17           LAW.—Not later than 90 days after the date of the  
18           enactment of this Act, the Attorney General shall re-  
19           port to the Committee on Foreign Affairs and the  
20           Committee on the Judiciary of the House of Rep-  
21           resentatives and the Committee on Foreign Rela-  
22           tions and the Committee on the Judiciary of the  
23           Senate on the status of the studies required by para-  
24           graph (B)(i) and (ii) of section 201(a)(1) of the  
25           Trafficking Victims Protection Reauthorization Act

1 of 2005 (42 U.S.C. 14044(a)(1)) and indicate the  
2 projected date when such studies will be completed.

3 **SEC. 238. PROCESSING OF CERTAIN VISAS.**

4 (a) REPORT.—Not later than 180 days after the date  
5 of the enactment of this Act, the Secretary of Homeland  
6 Security shall submit to the Committee on Foreign Affairs  
7 and the Committee on the Judiciary of the House of Rep-  
8 resentatives and the Committee on Foreign Relations and  
9 the Committee on the Judiciary of the Senate a report  
10 on the operations of the specially-trained Violence Against  
11 Women Act Unit at the Citizenship and Immigration Serv-  
12 ice’s Vermont Service Center.

13 (b) ELEMENTS.—The report required by subsection  
14 (a) shall include the following elements:

15 (1) Detailed information about the funds ex-  
16 pended to support the work of the Violence Against  
17 Women Act Unit at the Vermont Service Center.

18 (2) A description of training for adjudicators,  
19 victim witness liaison officers, managers, and others  
20 working in the Violence Against Women Act Unit,  
21 including general training and training on confiden-  
22 tiality issues.

23 (3) Measures taken to ensure the retention of  
24 specially-trained staff within the Violence Against  
25 Women Act Unit.

1           (4) Measures taken to ensure the creation and  
2 retention of a core of supervisory staff within the Vi-  
3 olence Against Women Act Unit and the Vermont  
4 Service Center with responsibility over resource allo-  
5 cation, policy, program development, training and  
6 other substantive or operational issues affecting the  
7 Unit, who have historical knowledge and experience  
8 with the Trafficking Victims Protection Act of 2000,  
9 the Violence Against Women Act of 1994, Violence  
10 Against Women Act of 1994 confidentiality, and the  
11 specialized policies and procedures of the Depart-  
12 ment of Homeland Security and its predecessor  
13 agencies in such cases.

14           (5) Measures taken to ensure routine consulta-  
15 tion between the Violence Against Women Act Unit,  
16 U.S. Citizenship and Immigration Services Head-  
17 quarters, and the Office of Policy and Strategy dur-  
18 ing the development of any Department of Home-  
19 land Security regulations or policies that impact Vio-  
20 lence Against Women Act of 1994 confidentiality-  
21 protected victims and their derivative family mem-  
22 bers.

23           (6) Information on any circumstances in which  
24 victim-based immigration applications have been ad-  
25 judicated by entities other than the Violence Against



1 Women Act Unit at the Vermont Service Center, in-  
2 cluding reasons for such action and what steps, if  
3 any, were taken to ensure that such applications  
4 were handled by trained personnel and what steps  
5 were taken to comply with the confidentiality provi-  
6 sions of the Violence Against Women Act of 1994.

7 (7) Information on the time in which it takes  
8 to adjudicate victim-based immigration applications,  
9 including the issuance of visas, work authorization  
10 and deferred action in a timely manner consistent  
11 with the safe and competent processing of such ap-  
12 plications, and steps taken to improve in this area.

13 **SEC. 239. TEMPORARY INCREASE IN FEE FOR CERTAIN**  
14 **CONSULAR SERVICES.**

15 (a) INCREASE IN FEE.—Notwithstanding any other  
16 provision of law, not later than October 1, 2009, the Sec-  
17 retary of State shall increase by \$1 the fee or surcharge  
18 assessed under section 140(a) of the Foreign Relations  
19 Authorization Act, Fiscal Years 1994 and 1995 (Public  
20 Law 103–236; 8 U.S.C. 1351 note) for processing ma-  
21 chine-readable nonimmigrant visas and machine-readable  
22 combined border crossing identification cards and non-  
23 immigrant visas.

24 (b) DEPOSIT OF AMOUNTS.—Notwithstanding sec-  
25 tion 140(a)(2) of the Foreign Relations Authorization Act,

1 Fiscal Years 1994 and 1995 (Public Law 103–236; 8  
2 U.S.C. 1351 note), the additional amount collected pursu-  
3 ant the fee increase under subsection (a) shall be deposited  
4 in the Treasury.

5 (c) DURATION OF INCREASE.—The fee increase au-  
6 thorized under subsection (a) shall terminate on the date  
7 that is 3 years after the first date on which such increased  
8 fee is collected.

## 9 **TITLE III—AUTHORIZATIONS OF** 10 **APPROPRIATIONS**

### 11 **SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.**

12 Section 113 of the Trafficking Victims Protection Act  
13 of 2000, as amended by section 213(a)(2), is amended—

14 (1) in subsection (a)—

15 (A) in the first sentence—

16 (i) by striking “section 104, and”;

17 and

18 (ii) by striking “\$1,500,000” and all  
19 that follows through “\$5,500,000 for each  
20 of the fiscal years 2006 and 2007” and in-  
21 serting “\$5,500,000 for each of the fiscal  
22 years 2008 through 2011”; and

23 (B) in the second sentence—

24 (i) by striking “for official reception  
25 and representation expenses \$3,000” and

1 inserting “\$1,500,000 for additional per-  
2 sonnel for each of the fiscal years 2008  
3 through 2011, and \$3,000 for official re-  
4 ception and representation expenses”; and  
5 (ii) by striking “2006 and 2007” and  
6 inserting “2008 through 2011”;

7 (2) in subsection (b)(1), by striking  
8 “\$5,000,000” and all that follows and inserting  
9 “\$12,500,000 for each of the fiscal years 2008  
10 through 2011”;

11 (3) in subsection (c)—

12 (A) in paragraph (1)—

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

16 (ii) in subparagraph (B), by adding at  
17 the end the following: “To carry out the  
18 purposes of section 107(a)(1)(F), there are  
19 authorized to be appropriated to the Sec-  
20 retary of State \$1,000,000 for each of the  
21 fiscal years 2008 through 2011.”;

22 (B) by striking paragraph (2);

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

25 (D) in paragraph (2), as redesignated—

1 (i) by striking “section 104” and in-  
2 serting “sections 116(f) and 502B(h) of  
3 the Foreign Assistance Act of 1961 (22  
4 U.S.C. 2151n(f) and 2304(h))”; and

5 (ii) by striking “, including the prepa-  
6 ration” and all that follows and inserting  
7 a period;

8 (4) in subsection (d)—

9 (A) in the first sentence, by striking  
10 “\$5,000,000” and all that follows through  
11 “2007” and inserting “\$10,000,000 for each of  
12 the fiscal years 2008 through 2011”; and

13 (B) in the second sentence, by striking  
14 “2004, 2005, 2006, and 2007” and inserting  
15 “2008 through 2011”;

16 (5) in subsection (e)—

17 (A) in paragraph (1), by striking  
18 “\$5,000,000” and all that follows and inserting  
19 “\$15,000,000 for each of the fiscal years 2008  
20 through 2011.”;

21 (B) in paragraph (2)—

22 (i) by striking “section 109” and in-  
23 serting “section 134 of the Foreign Assist-  
24 ance Act of 1961 (22 U.S.C. 2152d)”; and

1 (ii) by striking “\$5,000,000” and all  
2 that follows and inserting “\$15,000,000  
3 for each of the fiscal years 2008 through  
4 2011.”; and

5 (C) in paragraph (3), by striking  
6 “\$300,000” and all that follows and inserting  
7 “\$2,000,000 for each of the fiscal years 2008  
8 through 2011.”;

9 (6) in subsection (f), by striking “\$5,000,000”  
10 and all that follows and inserting “\$10,000,000 for  
11 each of the fiscal years 2008 through 2011.”;

12 (7) in subsection (h), by striking “fiscal year  
13 2006” and inserting “each of the fiscal years 2008  
14 through 2011”; and

15 (8) in subsection (i), by striking “2006 and  
16 2007” and inserting “2008 through 2011”.

17 **SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHOR-**  
18 **IZATION ACT OF 2005.**

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

21 (1) in section 102(b)(7), by striking “2006 and  
22 2007” and inserting “2008 through 2011”;

23 (2) in section 201(e)—

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

1           and 2007” each place it appears and inserting  
2           “\$1,500,000 for each of the fiscal years 2008  
3           through 2011”; and

4                   (B) in paragraph (2), by striking “2006  
5           and 2007” and inserting “2008 through 2011”;

6           (3) in section 202(d), by striking “\$10,000,000  
7           for each of the fiscal years 2006 and 2007” and in-  
8           serting “\$8,000,000 for each of the fiscal years  
9           2008 through 2011”;

10           (4) in section 203(g), by striking “2006 and  
11           2007” and inserting “2008 through 2011”; and

12           (5) in section 204(d), by striking “\$25,000,000  
13           for each of the fiscal years 2006 and 2007” and in-  
14           serting “\$20,000,000 for each of the fiscal years  
15           2008 through 2011”.

16 **SEC. 303. RULE OF CONSTRUCTION.**

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

1 **SEC. 304. TECHNICAL AMENDMENTS.**

2 (a) **TRAFFICKING VICTIMS PROTECTION ACT OF**  
3 2000.—Sections 103(1) and 105(d)(7) of the Trafficking  
4 Victims Protection Act of 2000 (22 U.S.C. 7102(1) and  
5 7103(d)(7)) are each amended by striking “Committee on  
6 International Relations” each place it appears and insert-  
7 ing “Committee on Foreign Affairs”.

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

15 **TITLE IV—CHILD SOLDIERS**  
16 **PREVENTION**

17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “Child Soldiers Preven-  
19 tion Act of 2008”.

20 **SEC. 402. DEFINITIONS.**

21 In this title:

22 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
23 **TEES.**—The term “appropriate congressional com-  
24 mittees” means—

25 (A) the Committee on Foreign Relations of  
26 the Senate;

1 (B) the Committee on Appropriations of  
2 the Senate;

3 (C) the Committee on Foreign Affairs of  
4 the House of Representatives; and

5 (D) the Committee on Appropriations of  
6 the House of Representatives.

7 (2) CHILD SOLDIER.—Consistent with the pro-  
8 visions of the Optional Protocol to the Convention of  
9 the Rights of the Child, the term “child soldier”—

10 (A) means—

11 (i) any person under 18 years of age  
12 who takes a direct part in hostilities as a  
13 member of governmental armed forces;

14 (ii) any person under 18 years of age  
15 who has been compulsorily recruited into  
16 governmental armed forces;

17 (iii) any person under 15 years of age  
18 who has been voluntarily recruited into  
19 governmental armed forces; or

20 (iv) any person under 18 years of age  
21 who has been recruited or used in hos-  
22 tilities by armed forces distinct from the  
23 armed forces of a state; and

24 (B) includes any person described in  
25 clauses (ii), (iii), or (iv) of subparagraph (A)



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

4 **SEC. 403. SENSE OF CONGRESS.**

5           It is the sense of Congress that—

6           (1) the United States Government should con-  
7           demn the conscription, forced recruitment, or use of  
8           children by governments, paramilitaries, or other or-  
9           ganizations;

10          (2) the United States Government should sup-  
11          port and, to the extent practicable, lead efforts to es-  
12          tablish and uphold international standards designed  
13          to end the abuse of human rights described in para-  
14          graph (1);

15          (3) the United States Government should ex-  
16          pand ongoing services to rehabilitate recovered child  
17          soldiers and to reintegrate such children back into  
18          their respective communities by—

19                (A) offering ongoing psychological services  
20                to help such children—

21                    (i) to recover from the trauma suf-  
22                    fered during their forced military involve-  
23                    ment;

24                    (ii) to relearn how to interact with  
25                    others in nonviolent ways so that such chil-

1           dren are no longer a danger to their re-  
2           spective communities; and

3                   (iii) by taking into consideration the  
4           needs of girl soldiers, who may be at risk  
5           of exclusion from disarmament, demobiliza-  
6           tion, and reintegration programs;

7                   (B) facilitating reconciliation with such  
8           communities through negotiations with tradi-  
9           tional leaders and elders to enable recovered  
10          abductees to resume normal lives in such com-  
11          munities; and

12                   (C) providing educational and vocational  
13          assistance;

14                   (4) the United States should work with the  
15          international community, including, as appropriate,  
16          third country governments, nongovernmental organi-  
17          zations, faith-based organizations, United Nations  
18          agencies, local governments, labor unions, and pri-  
19          vate enterprises—

20                           (A) to bring to justice rebel and para-  
21                           military forces that kidnap children for use as  
22                           child soldiers;

23                           (B) to recover those children who have  
24                           been abducted; and

1 (C) to assist such children to be rehabili-  
2 tated and reintegrated into their respective  
3 communities;

4 (5) the Secretary of State, the Secretary of  
5 Labor, and the Secretary of Defense should coordi-  
6 nate programs to achieve the goals described in  
7 paragraph (3);

8 (6) United States diplomatic missions in coun-  
9 tries in which the use of child soldiers is an issue,  
10 whether or not such use is supported or sanctioned  
11 by the governments of such countries, should include  
12 in their mission program plans a strategy to achieve  
13 the goals described in paragraph (3);

14 (7) United States diplomatic missions in coun-  
15 tries in which governments use or tolerate child sol-  
16 diers should develop strategies, as part of annual  
17 program planning—

18 (A) to promote efforts to end such abuse  
19 of human rights; and

20 (B) to identify and integrate global best  
21 practices, as available, into such strategies to  
22 avoid duplication of effort; and

23 (8) in allocating or recommending the allocation  
24 of funds or recommending candidates for programs  
25 and grants funded by the United States Govern-

1       ment, United States diplomatic missions should give  
2       serious consideration to those programs and can-  
3       didates that are expected to promote the end to the  
4       abuse of human rights described in this section.

5 **SEC. 404. PROHIBITION.**

6       (a) **IN GENERAL.**—Subject to subsections (b), (c),  
7       and (d), the authorities contained in section 516 or 541  
8       of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j  
9       or 2347) or section 23 of the Arms Export Control Act  
10      (22 U.S.C. 2763) may not be used to provide assistance  
11      to, and no licenses for direct commercial sales of military  
12      equipment may be issued to, the government of a country  
13      that is clearly identified, pursuant to subsection (b), for  
14      the most recent year preceding the fiscal year in which  
15      the authorities or license would have been used or issued  
16      in the absence of a violation of this title, as having govern-  
17      mental armed forces or government-supported armed  
18      groups, including paramilitaries, militias, or civil defense  
19      forces, that recruit and use child soldiers.

20      (b) **IDENTIFICATION AND NOTIFICATION TO COUN-**  
21      **TRIES IN VIOLATION OF STANDARDS.**—

22              (1) **PUBLICATION OF LIST OF FOREIGN GOV-**  
23      **ERNMENTS.**—The Secretary of State shall include a  
24      list of the foreign governments that have violated the  
25      standards under this title and are subject to the pro-

1       hibition in subsection (a) in the report required  
2       under section 110(b) of the Trafficking Victims Pro-  
3       tection Act of 2000 (22 U.S.C. 7107(b)).

4               (2) NOTIFICATION OF FOREIGN COUNTRIES.—  
5       The Secretary of State shall formally notify any gov-  
6       ernment identified pursuant to subsection (a).

7       (c) NATIONAL INTEREST WAIVER.—

8               (1) WAIVER.—The President may waive the ap-  
9       plication to a country of the prohibition in sub-  
10      section (a) if the President determines that such  
11      waiver is in the national interest of the United  
12      States.

13              (2) PUBLICATION AND NOTIFICATION.—Not  
14      later than 45 days after each waiver is granted  
15      under paragraph (1), the President shall notify the  
16      appropriate congressional committees of the waiver  
17      and the justification for granting such waiver.

18      (d) REINSTATEMENT OF ASSISTANCE.—The Presi-  
19      dent may provide to a country assistance otherwise prohib-  
20      ited under subsection (a) upon certifying to the appro-  
21      priate congressional committees that the government of  
22      such country—

23              (1) has implemented measures that include an  
24      action plan and actual steps to come into compliance  
25      with the standards outlined in section 404(b); and

1           (2) has implemented policies and mechanisms  
2           to prohibit and prevent future government or gov-  
3           ernment-supported use of child soldiers and to en-  
4           sure that no children are recruited, conscripted, or  
5           otherwise compelled to serve as child soldiers.

6           (e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED  
7 TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR  
8 PROFESSIONALIZATION OF THE MILITARY.—

9           (1) IN GENERAL.—The President may provide  
10          assistance to a country for international military  
11          education, training, and nonlethal supplies (as de-  
12          fined in section 2557(d)(1)(B) of title 10, United  
13          States Code) otherwise prohibited under subsection  
14          (a) upon certifying to the appropriate congressional  
15          committees that—

16                 (A) the government of such country is tak-  
17                 ing reasonable steps to implement effective  
18                 measures to demobilize child soldiers in its  
19                 forces or in government-supported paramili-  
20                 taries and is taking reasonable steps within the  
21                 context of its national resources to provide de-  
22                 mobilization, rehabilitation, and reintegration  
23                 assistance to those former child soldiers; and

24                 (B) the assistance provided by the United  
25                 States Government to the government of such

1 country will go to programs that will directly  
2 support professionalization of the military.

3 (2) LIMITATION.—The exception under para-  
4 graph (1) may not remain in effect for a country for  
5 more than 5 years.

6 **SEC. 405. REPORTS.**

7 (a) INVESTIGATION OF ALLEGATIONS REGARDING  
8 CHILD SOLDIERS.—United States missions abroad shall  
9 thoroughly investigate reports of the use of child soldiers.

10 (b) INFORMATION FOR ANNUAL HUMAN RIGHTS RE-  
11 PORTS.—In preparing those portions of the annual  
12 Human Rights Report that relate to child soldiers under  
13 sections 116 and 502B of the Foreign Assistance Act of  
14 1961 (22 U.S.C. 2151n(f) and 2304(h)), the Secretary of  
15 State shall ensure that such reports include a description  
16 of the use of child soldiers in each foreign country, includ-  
17 ing—

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

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

23 (c) ANNUAL REPORT TO CONGRESS.—If, during any  
24 of the 5 years following the date of the enactment of this  
25 Act, a country is notified pursuant to section 404(b)(2),

1 or a waiver is granted pursuant to section 404(c)(1), the  
2 President shall submit a report to the appropriate con-  
3 gressional committees not later than June 15 of the fol-  
4 lowing year. The report shall include—

5 (1) a list of the countries receiving notification  
6 that they are in violation of the standards under this  
7 title;

8 (2) a list of any waivers or exceptions exercised  
9 under this title;

10 (3) justification for any such waivers and excep-  
11 tions; and

12 (4) a description of any assistance provided  
13 under this title pursuant to the issuance of such  
14 waiver.

15 **SEC. 406. TRAINING FOR FOREIGN SERVICE OFFICERS.**

16 Section 708 of the Foreign Service Act of 1980 (22  
17 U.S.C. 4028) is amended by adding at the end the fol-  
18 lowing:

19 “(c) The Secretary of State, with the assistance of  
20 other relevant officials, shall establish as part of the stand-  
21 ard training provided for chiefs of mission, deputy chiefs  
22 of mission, and other officers of the Service who are or  
23 will be involved in the assessment of child soldier use or  
24 the drafting of the annual Human Rights Report instruc-



1 tion on matters related to child soldiers, and the substance  
2 of the Child Soldiers Prevention Act of 2008.”.

3 **SEC. 407. EFFECTIVE DATE; APPLICABILITY.**

4       This title, and the amendments made by this title,  
5 shall take effect 180 days after the date of the enactment  
6 of this Act.

○