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WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2007

NOVEMBER 6, 2007.—Ordered to be printed

Mr. LANTOS, from the Committee on Foreign Affairs, submitted the following

R E P O R T

[To accompany H.R. 3887]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 3887) to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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THE AMENDMENTS

The amendments are as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007".

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

Sec. 1. Short title and table of contents.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

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

TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

Sec. 201. Protecting trafficking victims against retaliation.
Sec. 202. Information for work-based nonimmigrants on legal rights and resources.
Sec. 203. Clarification of roles of Secretary of Homeland Security and Attorney General.
Sec. 204. Relief for certain victims pending actions on petitions and applications for relief.
Sec. 205. Parole for derivatives of trafficking victims.
Sec. 206. Implementation of Trafficking Victims Protection Reauthorization Act of 2005.

Subtitle B—Assistance for Trafficking Victims

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

Subtitle C—Penalties Against Traffickers and Other Crimes

Sec. 221. Enhancing trafficking and other related offenses.
Sec. 222. Jurisdiction in certain trafficking offenses.
Sec. 223. Amendment of other crimes related to trafficking.
Sec. 224. Model statutes provided to States.

Subtitle D—Activities of the United States Government

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

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

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

TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

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

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

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

SEC. 102. OFFICE TO MONITOR AND COMBAT TRAFFICKING.

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

"(e) OFFICE TO MONITOR AND COMBAT TRAFFICKING.—

"(1) ESTABLISHMENT.—The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Trafficking, which shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large.

"(2) RESPONSIBILITIES.—The Director shall have the following responsibilities:

"(A) The Director shall have primary responsibility for assisting the Secretary of State in carrying out the purposes of this division, shall provide assistance to the Task Force, and may have additional responsibilities as determined by the Secretary of State.

"(B) The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means.

"(C) The Director shall, in coordination and cooperation with the Assistant Secretary for International Labor Affairs and other officials at the Department of State involved in corporate responsibility and other relevant officials of the United States Government, be responsible for promoting, building, and sustaining partnerships between the United States Government and private entities (including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations) to ensure that United States citizens do not use any item, product, or material produced or extracted with the use of labor from victims of severe forms of trafficking and to ensure that such entities do not contribute to trafficking in persons involving sexual exploitation, such as through work with the airlines and tourism industries.

"(D) The Director shall be responsible solely for all policy, funding, and programming decisions regarding funds made available for trafficking in persons programs that are centrally controlled by the Department of State.

"(3) COORDINATION.—Any trafficking in persons programs of the Department of State or the United States Agency for International Development that are not centrally controlled by the Department of State shall be carried out with concurrence of the Director.".

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

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

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

SEC. 103. PREVENTION AND PROSECUTION OF TRAFFICKING IN FOREIGN COUNTRIES.

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

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

"(1) technical assistance and other support for the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

"(2) technical assistance and other support for foreign governments and nongovernmental organizations to provide immigrant populations with information regarding the rights of such populations in the foreign country and any informa-

tion regarding in-country nongovernmental organization-operated hotlines of the type described in section 107(a)(1)(A) of this Act, with such information to be provided in the native languages of the major immigrant groups of such populations;

"(3) technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to ensure that foreign migrant workers are provided protection equal to nationals of the foreign country, that labor recruitment firms are regulated, and that workers providing domestic services in households are provided protection under labor rights laws; and

"(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations.".

(b) PROSECUTION.—Section 134(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d(a)(2)) is amended by adding at the end before the semi-colon the following: ", including investigation of individuals and entities that may be involved in trafficking in persons involving sexual exploitation".

SEC. 104. ASSISTANCE FOR VICTIMS OF TRAFFICKING IN OTHER COUNTRIES.

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

(1) in paragraph (1)—

(A) in the second sentence, by inserting at the end before the period the following: ", and shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons"; and

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

"(F) In cooperation and coordination with the United Nations High Commissioner for Refugees, the International Organization of Migration, and other relevant organizations, support for increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers."; and

(2) in paragraph (2), by adding at the end the following new sentence: "In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis.".

SEC. 105. INCREASING EFFECTIVENESS OF ANTI-TRAFFICKING PROGRAMS.

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

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

(2) Such monitoring and evaluation should measure results—the actual effects of assistance—as well as outcomes—the numerical product of assistance, such as the number of individuals assisted, systems established, and funds provided through programs.

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

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

"SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAFFICKING PROGRAMS.

"(a) AWARDING OF GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The head of each department and agency of the United States Government that administers funds made available for programs described in this division and the amendments made by this division in the United States and foreign countries shall—

"(1) make solicitations of grants, cooperative agreements, and contracts for such programs publicly available;

"(2) award grants, cooperative agreements, and contracts on a full and open competitive basis, consistent with existing law; and

"(3) ensure that internal department or agency review process for such grants, cooperative agreements, and contracts is not subject to ad hoc or intermittent review by individuals or organizations outside the United States Government not otherwise provided for in the process described in paragraphs (1) and (2).

"(b) EVALUATION OF TRAFFICKING PROGRAMS.—

"(1) IN GENERAL.—The President shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under anti-trafficking programs established and carried out under this division and the amendments made by this division on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

"(2) REQUIREMENTS.—In carrying out paragraph (1), the President shall—

"(A) establish performance goals for assistance described in paragraph (1) and express such goals in an objective and quantifiable form, to the extent practicable;

"(B) ensure that performance indicators are used for each United States program authorized by this division and the amendments made by this division to measure and assess the achievement of the performance goals described in subparagraph (A); and

"(C) provide a basis for recommendations for adjustments to assistance described in paragraph (1) to enhance the impact of such assistance.

"(c) TARGETED USE OF TRAFFICKING PROGRAMS.—The Director of the Office to Monitor and Combat Trafficking shall undertake efforts to provide assistance to foreign countries and nongovernmental organizations under this division and the amendments made by this division based on the priorities and country assessments contained in the most recent report submitted by the Secretary of State to Congress pursuant to section 110(b) of this Act.

"(d) CONSISTENCY WITH OTHER PROGRAMS.—The President shall take steps to ensure that the design, monitoring, and evaluation of United States assistance programs for emergency relief, development, and poverty alleviation under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and other similar United States assistance programs are carried out in a manner that takes into account and are consistent with United States policies and other United States programs relating to combatting trafficking in persons.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2011, up to 2 percent of the amounts made available to carry out this division and the amendments made by this division may be used to carry out this section.".

SEC. 106. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—Subsection (a) of section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106) is amended in the matter preceding paragraph (1) by striking "a significant number of".

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

(1) in paragraph (1)—

(A) in the first sentence, by inserting at the end before the period the following: ", including in all appropriate cases requiring incarceration of individuals convicted of such acts"; and

(B) by inserting after the first sentence the following new sentence: "For purposes of the preceding sentence, suspended or significantly-reduced sentences for convictions of acts of severe forms of trafficking in persons shall not be considered to be an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons.";

(2) in paragraph (2), by inserting at the end before the period the following: ", including by providing training to law enforcement and immigration officials in the identification and treatment of trafficking victims using approaches that focus on the needs of the victims";

(3) in paragraph (3), by striking ", measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country" and inserting ", measures to establish the identity of local populations, including birth registration, citizenship, and nationality"; and

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

"(11) Whether the government has made serious and sustained efforts to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country.".

SEC. 107. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

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

"(D) COUNTRIES ON SPECIAL WATCH LIST FOR TWO CONSECUTIVE YEARS.—If a country is included on the special watch list described in subparagraph (A) for two consecutive years, such country shall be included on the list of countries described in paragraph (1)(C), unless the Secretary of State deter-

mines that (i) the country has a written plan to begin making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, (ii) the plan, if implemented, would constitute making such significant efforts, and (iii) the country is devoting sufficient resources to implement the plan, and, as part of the report required by paragraph (1) and the interim assessment required by subparagraph (B), the Secretary provides to the appropriate congressional committees credible evidence that the country meets the requirements of clauses (i) through (iii). The Secretary may make a determination under the preceding sentence with respect to a country for not more than two consecutive years.".

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

(c) TRANSLATION OF TRAFFICKING IN PERSONS REPORT.—

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

(2) MATTERS TO BE INCLUDED.—The translation required by paragraph (1) shall include the introduction, other sections of general interest, and the relevant country narratives of the annual report. The Secretary of State shall ensure that such translations are available on the Internet website of the Department of State.

SEC. 108. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Subsection (a)(5) of section 112A of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a) is amended by adding at the end the following new sentence: "Such mechanism shall include, not later than two years after the date of the enactment of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, the establishment of an integrated data base by combining all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking (established under section 105 of this Act) and, to the maximum extent practicable, applicable data from relevant international organizations, for the purposes of improving coordination of the collection of data related to trafficking in persons by each agency of the United States Government that collects such data, promoting uniformity of such data collection and standards and systems related to such collection, and undertaking a meta-analysis of patterns of trafficking in persons, slavery, and slavelike conditions.".

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

SEC. 109. PRESIDENTIAL AWARD FOR EXTRAORDINARY EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

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

"SEC. 112B. PRESIDENTIAL AWARD FOR EXTRAORDINARY EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

"(a) ESTABLISHMENT OF AWARD.—The President is authorized to establish an award for extraordinary efforts engaged in outside the United States to combat trafficking in persons, to be known as the 'Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons'. To the maximum extent practicable, the Secretary should make the award annually to up to 5 individuals or organizations, including individuals who are United States citizens or foreign nationals and United States or foreign nongovernmental organizations.

"(b) SELECTION.—The President shall establish procedures for selecting recipients of the award authorized under subsection (a).

"(c) CEREMONY.—The President shall host an annual ceremony for recipients of the award authorized under subsection (a) at the time the report required by section 110(b) of this Act is submitted by the Secretary of State to Congress pursuant to such section. The Secretary of State is authorized to pay the costs associated with travel by each recipient to the ceremony.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2011.".

SEC. 110. RESPONSIBILITIES OF CONSULAR OFFICERS OF THE DEPARTMENT OF STATE.

(a) INTERVIEWS.—

(1) IN GENERAL.—In the case of a consular interview of an alien for an employment- or education-based nonimmigrant visa, the consular officer conducting the interview shall ensure that the alien has received, both orally in a language that the applicant understands and though the pamphlet required under section 202, information relating to the following:

(A) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail and worker exploitation in the United States, and the right of the alien to retain the alien's passport in the alien's possession at all times.

(B) The availability of services for victims of human trafficking and worker exploitation in the United States, including the contact information for relevant community organizations that provide services to trafficking victims (to the extent practicable), the National Trafficking in Persons and Worker Exploitation Task Force complaint line, the Operation Rescue and Restore hotline, and a general description of the types of victims services available if an individual is subject to trafficking in persons.

(C) The legal rights of immigrant victims of trafficking in persons, worker exploitation, and other related crimes under immigration, labor, and employment law, including the right to report abuse without retaliation, the availability of immigration and public benefits to such victims, and the right to seek redress in United States courts.

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

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

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

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

(1) ELEMENTS OF MANDATORY INTERVIEW.—The interview required under subsection (a) shall be required for the issuance to an alien of a nonimmigrant visa under subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)). The consular officer conducting the interview shall ensure that the employment contract of the alien is in a language that the alien can understand.

(2) FEASIBILITY OF OVERSIGHT OF EMPLOYEES OF DIPLOMATS AND REPRESENTATIVES OF OTHER INSTITUTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the feasibility of—

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

(B) a range of compensation approaches, such as a bond program, compensation fund, or insurance scheme, to ensure that nonimmigrants described in subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act receive appropriate compensation if their employer violates the terms of their employment contract and, with respect to each proposed compensation approach, an evaluation and proposal of how claims of rights violations will be adjudicated, compensation determinations will be made, and the program, fund, or scheme will be administered.

(3) ASSISTANCE TO LAW ENFORCEMENT INVESTIGATIONS.—The Secretary of State shall cooperate, to the fullest extent possible consistent with the United States obligations under the Vienna Convention on Diplomatic Relations, done at Vienna, April 18, 1961, (23 U.S.T. 3229), with any investigation by United States law enforcement authorities of crimes related to trafficking in persons, worker exploitation, or other related violations of United States law with respect to an alien described in paragraph (1).

(4) ZERO TOLERANCE FOR ABUSE.—

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

(B) MISSION OR INSTITUTION.—A diplomatic mission or international institution is referred to in subparagraph (A) if—

(i) the Secretary of State determines that an alien described in paragraph (1) has been subjected to trafficking of persons, worker exploitation, or other related violations of United States law, by an individual serving at such a mission or institution during the two year period before the date of the application for a visa referred to in subparagraph (A); or

(ii) an individual serving at such a mission or institution has departed the United States and there is credible evidence that such individual trafficked, exploited, or otherwise abused an alien described in paragraph (1).

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

(5) REPORT.—Not later than June 1, 2008, and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing the diplomatic missions or international institutions that are subject to the visa restriction referred to in subparagraph (A) of paragraph (4), any exceptions that have been made pursuant to subparagraph (C) of such paragraph (4), and any requests for waivers of diplomatic immunity that have been made that are related to actions involving trafficking of persons, worker exploitation, or other related violations of United States law. Such report may be combined with the annual report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

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

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

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

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

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

SEC. 112. SENSE OF CONGRESS REGARDING MULTILATERAL FRAMEWORK BETWEEN LABOR EXPORTING AND LABOR IMPORTING COUNTRIES.

It is the sense of Congress that the Secretary of State, in conjunction with the International Labor Organization, the United Nations Office of Drug and Crime Prevention, and other relevant international and nongovernmental organizations, should seek to establish a multilateral framework between labor exporting and labor importing countries to ensure that workers migrating between such countries are protected from trafficking in persons and worker exploitation of any kind.

TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

SEC. 201. PROTECTING TRAFFICKING VICTIMS AGAINST RETALIATION.

(a) T VISAS.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "jointly;" and inserting "jointly,";

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

(C) in subclause (II), by adding at the end the following: "including physical presence on account of the alien having been allowed entry into the United States for participation in investigative or judicial processes;";

(D) in subclause (III)—

(i) in item (aa), by striking "or" at the end;

(ii) in item (bb), by striking ", and" at the end and inserting "; and";

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

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

"(bb) in the Secretary's sole and unreviewable discretion, that the alien is unlikely or unable to cooperate with such a request due to physical or psychological trauma; or"; and

(E) in subclause (IV)—

(i) by striking "involving unusual and severe harm"; and

(ii) by adding "and" at the end;

(2) in clause (ii)(II), by striking "alien; and" and inserting "alien and any parents or siblings of such alien who establish a present danger of retaliation as a result of the alien's cooperation with law enforcement."; and

(3) by striking clause (iii).

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

"(8)(A) If the Secretary of Homeland Security, in the Secretary's discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in section 101(a)(15)(T)(i)(III)(aa), the request is unreasonable.

"(B) In determining whether extreme hardship described in section 101(a)(15)(T)(i)(IV) exists, the Secretary of Homeland Security, in consultation with investigators, prosecutors, and relevant individuals responsible for working with victims and witnesses shall consider whether the country to which the alien is likely to be removed can adequately address security concerns and the mental and physical health needs of the alien and of persons described in section 101(a)(15)(T)(ii).".

(c) EXPANSION OF AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—

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

"(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—

"(A) TRAFFICKING VICTIMS.—

"(i) IN GENERAL.—Upon application from law enforcement officials, the Secretary of Homeland Security may permit an alien's continued presence in the United States if—

"(I) after a prima facie assessment, the Secretary determines that such alien may be a victim of a severe form of trafficking; and

"(II) the Secretary is notified by such law enforcement officials that such alien may be a potential witness to such trafficking, in order to effectuate prosecution of those responsible.

"(ii) SAFETY.—Federal law enforcement officials described in clause (i), in investigating and prosecuting traffickers, shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

"(iii) CONTINUATION OF PRESENCE.—The Secretary shall continue to permit the continued presence of an alien described in clause (i) if such alien has filed a civil action under section 1595 of title 18, United States Code, until such action is concluded.

"(B) PAROLE FOR RELATIVES.—Pursuant to section 240A(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(b)), as added by section 205 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, law enforcement officials may submit a written request to the Secretary of Homeland Security to permit the parole into the United States of certain relatives of an alien described in subparagraph (A)(i).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall apply to requests for continued presence filed pursuant to section 107(c)(3) of the Trafficking Victims Pro-

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

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

(1) in paragraph (1)(B), by inserting "subject to paragraph (6)," after "(B)";

(2) in paragraph (1)(C)(ii), by striking "involving unusual and severe harm"; and

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

"(6) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, may waive consideration of a disqualification from good moral character (described in section 101(f)) with respect to an alien if the disqualification was caused by, or was incident to, the trafficking described in section 101(a)(15)(T)(i)(I).".

SEC. 202. INFORMATION FOR WORK-BASED NONIMMIGRANTS ON LEGAL RIGHTS AND RESOURCES.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State and the Trafficking in Persons and Worker Exploitation Task Force, shall develop an information pamphlet, as described in subsection (b), on legal rights and resources for aliens applying for employment- or education-based nonimmigrant visas, and shall distribute and make such pamphlet available as described in subsection (e). In preparing the information pamphlet, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of workers and victims of severe forms of trafficking in persons.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on employment- or education-based nonimmigrant visas or on student or cultural exchanges, as follows:

(1) The nonimmigrant visa application processes, including information about whether the particular employment- or education-based nonimmigrant visa program includes portability of employment or educational institution.

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

(3) Services for victims of severe forms of trafficking in persons and worker exploitation in the United States, including the Trafficking in Persons and Worker Exploitation Task Force complaint line and the Operation Rescue and Restore hotline.

(4) The legal rights of immigrant victims of worker exploitation and other crimes in immigration, criminal justice, family law, and other matters, including the right of access to immigrant and labor rights groups, the right to seek redress in United States courts, and the right to report abuse without retaliation.

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

(c) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the information pamphlet developed under subsection (a) that shall be used by Federal officials when reviewing the pamphlet in interviews required by section 110.

(d) TRANSLATION.—

(1) IN GENERAL.—In order to best serve the language groups having the greatest concentration of employment- or education-based nonimmigrant visas, the information pamphlet developed under subsection (a) shall, subject to paragraph (2), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Creole, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

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

(e) AVAILABILITY AND DISTRIBUTION.—

(1) POSTING ON FEDERAL WEBSITES.—The information pamphlet developed under subsection (a) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all United States consular posts processing applications for nonimmigrant visas.

(2) OTHER DISTRIBUTION.—The information pamphlet developed under subsection (a) shall also be made available to any foreign labor broker, government agency, or nongovernmental advocacy organization.

(f) DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be distributed and made available (including in the languages specified under subsection (d)) not later than 120 days after the date of the enactment of this Act.

(g) PROTECTIONS FOR WORKERS RECRUITED ABROAD.—

(1) DEFINITIONS.—In this section—

(A) the term "foreign labor contractor" means any person who for any money or other consideration paid or promised to be paid, performs any foreign labor contracting activity;

(B) the term "foreign labor contracting activity" means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States to be employed in the United States; and

(C) the term "worker" means an individual who is the subject of foreign labor contracting activity.

(2) DISCLOSURE.—Any person who engages in foreign labor contracting activity shall ascertain and disclose in writing, in English and in a language understood by the worker being recruited, to each worker who is recruited for employment, at the time of the worker's recruitment, the following information:

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

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

(C) A description of employment requirements and activities.

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

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

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

(G) Any education or training to be provided or required, including the nature and cost of such training and the person who will pay such costs, and whether the training is a condition of employment, continued employment, or future employment.

(3) RESTRICTION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed under paragraph (2). The disclosure required by this section is a document concerning the proper administration of a matter within the jurisdiction of a department or agency of the United States for the purposes of section 1519 of title 18, United States Code.

(4) REGISTRATION.—

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

(B) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

(i) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

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

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

(C) TERM OF REGISTRATION.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

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

(i) the applicant for, or holder of, the certification has knowingly made a material misrepresentation in the application for such certificate;

(ii) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

(I) is a person who has been refused issuance or renewal of a certificate;

(II) has had a certificate revoked; or

(III) does not qualify for a certificate under this paragraph; or

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

(E) COMPLAINTS AND INVESTIGATIONS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a foreign labor contractor's compliance with this subsection. Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning a violation of this subsection unless the complaint was filed not later than 12 months after the date of the violation. The Secretary shall conduct an investigation under this paragraph if there is reasonable cause to believe that such a violation occurred.

(F) MAINTENANCE OF LISTS.—

(i) IN GENERAL.—The Secretary shall maintain a list of all foreign labor contractors registered under this Act; and

(ii) PUBLIC AVAILABILITY.—The Secretary shall make the list described in clause (i) publicly available, including through publication on the Internet.

(G) RE-REGISTRATION OF VIOLATORS.—The Secretary shall provide a procedure by which a foreign labor contractor that has had its registration revoked may seek to re-register under this paragraph by demonstrating to the Secretary's satisfaction that the foreign labor contractor has not violated this section in the previous 5 years.

(5) AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 214 of the Immigration and Nationality Act is amended by adding at the end the following: "(s) A visa shall not be issued under the subparagraph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) until the consular officer—

"(1) has provided to and reviewed with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007; and

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

(6) ENFORCEMENT PROVISIONS.—

(A) ADMINISTRATIVE ENFORCEMENT.—The Secretary of Labor may impose, for knowingly or recklessly failing to comply with the requirements of this section—

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

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

(B) CIVIL ACTION.—

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

(I) to seek remedial action, including injunctive relief;

(II) to recover damages suffered by any worker harmed by such a violation, which shall include wages owed, and any debts incurred or fees paid by such worker, to any person, in reliance on the representations of the defendant or agents of the defendants; and

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

(ii) SUMS RECOVERED.—Any sums recovered by the Secretary on behalf of an employee under clause (i) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to an employee because of inability to do so within a period of 3 years shall be credited as an offsetting collection to the appropriations account of the Secretary of Labor for expenses for the administration of this section and shall remain available to the Secretary until expended.

(iii) REPRESENTATION.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

(C) AGENCY LIABILITY.—An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under paragraph (4). An employer who uses a foreign labor con-

tractor who is not registered under paragraph (4), or who uses a foreign labor contractor knowing or in reckless disregard that such contractor has violated any provision of this subsection, shall be subject to the provisions of this paragraph for violations committed by such foreign labor contractor to the same extent as if the employer had committed the violation.

(h) DEFINITIONS.—In this section:

(1) EMPLOYMENT- OR EDUCATION-BASED NONIMMIGRANT VISA.—The term "employment- or education-based nonimmigrant visa" means a nonimmigrant visa issued for the purpose of employment, education, or training in the United States, including a visas issued under subparagraph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(2) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "severe forms of trafficking in persons" has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

SEC. 203. CLARIFICATION OF ROLES OF SECRETARY OF HOMELAND SECURITY AND ATTORNEY GENERAL.

(a) T VISA CLASSIFICATION.—Section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i)), as amended by section 201(a), is further amended by striking ", or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly,".

(b) ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.—Section 245(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(l)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ", or in the case of subparagraph (C)(i), the Attorney General,,";

(2) in subparagraph (A), by striking "Attorney General," and inserting "Secretary of Homeland Security,"; and

(3) in subparagraph (C)(ii), by striking ", or in the case of subparagraph (C)(i), the Attorney General,".

(c) ADJUSTMENT OF STATUS FOR CRIME VICTIMS.—Section 245(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(m)(1)) is amended, in the matter preceding subparagraph (A), by striking "unless the Attorney General" and inserting "unless the Secretary".

SEC. 204. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

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

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

"(3) Nothing in this subsection shall be construed as limiting the authority of the Secretary of Homeland Security to grant a stay of removal or deportation in any case not described in this subsection.".

SEC. 205. PAROLE FOR DERIVATIVES OF TRAFFICKING VICTIMS.

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

"(6) RELATIVES OF TRAFFICKING VICTIMS.—

"(A) IN GENERAL.—Upon written request by a law enforcement official, the Secretary of Homeland Security shall grant parole under section 212(d)(5) to any alien who is a relative of an alien granted continued presence pursuant to section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)), if the relative was, on the date on which law enforcement applied for such continued presence—

"(i) in the case of an alien granted continued presence who is under 21 years of age, the spouse, child, parent, or unmarried sibling under 18 years of age, of the alien; or

"(ii) in the case of an alien granted continued presence who is 21 years of age or older, the spouse or child of the alien, or a parent or sibling of the alien who establishes a present danger of retaliation as a result of the alien's cooperation with law enforcement.

"(B) DURATION OF PAROLE.—

"(i) IN GENERAL.—The grant of parole under subparagraph (A) shall extend until the date an application filed by the principal alien under section 101(a)(15)(T)(ii) has been finally adjudicated.

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

"(I) the date on which the principal alien's continued presence in the United States under section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)) is terminated; or

"(II) the date on which a civil action filed by the principal alien under section 1595 of title 18, United States Code, is concluded.

"(iii) DUE DILIGENCE.—Failure by the principal alien to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) of subparagraph (A) may result in revocation of parole.".

SEC. 206. IMPLEMENTATION OF TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue interim regulations regarding the adjustment of status to permanent residence for nonimmigrants admitted into the United States under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)). If the regulations are not issued before such deadline, the Secretary shall submit a report to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate explaining in detail the reasons such regulations have not been issued.

Subtitle B—Assistance for Trafficking Victims

SEC. 211. VICTIM OF TRAFFICKING CERTIFICATION PROCESS.

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

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "consultation" and all that follows through "person" and inserting "consultation with the Attorney General or the Secretary of Homeland Security, that the person"; and

(B) in subclause (II)(bb), by striking "United States" and all that follows through "ensuring" and inserting "United States the Secretary of Homeland Security is ensuring"; and

(2) in clause (ii), by striking "so long as" and all that follows through "determines" and inserting "so long as the Secretary of Homeland Security determines".

SEC. 212. ASSISTANCE FOR CERTAIN VISA APPLICANTS.

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

(1) by striking "or" at the end of paragraph (2)(B);

(2) by striking the period at the end of paragraph (3)(B) and inserting "or;"; and

(3) by adding at the end the following:

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

(b) CONSTRUCTION.—The provisions of section 431(c)(4) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(4)), as added by subsection (a), are in addition to the access to public benefits provided in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Reauthorization Act of 2003.

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

SEC. 213. INTERIM ASSISTANCE FOR CHILD VICTIMS OF TRAFFICKING.

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

"(F) ELIGIBILITY OF INTERIM ASSISTANCE FOR CHILD VICTIMS.—

"(i) DETERMINATION.—With respect to a person referred to in subparagraph (C)(ii)(I) who is seeking assistance under this paragraph, if credible information is presented on behalf of the person that the person has been subjected to a severe form of trafficking in persons, the Secretary of Health and Human Services shall promptly make a determination of the person's eligibility under this paragraph.

"(ii) EXCLUSIVE AUTHORITY.—The Secretary of Health and Human Services shall have exclusive authority in making determinations of eligibility under clause (i).

"(iii) DURATION.—Assistance provided under this paragraph for an individual determined to be eligible under clause (i) may be provided for up to 90 days and may be extended for an additional 30 days.

"(iv) SENSE OF CONGRESS.—It is the sense of Congress that—

"(I) to ensure the best interests of the child and to create an increased chance of cooperation by child victims of severe forms of trafficking in persons, the United States Government should provide assistance to protect and care for such child victims during the pendency of proceedings to determine whether a child is a victim of severe forms of trafficking; and

"(II) in order to further the objective of subclause (I), the Secretary of Health and Human Services should make the determination of eligibility for assistance under clause (i) on the basis of the information provided and the Secretary's own assessment of such information without regard to the assessments by other departments and agencies of the United States Government regarding whether such child victim's application for relief or benefits under this Act or the Immigration and Nationality Act will be approved.

"(G) NOTIFICATION OF CHILD VICTIMS FOR INTERIM ASSISTANCE.—

"(i) FEDERAL OFFICIALS.—Any Federal official who has reason to believe that a person may be a juvenile victim of trafficking referred to in subparagraph (C)(ii)(I) shall notify the Secretary of Health and Human Services not later than 48 hours after the official first learns that the person may be a juvenile victim of trafficking for the purpose of facilitating the provision of interim assistance under subparagraph (F).

"(ii) STATE AND LOCAL OFFICIALS.—Any State or local official who has reason to believe that a person may be a juvenile victim of trafficking referred to in subparagraph (C)(ii)(I) shall notify the Secretary of Health and Human Services not later than 72 hours after the official first learns that the person may be a juvenile victim of trafficking for the purpose of facilitating the provision of interim assistance under subparagraph (F).".

(b) TRAINING OF GOVERNMENT PERSONNEL.—Subsection (c)(4) of such section is amended—

(1) by striking "and the Department of Justice" and inserting ", the Department of Homeland Security, and the Department of Health and Human Services";

(2) by inserting before the period at the end the following: ", including the identification of juvenile victims of trafficking"; and

(3) by adding at the end the following new sentence: "The Attorney General and the Secretary of Heath and Human Services shall provide education and guidance to State and local officials on the identification of aliens who are the victims of severe forms of trafficking, and in particular child victims of trafficking, including education and guidance on the requirements of subsection (b)(1)(G)(ii).".

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

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

(1) ASSISTANCE FOR UNITED STATES CITIZENS.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended by adding at the end the following:

"(h) ASSISTANCE FOR UNITED STATES CITIZENS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services and the Attorney General, in consultation with the Secretary of State and the Secretary of Labor, are authorized to establish a program to provide assistance to United States citizens who are victims of severe forms of trafficking. In determining the types of assistance that would be most beneficial for such victims, the Secretary of Health and Human Services and the Attorney General shall consult with

nongovernmental organizations that provide services to victims of severe forms of trafficking in the United States.

"(2) USE OF EXISTING PROGRAMS.—In addition to such other specialized services as may be required for victims described in paragraph (1), the program established pursuant to paragraph (1) shall facilitate communication and coordination between the providers of assistance to such victims, and provide a means of identifying such providers and making referrals to programs for which such victims are already eligible (including programs administered by the Department of Justice and the Department of Health and Human Services).

"(3) GRANTS.—The Secretary of Health and Human Services and the Attorney General may make grants to States, Indian tribes, units of local government, and non-profit, nongovernmental victims' service organizations to develop, expand, and strengthen victim service programs authorized under this subsection. The Federal share of a grant made under this subsection may not exceed 75 percent of the total costs of the projects described in the application submitted.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 113 of such Act (22 U.S.C. 7110) is amended—

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

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

(b) ASSISTANCE FOR POTENTIAL VICTIMS OF TRAFFICKING AND RELATED CRIMES.—

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

(2) USE OF EXISTING PROGRAMS.—The President is authorized to facilitate communication and coordination between the providers of assistance to persons victimized in cases brought under chapter 117 of title 18, United States Code, and to provide a means of identifying such providers and making referrals to programs for which such victims are already eligible (including programs administered by the Department of Justice and the Department of Health and Human Services).

(3) EFFECT ON OTHER PROGRAMS.—Nothing in this section or the amendments made by this section shall derogate from the programs for victims of sexual abuse or commercial sexual exploitation or survivors of sexual abuse or commercial sexual exploitation authorized by section 202 of the Trafficking Victims Protection Reauthorization of 2005.

(c) PARTNERSHIPS AMONG ORGANIZATIONS.—Beginning not later than 120 days after the date of the enactment of this Act, all applications for grants made by the Attorney General or the Secretary of Health and Human Services to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to establish or maintain assistance programs for victims of severe forms of trafficking in persons or sex trafficking that occurs, in whole or in part, within the territorial jurisdiction of the United States shall include a statement by the applicant of whether the services will be available to both United States citizens and foreign trafficking victims, or if the applicant intends to specialize in serving a particular victim population, what referral mechanisms or collaborative relationships they will undertake to ensure that all victims are assisted regardless of alienage. The statement required by this section will not be used to make a determination regarding the award of the grant.

(d) STUDY.—

(1) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall submit to the appropriate congressional committees a report identifying the existence or extent of any service gap between foreign and United States citizen victims of severe forms of trafficking and victims of sex trafficking, as defined in section 103 of the Trafficking Victims Protection Act of 2000.

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

(A) investigate factors relating to the legal ability of foreign and United States citizen victims of trafficking to access government-funded social serv-

ices in general, including the application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(5)) and the Illegal Immigration and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009 et seq.);

(B) investigate any other impediments to the access of foreign and United States citizen victims of trafficking to government-funded social services in general;

(C) investigate any impediments to the access of foreign and United States citizen victims of trafficking to government-funded services targeted to victims of severe forms of trafficking and victims of sex trafficking;

(D) investigate the effect of trafficking service-provider infrastructure development, continuity of care, and availability of caseworkers on the eventual restoration and rehabilitation of foreign and United States citizen victims of trafficking; and

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

Subtitle C—Penalties Against Traffickers and Other Crimes

SEC. 221. ENHANCING TRAFFICKING AND OTHER RELATED OFFENSES.

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

(1) by striking "that the person has not attained the age of 18 years and" and inserting "that the person (being a person who has not attained the age of 18 years)"; and

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

(b) COMPELLED SERVICE.—

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

"§ 1592. Unlawful compelled service

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

"(1) destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the persons ability to move or travel;

"(2) improperly uses a position of real or apparent governmental authority;

"(3) asserts as fact, exposes, or threatens to expose, a matter, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

"(4) exposes any person to bankruptcy or other financial harm,

shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—A violator of subsection (a) shall—

"(1) if the offense involved a violation of subsection (a)(1) or (2), or a violation of subsection (a)(3) in which bodily injury, incarceration, or deportation occurred as a result of the blackmail, be fined under this title or imprisoned not more than 5 years, or both;

"(2) if the offense involved a violation of subsection (a)(3) not resulting in bodily injury or incarceration, or a violation of subsection (a)(4) in which bankruptcy or financial harm occurred and the loss of at least one person was over ten thousand dollars, be fined under this title or imprisoned not more than 3 years, or both; and

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

"(c) DEFINITION.—For purposes of this paragraph, 'financial harm' includes the factors set forth in section 892(b) of this title, and fees charged for foreign labor contracting activity, as defined in section 202(g) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, that are not reasonably related to services provided to the foreign worker.".

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

"1592.Unlawful compelled service.".

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

"(4) The distribution of proceeds among multiple victims in an order of restitution under this section shall govern the distribution of forfeited funds through the processes of remission or restoration under this section or any other statute that explicitly authorizes restoration or remission of forfeited property."

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

(A) in subsection (b), by striking "The court," and inserting "Subject to remission or restoration, the court,"; and

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

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

"(4) In a prosecution brought under any other provision of Federal law, the Attorney General may grant restoration or remission of property to victims of severe forms of trafficking as defined in section 103 of the Trafficking Victims Protection Act of 2000, in accordance with section 1594(b)(4).".

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

(1) in subsection (a) by—

(A) by striking "of section 1589, 1590, or 1591"; and

(B) by inserting "(or any person who knowingly benefits, financially or by receiving anything of value from participation in a venture which has engaged in an act in violation of this chapter)" after "perpetrator".

(2) by adding at the end the following:

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

(e) ENDING FOREIGN LABOR CONTRACTING ABUSES.—

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

"§ 1521. Retaliation in foreign labor contracting

"(a)(1) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to prevent or to retaliate against such person for—

"(A) the disclosure of information by such person concerning violations with respect to aliens of the provisions of employment-based immigration programs or any other Federal labor or employment law; or

"(B) the cooperation of such person in an investigation or other proceeding concerning compliance with respect to aliens with the requirements of employment-based immigration programs or any other Federal labor or employment law,

shall be punished as provided in paragraph (2).

"(2) A violator of paragraph (1) shall—

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

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

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

"(b) An individual who is the victim of an offense under this section may, in a civil action, recover damages (including reasonable attorneys' fees) for the harm done the victim by that offense. Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

"(c) For the purposes of this section, the term 'employment-based immigration' means a nonimmigrant visa issued for the purpose of employment, student exchange employment, or job training in the United States, including those issued under subparagraph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) of the Immigration and Nationality Act.".

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

"1521. Retaliation in foreign labor contracting.".

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

(1) by inserting "or affecting" after "travel in"; and

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

(g) SEX TOURISM.—

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

"§ 2423A. Sex tourism

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

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

"(c) ARRANGING TRAVEL AND RELATED CONDUCT.—Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 10 years, or both.

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

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

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'illicit sexual conduct' means—

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

"(B) any commercial sex act (as defined in section 1591); and

"(2) the term 'child' means a person under 18 years of age.

"(g) DEFENSE.—In a prosecution under this section for a violation where an element of the offense involves a commercial sex act with a child, it is a defense, which the defendant must establish by a preponderance of the evidence, that the person engaging in that act reasonably believed that the other person was not a child.";

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

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

"2423A. Sex tourism.".

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

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

(2) to persons convicted of offenses created by subsection (f) or (g) of this section, to ensure conformity with the United States Sentencing Guidelines, sections 2G1.1 (promoting commercial sex acts with persons other than minors) and 2G1.3 (promoting commercial sex acts or prohibited sexual conduct with a minor, and related offenses.

SEC. 222. JURISDICTION IN CERTAIN TRAFFICKING OFFENSES.

(a) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

"§ 1596. Additional jurisdiction in certain trafficking offenses

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

"(1) an alleged offender or victim of the offense is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); or

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

"(b) LIMITATION ON PROSECUTIONS OF OFFENSES PROSECUTED IN OTHER COUNTRIES.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.".

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

"1596. Additional jurisdiction in certain trafficking offenses.".

SEC. 223. AMENDMENT OF OTHER CRIMES RELATED TO TRAFFICKING.

(a) ALIENS ENTERING THE UNITED STATES.—

(1) IN GENERAL.—Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328) is amended to read as follows:

"ALIENS IN PROSTITUTION

"SEC. 278. (a) GENERALLY.—Whoever, for the purposes of prostitution or for any other any sexual activity for which any person can be charged with a criminal offense—

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

"(2) knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly holds, keeps, maintains, supports, employs, or harbors the individual in any place in the United States, including any building or any means of transportation, or attempts to do so,

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

"(b) SPECIAL EVIDENTIARY RULE.—In all prosecutions under this section, the testimony of a husband or wife shall be admissible and competent evidence against each other.".

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 278 to read as follows:

"Sec. 278. Aliens in prostitution.".

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses created by this section to ensure conformity with the United States Sentencing Guidelines, section 2H4.1 (peonage offenses) in violations involving a holding under section 278(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1328(a)(2)), and section.2G1.1 otherwise.

(c) IMBRA VIOLATIONS.—Section 833(d)(5)(B) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking "interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates" and inserting "interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, an international marriage broker that violates".

SEC. 224. MODEL STATUTES PROVIDED TO STATES.

(a) REQUIRED CHANGES TO MODEL STATUTE.—The Attorney General shall ensure that any model antitrafficking statute provided to any State shall specifically provide that no provision of such model statute shall be construed as derogating from or in any way limiting or constraining the operation of State law relating to pros-

titution and individuals involved in securing, exploiting, or otherwise abusing prostitutes.

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

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

Subtitle D—Activities of the United States Government

SEC. 231. ANNUAL REPORT BY THE ATTORNEY GENERAL.

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

(1) in subparagraph (A), by inserting "the Attorney General," after "the Secretary of Labor,";

(2) in subparagraph (G), by striking "and" at the end;

(3) by redesignating subparagraph (H) as subparagraph (J); and

(4) by inserting after subparagraph (G) the following new subparagraphs:

"(H) activities by the Department of Defense to combat trafficking in persons, including educational efforts for and disciplinary actions taken against members of the United States Armed Forces, materials included in training of the armed forces of foreign countries, and efforts to ensure that United States Government contractors do not engage in trafficking in persons;

"(I) activities or actions by Federal departments and agencies to enforce—

"(i) section 106(g) of this Act and any similar provision of law, regulation, or policy relating to United States Government contractors and their employees or United States Government subcontractors and their employees that engage in severe forms of trafficking in persons, procurement of commercial sex acts, or use of forced labor, including debt bondage;

"(ii) section 307 of the Tariff Act of 1930 (19 U.S.C. 1307; relating to prohibition on importation of convict made goods), including any determinations by the Secretary of Homeland Security to waive the restrictions of such section; and

"(iii) prohibitions on the procurement by the United States Government of items or services produced by slave labor, consistent with Executive Order 13107 (December 10, 1998); and".

SEC. 232. ANNUAL ANTI-TRAFFICKING CONFERENCE.

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

SEC. 233. SENIOR POLICY OPERATING GROUP.

Section 206 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044d) is amended by striking ", as the department or agency determines appropriate,".

SEC. 234. COORDINATORS TO COMBAT HUMAN TRAFFICKING.

(a) DEPARTMENT OF JUSTICE.—

(1) ESTABLISHMENT.—The Attorney General shall establish within the Office of the Deputy Attorney General a Coordinator to Combat Human Trafficking.

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

(A) Ensure coordination of policies relating to victims of trafficking among the various offices and components of the Department of Justice, including the Civil Division, the Criminal Division, the Office of Justice Programs, and the Federal Bureau of Investigation.

(B) Monitor, review, and make recommendations regarding assistance to victims of trafficking to ensure that assistance policies are consistent with the Department's prosecution strategies and activities.

(C) Ensure improved communication and coordination with State and local law enforcement agencies regarding prosecution of offenses relating to victims of trafficking.

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

(E) Serve, in conjunction with the Coordinator to Combat Human Trafficking of the Department of Labor (established pursuant to subsection (b)), as the executive secretariat of the Trafficking in Persons and Worker Exploitation Task Force.

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

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

(b) DEPARTMENT OF LABOR.—

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

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

(A) Ensure coordination of policies relating to victims of trafficking, both in the United States and abroad, among the various offices and components of the Department of Labor, including the Office of the Solicitor, the Employment Standards Administration, the Wage and Hour Division, the Bureau of International Labor Affairs, and the Office of Child Labor, Forced Labor, and Human Trafficking.

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

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

(D) Serve, in conjunction with the Coordinator to Combat Human Trafficking of the Department of Justice (established pursuant to subsection (a)), as the executive secretariat of the Trafficking in Persons and Worker Exploitation Task.

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

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

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting or derogating from the responsibilities of the Senior Policy Operating Group established by section 206 of the Trafficking Victims Protection Reauthorization Act of 2005.

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

SEC. 235. PREVENTING UNITED STATES TRAVEL BY TRAFFICKERS.

Section 212(a)(2)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(H)(i)) is amended by striking "consular officer" and inserting "consular officer, the Secretary of State,".

SEC. 236. ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.

(a) FINDINGS AND SENSE OF CONGRESS.—

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

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

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

(2) SENSE OF CONGRESS.—It is the sense of the Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to protect children from severe forms of trafficking and ensure that it does not repatriate children in Federal custody into settings that would threaten their life or safety.

(b) COMBATTING CHILD TRAFFICKING AT THE BORDER AND PORTS OF ENTRY OF THE UNITED STATES.—

(1) POLICIES AND PROCEDURES.—In order to enhance the efforts of the United States to prevent trafficking in persons, the Secretary of State, in conjunction with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall develop policies and procedures to ensure that unaccompanied alien children in the United States are safely repatriated to their country of nationality or of last habitual residence.

(2) SPECIAL RULES FOR CHILDREN FROM CONTIGUOUS COUNTRIES.—

(A) DETERMINATIONS.—Any unaccompanied alien child who is a national or habitual resident of a country that is contiguous with the United States and has an agreement in writing with the United States described in subparagraph (C), shall be treated in accordance with subparagraph (B), if the Secretary of Homeland Security determines, on a case-by-case basis, that—

(i) such child has not been a victim of a severe form of trafficking in persons, and such child does not have a fear of being trafficked upon return to the child's country of nationality or of last habitual residence;

(ii) such child does not have a fear of returning to the child's country of nationality or of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission to the United States.

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

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

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

(C) CONTIGUOUS COUNTRY AGREEMENTS.—The Secretary of State shall ensure that any agreements entered into between the United States and a country contiguous to the United States with respect to the repatriation of children shall be designed to protect children from severe forms of trafficking in persons. Such agreements shall, at a minimum, provide that—

(i) no child shall be returned to the child's country of nationality or of last habitual residence unless returned to appropriate officials or employees of the accepting country's government;

(ii) no child shall be returned to the child's country of nationality or of last habitual residence outside of reasonable business hours; and

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

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

(4) SCREENING.—Within 48 hours of the apprehension of a child who is believed to be described in paragraph (2)(A), but in any event prior to returning such child to the child's country of nationality or of last habitual residence, the child shall be screened to determine whether the child meets the criteria listed in paragraph (2)(A). If the child does not meet such criteria, or if no determination can be made within 48 hours of apprehension, the child shall immediately be transferred to the Secretary of Health and Human Services and treated in accordance with subsection (c).

(5) ENSURING THE SAFE REPATRIATION OF CHILDREN.—

(A) REPATRIATION PILOT PROGRAM.—To protect children from trafficking and exploitation, the Secretary of State shall create a pilot program, in conjunction with non-governmental organizations and other national and international agencies and experts, to develop and implement best practices to ensure the safe and secure repatriation and reintegration of unaccompanied alien children into their country of nationality or of last habitual residence, including placement with their families or other sponsoring agencies.

(B) ASSESSMENT OF COUNTRY CONDITIONS.—The Secretary of Homeland Security shall consult the State Department's Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing wheth-

er to repatriate an unaccompanied alien child to a particular country. Such assessment shall consider whether there is reasonable risk that repatriation of an unaccompanied alien child would threaten the life or safety of the child.

(C) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security, in conjunction with the Secretary of State and Secretary of Health and Human Services, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children. Such report shall include—

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

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

(iii) a description of the policies and procedures used to effect the removal of such children from the United States and the steps taken to ensure that such children were safely and humanely repatriated to their country of nationality or of last habitual residence, including a description of the repatriation pilot program created pursuant to subparagraph (A);

(iv) a description of the type of immigration relief sought and denied to such children;

(v) any information gathered in assessments of country and local conditions pursuant to paragraph (2); and

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

(D) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child sought to be removed by the Department of Homeland Security, except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (b)(2), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(c) COMBATTING CHILD TRAFFICKING AND EXPLOITATION IN THE UNITED STATES.—

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

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (b), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Attorney General shall retain or assume the custody and care of any unaccompanied alien child who is pending prosecution for a Federal crime or serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Secretary of Homeland Security shall retain or assume the custody and care of an unaccompanied alien child if the Secretary of Homeland Security has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—Each department or agency of the Federal Government shall notify the Department of Health and Human services within 48 hours upon—

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

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

(3) TRANSFERS OF UNACCOMPANIED ALIEN CHILDREN.—Any department or agency of the Federal Government that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Secretary of Health and Human Services within 72 hours—

(A) upon a determination that such child is an unaccompanied alien child, if the child is not described in subparagraph (B) or (C) of paragraph (1); or

(B) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Secretary of Homeland Security under paragraph (1)(C), upon a determination that the child no longer meets the description set forth in such subparagraphs.

(4) AGE DETERMINATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall make an age determination for an alien described in paragraph (2)(B) and take whatever other steps are necessary to determine whether such alien is eligible for treatment under this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(B) PROCEDURES.—The Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, shall develop procedures to make a prompt determination of the age of an alien, which shall be used by the Secretary of Homeland Security and the Secretary of Health and Human Services for children in their respective custody. At a minimum, these procedures shall permit the presentation of multiple forms of evidence, including the non-exclusive use of radiographs, to determine the age of the unaccompanied alien.

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

(1) POLICIES AND PROGRAMS.—The Secretary of Health and Human Services, Secretary of Homeland Security, Attorney General, and Secretary of State shall establish policies and programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity, including policies and programs reflecting best practices in witness security programs.

(2) SAFE AND SECURE PLACEMENTS.—Subject to section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child. Placement of child trafficking victims may include placement with competent adult victims of the same trafficking scheme in order to ensure continuity of care and support. A child shall not be placed in a secure facility absent an independent finding that the child poses a danger to self or others.

(3) SAFETY AND SUITABILITY ASSESSMENTS.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being. Such determination shall, at a minimum, include verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.

(B) HOME STUDIES.—Before placing the child with an individual, the Secretary of Health and Human Services shall determine whether a home study is first necessary. A home study shall be conducted for a child who is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))), or a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened. The Secretary of Health and Human Services shall conduct follow-up services, during the pendency of removal proceedings, on children and custodians for whom a home study was conducted.

(C) DATABASE ACCESS.—In conducting suitability assessments, the Secretary of Health and Human Services shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(4) LEGAL ORIENTATION PRESENTATIONS.—The Secretary of Health and Human Services shall ensure that custodians receive legal orientation presentations provided through the Legal Orientation Program administered by the Executive Office for Immigration Review. At a minimum, such presentations shall address the custodian's responsibility to ensure the child's appearance at all immigration proceedings and to protect the child from mistreatment, exploitation, and trafficking.

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

(6) GUARDIANS AD LITEM.—The Secretary of Health and Human Services shall implement a program to appoint independent guardians ad litem for child trafficking victims and other vulnerable unaccompanied alien children. A guardian ad litem shall be provided access to materials necessary to effectively advocate for the best interest of the child. The guardian ad litem shall not be compelled to testify or provide evidence in any proceeding concerning any information or opinion received from the child in the course of serving as a guardian ad litem. The guardian ad litem shall be presumed to be acting in good faith and be immune from civil and criminal liability for lawful conduct of duties as described in this provision.

(7) CONFIDENTIALITY.—The Secretary of Health and Human Services shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act of 2002 to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties. The Secretary may provide information to a duly recognized law enforcement entity in connection with a prosecution or investigation of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity.

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

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

(A) in clause (i), by striking "State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;" and inserting "State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with one or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;";

(B) in clause (iii), in the matter preceding subclause (I), by striking "the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;" and inserting "the Secretary of Homeland Security consents to the grant of special immigrant juvenile status,"; and

(C) in clause (iii)(I), by striking "in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction;" and inserting "in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction;".

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

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

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

(4) ELIGIBILITY FOR ASSISTANCE.—

(A) IN GENERAL.—A child who has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) and who was either in the custody of the Secretary of Health and Human Services at the time a dependency order was granted for such child or who was receiving services pursuant to section 501(a) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) at the time such dependency order was granted, shall be eligible for placement and services under section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) until the earlier of—

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

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

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

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

(6) TRANSITION RULE.—Notwithstanding any other provision of law, an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by paragraph (1), may not be denied special immigrant status under such section after the date of the enactment of this Act based on age if the alien was a child on the date on which the alien applied for such status.

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

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

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

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

"(C) INITIAL JURISDICTION.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))), regardless of whether filed in accordance with this section or section 235(b).".

(8) SPECIALIZED NEEDS OF CHILDREN.—Applications for asylum and other forms of relief from removal in which a child is the principal applicant shall be governed by regulations which take into account the specialized needs of children and which address both procedural and substantive aspects of handling children's cases.

(f) TRAINING.—The Secretary of State, the Secretary of Homeland Security, the Secretary of Health and Human Services and the Attorney General shall provide specialized training to all Federal personnel who come into contact with unaccompanied alien children. Such personnel shall be trained to work with unaccompanied alien children, including identifying children who are a victim of a severe form of trafficking in persons, and children for whom asylum or special immigrant relief may be appropriate, including children described in subsection (b)(2).

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

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

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

(A) in paragraph (3), by striking "paragraph (1)(G)," and inserting "paragraph (1),"; and

(B) by adding at the end the following:

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

(h) DEFINITION OF UNACCOMPANIED ALIEN CHILD.—

(1) IN GENERAL.—For purposes of this section, the term "unaccompanied alien child" has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

(2) CLARIFICATION OF DEFINITION.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this section, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

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

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

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

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

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

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "104,"; and

(ii) by striking "$1,500,000" and all that follows through "2007" and inserting "$5,000,000 for each of the fiscal years 2008 through 2011"; and

(B) in the second sentence—

(i) by inserting "$1,500,000 for additional personnel for each of the fiscal years 2008 through 2011" after "Office to Monitor and Combat Trafficking"; and

(ii) by striking "2006 and 2007" and inserting "2008 through 2011";

(2) in the first sentence of subsection (b), by striking "$5,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "2004, 2005, 2006, and 2007" each place it appears and inserting "2008 through 2011";

(ii) in subparagraph (B)—

(I) by striking "$15,000,000" and inserting "$10,000,000"; and

(II) by adding at the end the following new sentence: "To carry out the purposes of section 107(a)(1)(F), there are authorized to be appropriated to the Secretary of State $500,000 for fiscal year 2008, $750,000 for fiscal year 2009, and $1,000,000 for each of the fiscal years 2010 and 2011."; and

(iii) in subparagraph (C), by inserting "(as added by section 109)" after "section 134 of the Foreign Assistance Act of 1961";

(B) by striking paragraph (2);

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

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

(i) by striking "section 104" and inserting "sections 116(f) and 502B(h) of the Foreign Assistance Act of 1961 (as added by section 104)"; and

(ii) by striking ", including the preparation" and all that follows through "section";

(4) in subsection (d)—

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

(B) in the second sentence, by striking "$250,000" and all that follows through "2007" and inserting "$500,000 for each of the fiscal years 2008 through 2011";

(5) in subsection (e)—

(A) in paragraph (1), by striking "$5,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011";

(B) in paragraph (2)—

(i) by striking "section 109" and inserting "section 134 of the Foreign Assistance Act of 1961 (as added by section 109)"; and

(ii) by striking "$5,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011"; and

(C) in paragraph (3), by striking "$300,000" and all that follows through "2007" and inserting "$500,000 for each of the fiscal years 2008 through 2011";

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

(7) in subsection (h), by striking "fiscal year 2006" and inserting "each of the fiscal years 2008 through 2011"; and

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

SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.

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

(1) in paragraph (7) of section 102(b), by striking "2006 and 2007" and inserting "2008 through 2011";

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

"(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Labor $1,000,000 for each of the fiscal years 2008 through 2011.";

(3) in subsection (c) of section 201—

(A) in paragraph (1), by striking "$2,500,000 for each of the fiscal years 2006 and 2007" each place it appears and inserting "$3,000,000 for each of the fiscal years 2008 through 2011"; and

(B) in paragraph (2), by striking "$1,000,000" and all that follows through "2007" and inserting "$1,000,000 for each of the fiscal years 2008 through 2011";

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

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

(6) in subsection (d) of section 204, by striking "$25,000,000" and all that follows through "2007" and inserting "$25,000,000 for each of the fiscal years 2008 through 2011".

SEC. 303. RULE OF CONSTRUCTION.

The amendments made by sections 301 and 302 shall not be construed to affect the availability of funds appropriated pursuant to the authorizations of appropriations under the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) before the date of the enactment of this Act.

SEC. 304. TECHNICAL AMENDMENTS.

(a) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—Sections 103(1) and 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(1) and 7103(d)(7)) are amended by striking "Committee on International Relations" each place it appears and inserting "Committee on Foreign Affairs".

(b) TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.—Section 102(b)(6) and subsections (c)(2)(B)(i) and (e)(2) of section 104 of the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) are amended by striking "Committee on International Relations" each place it appears and inserting "Committee on Foreign Affairs".

TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

SEC. 401. SHORT TITLE.

This title may be cited as the "Child Soldier Prevention Act of 2007".

SEC. 402. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol, the term "child soldier"—

(A) means—

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

(ii) any person under age 18 who has been compulsorily recruited into governmental armed forces;

(iii) any person under age 16 voluntarily recruited into governmental armed forces; and

(iv) any person under age 18 recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

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

(3) OPTIONAL PROTOCOL.—The term "Optional Protocol" means the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which establishes 18 as the minimum age for conscription or forced recruitment and requires states party to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities

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

SEC. 403. FINDINGS.

Congress makes the following findings:

(1) According to the September 7, 2005, report to the General Assembly of the United Nations by the Special Representative of the Secretary-General for Children and Armed Conflict, "In the last decade, two million children have been killed in situations of armed conflict, while six million children have been permanently disabled or injured. Over 250,000 children continue to be exploited as child soldiers and tens of thousands of girls are being subjected to rape and other forms of sexual violence.".

(2) According to the Center for Emerging Threats and Opportunities (CETO), Marine Corps Warfighting Laboratory, "The Child Soldier Phenomenon has become a post-Cold War epidemic that has proliferated to every continent with the exception of Antarctica and Australia.".

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

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

(5) Many female child soldiers face the additional psychological and physical horrors of rape and sexual abuse, enslavement for sexual purposes by militia commanders, and severe social stigma should they return home.

(6) Some military and militia commanders target children for recruitment because of their psychological immaturity and vulnerability to manipulation and indoctrination. Children are often separated from their families in order to foster dependence on military units and leaders. Consequently, many of these children suffer from deep trauma and are in need of psychological counseling and rehabilitation.

(7) Child soldiers are exposed to hazardous conditions and are at risk of physical injury and disability, psychological trauma, sexually transmitted diseases, respiratory and skin infections, and often death.

(8) On May 25, 2000, the United Nations adopted and opened for signature, ratification, and accession the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

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

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

(11) More than 110 governments worldwide have ratified the Optional Protocol, establishing a clear international norm concerning the use of children in combat.

(12) On December 2, 1999, the United States ratified International Labour Convention 182, the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which includes the use of child soldiers among the worst forms of child labor.

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

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

(15) Section 502B(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(3)) provides that "the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise".

SEC. 404. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities;

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

(3) the United States Government should expand ongoing services to rehabilitate recovered child soldiers and to reintegrate them back into their communities by—

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

(B) facilitating reconciliation with their communities through negotiations with traditional leaders and elders to enable recovered abductees to resume normal lives in their communities; and

(C) providing educational and vocational assistance;

(4) the United States should work with the international community, including, where appropriate, third country governments, nongovernmental organizations, faith-based organizations, United Nations agencies, local governments, labor unions, and private enterprise—

(A) on efforts to bring to justice rebel organizations that kidnap children for use as child soldiers, including the Lord's Resistance Army (LRA) in Uganda, Fuerzas Armadas Revolucionarias de Colombia (FARC), and Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, including, where feasible, by arresting the leaders of such groups; and

(B) on efforts to recover those children who have been abducted and to assist them in their rehabilitation and reintegration into communities;

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

(6) United States diplomatic missions in countries in which governments use or tolerate child soldiers should develop, as part of annual program planning, strategies to promote efforts to end this abuse of human rights, identifying and integrating global best practices, as available, into such strategies to avoid duplication of effort; and

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

SEC. 405. PROHIBITION ON PROVISION OF MILITARY ASSISTANCE TO FOREIGN GOVERNMENTS THAT RECRUIT OR USE CHILD SOLDIERS.

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

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

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

(2) NOTIFICATION TO FOREIGN GOVERNMENTS.—The Secretary of State shall formally notify each foreign government subject to the prohibition in subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a foreign government of the prohibition in subsection (a) if the President determines that such waiver is in the interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—The President shall publish each waiver granted under paragraph (1) in the Federal Register and shall notify the appropriate congressional committees of each such waiver, including the justification for the waiver, in accordance with the regular notification procedures of such committees.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a foreign government assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the foreign government—

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

(2) has implemented effective policies and mechanisms to prohibit and prevent future use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTIONS.—

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

(A) IN GENERAL.—The President may provide to a foreign government assistance under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347; relating to international military education and training) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(i) the government is implementing effective measures to demobilize child soldiers in its forces or in government supported paramilitaries and to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(ii) the assistance provided by the United States Government to the government will go to programs that will directly support professionalization of the military.

(B) LIMITATION.—The exception under subparagraph (A) may not remain in effect for more than 2 years following the date of notification specified in subsection (b)(2).

(2) ASSISTANCE TO FURTHER COOPERATION WITH THE UNITED STATES TO COMBAT INTERNATIONAL TERRORISM.—The President may provide to a foreign government assistance under any provision of law specified in subsection (a) if the purpose of the assistance is specifically designed to further cooperation between the United States and the foreign government to combat international terrorism.

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

SEC. 406. REPORTS.

(a) PREPARATION OF REPORTS REGARDING CHILD SOLDIERS.—The Secretary of State shall ensure that United States missions abroad thoroughly investigate reports of the use of child soldiers in the countries in which such missions are located.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the Department of State's annual Country Reports on Human Rights Practices that relate to child soldiers, the Secretary of State shall ensure that such portions include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

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

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

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

(2) a justification for those waivers and exceptions; and

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

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

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

SEC. 407. TRAINING FOR FOREIGN SERVICE OFFICERS.

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

"(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided after January 1, 2008, for members of the Service, including chiefs of mission, instruction on matters related to child soldiers and the terms of the Child Soldier Prevention Act of 2007.".

Amend the title so as to read:

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

SUMMARY

H.R. 3887, the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007," reauthorizes existing U.S. programs to combat human trafficking and establishes new requirements and programs regarding trafficking into both sexual exploitation and forced labor. Among a wide range of initiatives, H.R. 3887 establishes new programs to prevent trafficking from occurring in foreign countries where trafficking begins, widens U.S. assistance programs to U.S. citizens, and provides additional protections for trafficking survivors who are threatened by trafficking perpetrators, and for children who are at risk of being repatriated into the hands of traffickers or abusers. H.R. 3887 also creates new or enhances existing criminal penalties against trafficking perpetrators, including strengthening crimes relating to sex tourism and unscrupulous labor recruiters. Unlike previous reauthorizations, this reauthorization is for four years, from fiscal years 2008 to 2011, recognizing that U.S. anti-trafficking programs have become more established.

BACKGROUND AND PURPOSE FOR THE LEGISLATION

Trafficking in Persons represents an emerging and dangerous abuse of the increasingly interconnected nature of the international economic system. In this sense, it has often been referred to as the "dark side of globalization." The International Labor Organization has estimated that as many as 12.3 million individuals are trafficked annually, with 40 percent being trafficked into sexual exploitation and a third into forced labor. Each year, up to two million of those victims cross international borders. These individuals are caught up in schemes of organized crime. Transnational criminals have increasingly become involved in trafficking, which may be the

third most lucrative crime after the trade in illegal narcotics and the illegal sale of weapons. Trafficking has been estimated to yield $12 to $17 billion each year, giving traffickers increasing resources to avoid punishment.

These vast numbers obscure the human tragedy inherent in human trafficking. Women and girls are sold into sexual slavery, with personal testimonials suggesting that they are forced to commit commercial sex acts day after day for little or no pay, and are subject to coercion and violence. Individuals are forced to work in agriculture, domestic servitude, sweatshops and restaurants and hotels, often for no pay or in debt bondage that eliminates any hope of freedom. Passports are seized, threats of injury or retaliation against victims are made, and violence is perpetrated. Trafficking in persons is not just a transnational problem but also a human calamity.

The Committee has taken an intense interest in combating this developing horror and has repeatedly acted to combat it. The Trafficking Victims Protection Act (TVPA), P.L. 106–386, was enacted in October 2000 to combat trafficking in persons, ensure the prosecution of traffickers, and protect the victims of trafficking. The TVPA was amended and funding was reauthorized in the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228). The TVPA was further amended and funding reauthorized for fiscal years 2004 and 2005 through the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108–193). The TVPA was again reauthorized in 2006 with the enactment of the Trafficking Victims Protection Act of 2005 (P.L. 109–164). A variety of other statutes have updated the TVPA, including the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) and the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248). The TVPA and its progeny also give modern meaning to the Constitution's prohibition against involuntary servitude and comport with the customary and treaty law prohibition on slavery and involuntary servitude. Most recently, this and related issues were addressed by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, to which the United States is a party.

On October 18, 2007, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007 was introduced. Recognizing the immense contributions of British Parliamentarian William Wilberforce to the abolition of the global slave trade in the 19th Century, H.R. 3887 was introduced by Chairman Lantos and had as its original cosponsors Mr. Smith of New Jersey, Mr. Conyers, Mr. Wolf, Mr. George Miller of California, Ms. Ros-Lehtinen, Ms. Lofgren, Mr. Pitts, Ms. Maloney of New York, Ms. Drake, Mr. Nadler, and Mr. Hastings of Florida. As with past legislative efforts, the legislation creates new anti-trafficking initiatives and directly confronts the issue of trafficking for sexual exploitation. H.R. 3887 also contains significant enhancements to combat labor slavery. Just as we are asking foreign countries to increase their labor protections of foreign workers and establish agreements relating to export of laborers, this bill also contains domestic measures to prevent unscrupulous labor recruiters from exploiting foreign workers

here in the United States and give continuing effect to the content and aspirations of the 13th Amendment to the Constitution.

Some of the key international initiatives in the legislation include:

- Requiring a comprehensive analysis of trafficking data to help us better understand where victims are actually going and how to free them.
- Providing more help for countries to inspect locations where slavery or slave-like conditions occur, to register vulnerable populations and to provide more protection to foreign workers.
- Ensuring that U.S. assistance programs are transparent and effective.
- Urging the Administration to work with our friends to reach agreements between labor exporters and labor importers so that vulnerable workers have more, rather than less protection.
- Addressing the issue of child soldiers.

Key provisions relating to combating trafficking in the United States include:

- Protecting victims from retaliation by the criminals who trafficked them.
- Expanding and revising U.S. criminal violations, including creating crimes against sex tour operators and facilitating extraterritorial prosecutions against international trafficking criminals.
- Ensuring assistance to U.S. victims of trafficking in persons.
- Preventing the trafficking of unaccompanied alien children found in the United States by ensuring that they are not repatriated into the hands of traffickers or abusive families, and are well cared for.

HEARINGS

The Committee on Foreign Affairs held a Full Committee Hearing on "International Trafficking in Persons: Taking Action to Eliminate Modern Day Slavery" on October 18, 2007.

COMMITTEE CONSIDERATION

The Committee marked up H.R. 3887 on October 23, 2007, and reported it favorably to the House, as amended, by voice vote, a quorum being present.

VOTES OF THE COMMITTEE

There were no recorded votes on H.R. 3887.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 1, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 3887—William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007

SUMMARY

H.R. 3887 would reauthorize several programs within the Departments of State, Labor, Justice, and Health and Human Services, and other agencies that combat trafficking in persons. The bill would specifically authorize the appropriation of $207 million in 2008 and $872 million over the 2008–2011 period. In addition, CBO estimates that the bill would increase the responsibilities of the Department of Labor (DOL) with respect to foreign labor contractors and spending by the Department of Health and Human Services (HHS) on medical and foster care for certain unaccompanied alien children. In total, CBO estimates that implementing the bill would increase discretionary costs by about $825 million over the 2008–2012 period, assuming appropriation of the specified and estimated amounts.

In addition, CBO estimates H.R. 3887 would increase direct spending by $1 million in 2008, $20 million over the 2008–2012 period, and $61 million over the 2008–2017 period, primarily by expanding eligibility for certain public assistance programs. Finally, the bill would increase collections of certain fines (recorded as revenues), but CBO estimates those effects would not be significant.

Section 4 of Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 236(d)(5) addresses the due process rights of aliens in certain legal proceedings and thus would fall within that exclusion. Therefore, CBO has not reviewed that section of the bill for intergovernmental and private-sector mandates.

Other provisions of H.R. 3887 contain intergovernmental mandates as defined in UMRA, but CBO estimates that the annual cost

of those mandates would not exceed the threshold established in UMRA ($66 million in 2007, adjusted annually for inflation).

H.R. 3887 also would impose private-sector mandates, as defined in UMRA, on foreign labor contractors and employers who use such contractors. (Foreign labor contractors include persons who recruit, solicit, or hire foreign workers living outside the United States for employment in the United States.) The bill would require foreign labor contractors to obtain a certificate of registration from DOL before engaging in contracting activities and to disclose certain information in writing about employment opportunities. In addition, the bill would require employers who use foreign labor contractors to use only those that have registered with DOL. Based on information from DOL, CBO estimates the aggregate direct cost to comply with those mandates would not exceed the annual threshold for private-sector mandates established in UMRA ($131 million in 2007, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3887 is shown in Table 1. The costs of this legislation fall within budget functions 150 (international affairs), 500 (education, training, employment, and social services), 550 (health), 600 (income security), and 750 (administration of justice).

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF H.R. 3887 [1]

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	220	230	241	252	21
Estimated Outlays	88	159	197	224	155
CHANGES IN DIRECT SPENDING [2]					
Estimated Budget Authority	1	4	4	5	6
Estimated Outlays	1	4	4	5	6

Note: Components may not sum to totals in text because of rounding.

[1] In addition to effects on spending subject to appropriation and direct spending, CBO estimates enacting H.R. 3887 would have an insignificant effect on revenues.

[2] In addition to the direct spending effects shown here, enacting H.R. 3887 would have additional effects on direct spending after 2012 (see Table 3). The bill would increase direct spending by $20 million over the 2008–2012 period and by $61 million over the 2008–2017 period, CBO estimates.

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 3887 will be enacted before the end of calendar year 2007, that the specified and estimated authorization amounts will be appropriated near the start of each fiscal year, and that outlays will follow historical spending patterns for existing and similar programs.

Spending Subject to Appropriation

H.R. 3887 would specifically authorize the appropriation of $207 million in 2008 and $872 million over the 2008–2011 period. CBO estimates that new responsibilities and reports contained in the bill would require additional appropriations of $13 million in 2008 and $91 million over the 2008–2012 period. In total, CBO estimates that implementing this legislation would cost about $825 million

over the 2008–2012 period, assuming appropriation of the specified and estimated amounts (see Table 2).

Department of Justice. As detailed below, H.R. 3887 would authorize the appropriation of $83 million in 2008 and $355 million over the 2008–2012 period for Department of Justice (DOJ) programs to combat trafficking in persons. CBO estimates that implementing those provisions would cost $309 million over the 2008–2012 period, assuming appropriation of the specified amounts.

- Section 214 would authorize the appropriation of $33 million over the 2008–2011 period for DOJ to make grants to state, local, and tribal governments and nonprofit organizations for programs to assist victims of human trafficking.
- Section 301 would authorize the appropriation of $16 million for each of fiscal years 2008–2011 for DOJ to make grants to state, local, and tribal governments and nonprofit organizations for other programs to serve victims of trafficking.
- Section 301 would authorize the appropriation of $15 million for each of fiscal years 2008–2011 for the Federal Bureau of Investigation to investigate severe forms of trafficking in persons.

TABLE 2.—COMPONENTS OF SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 3887

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION [1]					
Department of Justice:					
Authorization Level	83	86	91	96	0
Estimated Outlays	42	63	73	83	48
Overseas Assistance:					
Estimated Authorization Level	64	64	64	64	*
Estimated Outlays	8	33	48	56	50
Department of Health and Human Services:					
Estimated Authorization Level	41	48	55	61	12
Estimated Outlays	16	37	48	56	43
Department of Labor:					
Estimated Authorization Level	24	24	24	24	8
Estimated Outlays	16	19	21	22	12
Department of State:					
Estimated Authorization Level	7	7	7	7	0
Estimated Outlays	5	6	6	6	1
Other Provisions:					
Estimated Authorization Level	1	1	1	1	1
Estimated Outlays	1	1	1	1	1
Total Changes:					
Estimated Authorization Level	220	230	241	252	21
Estimated Outlays	88	159	197	224	155

Note: * = less than $500,000.
[1] Five-year costs in text and totals in the table differ slightly from a summation of the annual costs shown here because of rounding.

- Section 301 would authorize the appropriation of $18 million for each of fiscal years 2008–2011 for Immigration and Customs Enforcement to investigate severe forms of trafficking in persons.
- Section 302 would authorize the appropriation of $25 million for each of fiscal years 2008–2011 for DOJ to make grants

to state, local, and tribal governments for programs to combat trafficking in persons.
- Section 302 also would authorize the appropriation of $7 million for each of fiscal years 2008–2011 for DOJ programs to reduce trafficking in persons in the United States.

Overseas Assistance. Section 301 would authorize the appropriation of $31 million a year over the 2008–2011 period to the Secretary of State and $31 million a year to the President in those same years for programs to prevent trafficking in persons, to protect victims of trafficking, for research on domestic and international trafficking in persons, to prevent refugees and internally displaced persons from being exploited by traffickers, and to assist foreign states in eliminating trafficking in persons. In addition, the U.S. Agency for International Development (USAID) would be required to make annual reports to the Congress on human rights practices; CBO estimates this requirement would cost less than $500,000 each year, assuming availability of appropriated funds. Section 302 would authorize the appropriation of $3 million a year for 2008 through 2011 to USAID to continue a pilot program that establishes residential treatment facilities in foreign countries to treat victims of trafficking. CBO estimates that implementing those provisions would cost $8 million in 2008 and $195 million over the 2008–2012 period, assuming appropriation of the necessary amounts.

Department of Health and Human Services. As detailed below, H.R. 3887 would specifically authorize the appropriation of $38 million in 2008 and $173 million over the 2008–2012 period for HHS programs. Furthermore, CBO estimates that one provision would require additional appropriations of $44 million over the 2008–2012 period. CBO estimates that implementing those provisions would cost $16 million in 2008 and $200 million over the 2008–2012 period, assuming appropriation of the necessary amounts.

- Section 214 would authorize the appropriation of $33 million over the 2008–2011 period for HHS to make grants to state, local, and tribal governments and nonprofit organizations for programs to assist victims of human trafficking.
- Section 301 would authorize the appropriation of $15 million for each of fiscal years 2008–2011 for HHS to provide assistance to trafficking victims in the United States, including those who would gain eligibility as a result of changes made in Title II.
- Section 302 also would authorize the appropriation of $15 million annually over the 2008–2011 period for HHS to make grants to victims' services organizations.
- Section 302 would authorize the appropriation of $5 million annually over the 2008–2011 period for HHS to establish residential treatment facilities for juveniles subjected to trafficking.

Section 236 would change current law regarding the repatriation of unaccompanied alien children in the United States and would authorize HHS to provide individuals who have special status as juvenile immigrants with both foster care and medical care. Based on information from HHS and the Department of Homeland Secu-

rity (DHS), CBO estimates that, in 2008, the requirement to provide foster care payments would affect about 400 children and the requirement to provide medical care would affect about 500 children, with the estimated number of children doubling by 2017. Using information from HHS and the Centers for Medicare and Medicaid Services, CBO estimates the average monthly foster care payment would be $1,300 and the average annual medical costs would be about $2,600 in 2008. Adjusting for inflation and a slight lag in implementing the provision in 2008, CBO estimates that implementing those provisions would cost $3 million in 2008 and $43 million over the 2008–2012 period, assuming appropriation of the necessary amounts.

Department of Labor. CBO estimates that, in total, H.R. 3887 would increase spending for DOL by $16 million in 2008 and $90 million over the 2008–2012 period, assuming appropriation of the necessary amounts.

The bill would authorize appropriations of $15 million for each of fiscal years 2008–2011 for DOL to provide benefits and services to victims of severe forms of trafficking of persons in the United States and $1 million annually over the same time period to fund activities at the Bureau of International Labor Affairs to combat forced labor and child labor. CBO estimates that implementing those provisions would cost $58 million over the 2008–2012 period, assuming appropriation of the authorized amounts.

Section 202 would require DOL to establish an electronic process for registering foreign labor contractors, and would require the department to investigate and dispose of complaints related to any foreign labor contractor's failure to comply with the act. DOL currently performs such duties for farm labor contractors under the Migrant and Seasonal Farmworkers Act. Based on the current costs of those activities, CBO estimates that DOL would require additional discretionary resources of $8 million a year. CBO estimates that implementing this provision would cost $5 million in 2008 and $32 million over the 2008–2012 period, assuming appropriation of the estimated amounts.

Department of State. Section 301 would authorize the appropriation of $7 million for each of fiscal years 2008–2011 for operating expenses of the Interagency Task Force, which coordinates the implementation of the Trafficking Victims Protection Act, and the department's Office to Combat and Monitor Trafficking. CBO estimates that implementing those provisions would cost $5 million in 2008 and $24 million over the 2008–2012 period, assuming appropriation of the authorized amounts. In addition, the bill would establish a new rewards program to recognize individuals or organizations for their extraordinary efforts in fighting trafficking in people. Based on information from the department about a comparable program, CBO estimates this provision would cost about $250,000 a year, assuming availability of appropriated funds.

Other Provisions. Section 405 would prohibit funds from being used to carry out military programs with governments that the Secretary of State determines use child soldiers. Such programs include educating and training soldiers from other nations and financing the procurement of weapons for other countries. The President would be able to waive the prohibition if it were in the interest of the United States to do so. CBO has no basis for projecting

how this provision would be implemented by the Administration, and therefore cannot estimate its effect on federal spending.

CBO estimates that several other provisions in H.R. 3887, when combined, would cost $1 million annually over the 2008–2012 period, assuming availability of appropriated funds. Some of those provisions would impose new or expanded reporting requirements, require a new information pamphlet on legal rights and resources for certain visa applicants, and create new positions at the DOJ and DOL to better coordinate anti-trafficking programs.

Direct Spending and Revenues

CBO estimates that H.R. 3887 would increase direct spending by $1 million in 2008, $20 million over the 2008–2012 period, and $61 million over the 2008–2017 period, primarily by expanding eligibility for certain entitlement programs. The bill also would increase collections of certain fines (revenues), but CBO estimates that those effects would not be significant (see Table 3).

TABLE 3.—COMPONENTS OF DIRECT SPENDING UNDER H.R. 3887

	By fiscal year, in millions of dollars—											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2008–2012	2008–2017
CHANGES IN DIRECT SPENDING												
Foster Care:												
Estimated Budget Authority	1	3	3	4	4	5	5	6	6	7	15	44
Estimated Outlays	1	3	3	4	4	5	5	6	6	7	15	44
Public Assistance:												
Estimated Budget Authority	*	1	1	1	2	2	2	2	3	3	5	17
Estimated Outlays	*	1	1	1	2	2	2	2	3	3	5	17
1Total Changes:												
Estimated Budget Authority	1	4	4	5	6	7	7	8	9	10	20	61
Estimated Outlays	1	4	4	5	6	7	7	8	9	10	20	61

Note: * = less than $500,000.

Foster Care. Section 236 would require the federal government to reimburse states for the cost of foster care provided to special immigrant juveniles not covered elsewhere in the bill (see the heading "Department of Health and Human Services" above in the section on "Spending Subject to Appropriation"). We estimate that this provision would affect about 160 children in 2008, with the number of children doubling by 2017, and that the average monthly foster care payment would be about $1,300 in 2008. Adjusting for anticipated inflation and a slight lag in implementing the program in 2008, CBO estimates that providing foster care payments to those children would increase direct spending by $1 million in 2008, $15 million over the 2008–2012 period, and $44 million over the 2008–2017 period.

Public Assistance. H.R. 3887 would affect public benefits such as Food Stamps, Medicaid, and Supplemental Security Income (SSI) in five ways:

- Section 201 would expand eligibility for T visas, a nonimmigrant visa, for those brought into the country as witnesses in a judicial proceeding and for adult victims' parents and siblings who are threatened because of the victim's cooperation with law enforcement;

- Section 201 would expand eligibility for continued presence in the United States, a nonimmigrant legal status, for trafficking victims who have filed a civil suit against their traffickers;
- Section 201 would expand eligibility for parole, a nonimmigrant legal status that allows entry into the United States, for relatives of victims with continued presence status;
- Section 212 would grant interim access to benefits to those individuals whose application for a T visa is pending; and
- Section 213 would grant interim benefits to children whose certification as a victim of severe trafficking is pending.

Based on information from DHS and DOL, and conversations with other immigration and trafficking experts, CBO projects that those provisions would enable 100–150 additional people per year to become eligible for the entitlement benefits available to refugees, such as Food Stamps, Medicaid, and SSI. In addition, CBO forecasts that 125–150 people per year would become eligible for benefits sooner than they would have otherwise. Drawing on information from HHS, CBO expects 40 percent of the affected individuals would be eligible for the Food Stamp program and roughly 15 percent would be eligible for Medicaid and SSI. Presuming average per capita costs, we estimate that those provisions would increase outlays by less than $500,000 in fiscal year 2008 and $17 million over the 2008–2017 period.

Criminal Fines. Section 221 would establish new federal crimes for certain offenses relating to human trafficking. Because those prosecuted and convicted under H.R. 3887 would be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as revenues, deposited in the Crime Victims Fund, and later spent. CBO expects that any additional revenues and direct spending would not be significant.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

Section 4 of UMRA excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 236(d)(5) addresses the due process rights of aliens in certain legal proceedings and thus would fall within that exclusion. Therefore, CBO has not reviewed that section of the bill for intergovernmental and private-sector mandates.

Other provisions of H.R. 3887 contain intergovernmental mandates as defined in UMRA, but CBO estimates that the annual cost of those mandates would not exceed the threshold established in UMRA ($66 million in 2007, adjusted annually for inflation).

If state or local officials have reason to believe a person may be a juvenile victim of trafficking, the bill would require those officials to notify the Secretary of HHS within 72 hours. CBO estimates that the administrative cost of this mandate would not be significant.

In addition, H.R. 3887 would require the Secretary of HHS to place a juvenile victim of trafficking with a person capable of providing for the child's physical and mental well-being. For this pur-

pose, the bill would require state and local agencies to give the federal government access to law enforcement and immigration databases to verify the potential caretaker's identity and to investigate any criminal record. State and local governments would incur administrative costs associated with any increased usage of their databases, but CBO estimates that requests associated with the placement of juvenile victims of trafficking would be infrequent, and any incremental administrative costs would be small.

The bill would impose private-sector mandates, as defined in UMRA, on foreign labor contractors and employers who use such contractors. The bill would require any person who is a foreign labor contractor to obtain a certificate of registration from DOL before engaging in contracting activities. As defined in the bill, such activities include recruiting, soliciting, hiring, employing, or furnishing an individual who lives outside of the United States to be employed in the United States. Foreign labor contractors also would be required to disclose certain information about the employment opportunity in writing to each worker who is recruited for employment. In addition, the bill would require employers who use foreign labor contractors to use only those that have registered with the DOL. Based on information from DOL, CBO estimates the aggregate direct cost to comply with those mandates would not exceed the annual threshold for private-sector mandates established in UMRA ($131 million in 2007, adjusted annually for inflation).

ESTIMATE PREPARED BY:

Federal Costs:
Department of Justice—Mark Grabowicz
Overseas Assistance—Michelle S. Patterson
Department of Health and Human Services—Jonathan Morancy and David Rafferty
Department of Labor—Christina Hawley Anthony
Department of State—Sunita D'Monte
Impact on State, Local, and Tribal Governments: Neil Hood
Impact on the Private Sector: Paige Piper/Bach

ESTIMATE APPROVED BY:

Peter H. Fontaine
Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of House rule XIII, upon enactment of this legislation, more foreign countries should increase the number of prosecutions against international traffickers.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution and the Thirteenth Amendment to the Constitution.

NEW ADVISORY COMMITTEES

H.R. 3887 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 3887 does not apply to the Legislative Branch.

EARMARK IDENTIFICATION

H.R. 3887 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title and Table of Contents

This section provides that the Act may be cited as the, "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007," and includes the table of contents.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Section 101. Interagency Task Force to Monitor and Combat Trafficking

This section adds the Secretary of Education to the Task Force.

Section 102. Office to Combat Monitor and Combat Trafficking

Subsection (a) amends provisions related to the State Department's Office to Monitor and Combat Trafficking by mandating the continuation of the office, by conferring additional responsibility to work on public-private partnerships to combat trafficking and provides that the Director of the office have the ability to review and concur in State Department programs and U.S. Agency for International Development programs, including programs that are administered in the field, that are not managed by the Office to Combat Trafficking in Persons (the "TIP" office). While the Committee does not want to delay implementation of the trafficking programs, there needs to be greater coordination with the office that has the most expertise on designing and implementing trafficking specific programs. This subsection also makes clear that the TIP office is to have authority to manage its own programs. In particular, the Committee hopes that such authority will reduce or eliminate delays between the TIP office's decision to award grants and contracts and the actual expenditure of funds under those grants and contracts.

Subsection (b) expresses the sense of Congress that the Secretary of State should locate the TIP office at the main headquarters for the Department of State, in Washington, D.C., in offices that reflect the broad and historic mission of the office to end modern-day slavery.

Section 103. Prevention and Prosecution of Trafficking in Foreign Countries

Subsection (a) provides additional methods for combating trafficking abroad, including support for the capacity of foreign govern-

ments to conduct investigations, for the capacity of foreign governments to provide immigrant populations information regarding their rights in the country, to provide for legal frameworks that protect foreign migrant workers, including domestic servants, to the same degree as citizens, and assistance to register vulnerable populations.

Subsection (b) amends the foreign assistance act to provide specific assistance for anti-trafficking investigation and prosecution units in foreign countries relating to individuals and entities involved in sexual exploitation. The Committee notes that assistance directly to law enforcement, as contemplated by section 134 of the Foreign Assistance Act, which is the subject of this subsection, should be used to combat trafficking by increasing investigations, prosecutions and convictions.

Section 104. Assistance for Victims of Trafficking in Other Countries

Section 104 provides for a number of amendments to section 107 of the Trafficking Victims Protection Act, including ensuring that programs are carried out in a manner that takes into account the transnational aspects of trafficking, supports increased protection for refugees and internally displaced persons, and emphasizes that cooperative efforts are to be undertaken on a regional basis. The Committee believes that refugees and internally displaced persons are particularly vulnerable populations that need special protection.

Section 105. Increasing Effectiveness of Anti-Trafficking Programs

Section 105 amends the TVPA by adding a new section which provides for transparency and evaluation of trafficking programs.

Subsection (a) provides findings that U.S. assistance programs related to combating trafficking in persons should be monitored and evaluated, and the U.S. should measure results—that is, the actual effects—as well as numerical outcomes of such programs. These outcome results should include rescue, rehabilitation and reintegration programs in the United States and abroad, proactive prevention activities at the community level, and education, health, and law enforcement programs.

Subsection (b) provides for an amendment to the TVPA of 2000 to ensure that all U.S. anti-trafficking programs, both programs carried out in the United States and abroad, are transparent and provide for evaluation of such programs. These provisions include a requirement that the awarding of grants, cooperative agreements and contracts be awarded transparently and competitively, consistent with current law. The Committee does not intend this provision to prohibit small grants without competition that are permitted under existing procurement mechanisms where such grants are warranted, although the Committee encourages the Department to use competitive processes wherever possible. The Committee also notes that subsection (a) of the new provision states that the agency review process for grants, cooperative agreements and contracts should not be subject to ad hoc or intermittent review by individuals or organizations outside the U.S. Government. The Committee does not intend to prevent persons from providing their opinion with respect to specific proposals they are aware have

been made; rather the Committee does not believe they should not have access to the internal analysis or process used for formally reviewing those grants.

Subsection (c) of the new section of the TVPA also provides that the President establish performance goals and ensure performance indicators are used for all U.S. programs carried out in the United States and abroad. The Committee expects that the President will delegate this authority to each individual agency to establish performance goals and indicators that are tailored to each program.

The process of creating and implementing performance goals for anti-trafficking programs should reflect the evolving understanding of most effective strategies. Such indicators should be sufficiently flexible to enable local, context-specific approaches. As a 2007 GAO report noted, it is important that anti-trafficking efforts encompass reintegration efforts, place further emphasis on individual care plans for each survivor, and provide realistic and properly resourced programs for local follow up and monitoring of survivors. These initiatives must be guided by local conditions and dynamics; the Committee urges that the formulation and implementation of performance goals provide sufficient flexibility to ensure this. In addition, consistent with the recommendations of the Government Accountability Office report from July 2007, performance indicators should measure the extent of local community engagement in strategies to prevent trafficking, since the lack of the involvement of the local community where anti-trafficking programs are targeted will likely undermine the success of such programs.

Subsection (c) of this new section also provides that efforts shall be undertaken to provide U.S. assistance consistent with the priorities and country assessments contained in the most recent annual TIP report. Because of the way funds are programmed, amounts available for anti-trafficking programs are often apportioned and then allocated for specific countries with insufficient regard to the subsequent publication of the annual TIP report. The Committee believes there should be greater congruence between the priority countries in the TIP report and U.S. Government programming decisions.

Subsection (d) of the new section mandates that the President take steps to ensure that the design, monitoring, and evaluation of U.S. assistance programs for emergency relief, development and poverty alleviation are carried out in a manner that takes into account and is consistent with U.S. policies and other U.S. programs relating to combating trafficking. This provision constitutes a "mainstreaming" of trafficking policies into the overall U.S. assistance programs. At a minimum, U.S. assistance programs should not undermine U.S. efforts to combat trafficking.

Section 106. Minimum Standards for the Elimination of Trafficking

Subsection (a) eliminates the limitation that only countries with a significant number of victims be monitored. Under this amendment, any country that has any trafficking victims will be subject to the provisions of the TVPA.

Subsection (b) clarifies that in evaluating whether a country is making significant efforts to combat trafficking, convictions that result in suspended or significantly reduced sentences shall not be considered to be an indicator of serious and sustained efforts to

eliminate severe forms of trafficking in persons. The Committee notes that while prevention and protection are critical to reducing trafficking, criminal prosecutions with significant sentences are critical to breaking the criminal syndicates that conduct trafficking and should be given special emphasis when determining whether a country is meeting or making significant efforts to combat trafficking. Likewise, efforts to reduce demand for commercial sex acts should be prioritized in a similar manner in making such determinations.

Subsection (b) also provides that an additional criterion for such standards is the provision of training in the identification and treatment of trafficking victims. Finally, given the priority in reducing the demand for commercial sex acts, subsection (b) sets as a separate criterion whether a government has made serious and sustained efforts to reduce demand for commercial sex acts and to eliminate participation in international sex tourism.

Section 107. Actions Against Governments Failing to Meet Minimum Standards

Subsection (a) provides that if a country has been on the special watch list for two consecutive years, such country shall be deemed to be not making significant efforts to combat trafficking unless the Secretary of State determines that: (1) the country has a written plan to begin making such efforts; (2) the plan, if implemented, would constitute making such efforts; and (3) the country is devoting sufficient resources to implement such plan. This provision addresses the problem of "parking" countries on the Tier II Watch List. When Congress created the list, it was not the intention that countries could stay on the Watch List permanently. There needs to be real progress by such countries or such countries will have to be determined to be Tier III.

Subsection (b) provides a clarification that a country that is subject to sanctions under section 110 but has not received non-humanitarian, non-trade related assistance in the previous year has both such assistance and exchanges cut off in the year in which sanctions apply. The Committee understands that there is some ambiguity as to whether a Tier III country that did not receive assistance in a previous year is prohibited from receiving such assistance in the year after they are placed on the Tier III list. This provision is designed to clarify that if a country is placed on Tier III, such country will not be able to receive non-humanitarian, non-trade related assistance.

Subsection (c) requires translation of the State Department's annual report required pursuant to the TVPA of 2000, and publication of the translated report on appropriate websites.

Section 108. Research on Domestic and International Trafficking in Persons

Subsection (a) amends section 112A of the TVPA of 2000 to require the establishment of an integrated database combining all available data relating to trafficking trends in order to improve coordination of the collection of data related to trafficking in persons by each agency of the U.S. Government, promoting uniformity of data collection and standards and systems related to such collection, and undertaking a meta-analysis of such data. In GAO's re-

port from earlier this year entitled "Human Trafficking: Better Data, Strategy and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad" (GAO–06–825), GAO reported that "[t]o date, the U.S. government has funded few projects to improve estimates of trafficking on a regional or international basis, " that "officials stated that they do not systematically analyze the trafficking information they receive and lack the human and financial resources to do so," and "based on our analysis of agency data sets, we found that Federal agencies do not have data collections programs that could share information or include common data fields."

This subsection would rectify these problems by creating greater uniformity and better data collection. The results of combining these data sets would allow the U.S. Government to perform a meta-analysis of trafficking trends. Modern computer technology has made possible "such an analysis, a method based on combining and then analyzing a group of data sets collected on the same topic. Pioneered in medical research, it has been important in discovering trends in both the incidence and successful treatment of major diseases. At present there are a number of independent data sets on human trafficking within U.S. Government agencies, as well as international organizations such as the International Labor Organization and the International Office of Migration (IOM). Indeed, GAO noticed that IOM has a particularly useful data set. Combination of these data sets would make possible a deeper understanding of the incidence and trends of human trafficking.

Depending on the quality of the combined data sets, the power of the analysis could range from gaining a clearer broad picture of trafficking, to findings that can apportion precise weights to the factors that generate this criminal activity, thus indicating the most effective points of intervention.

Subsection (b) amends section 112A to provide that the Human Smuggling and Trafficking Center (HSTC) would be responsible for efforts to improve data collection and the meta-analysis required by the amendment in subsection (a). The GAO notes that efforts to improve data collection "could include assigning a trafficking research and data unit to serve as interagency focal point charged with developing an overall research strategy, collecting and analyzing data, and directing research." GAO also provides that the Center could carry out such activities if properly funded. The Committee understands from GAO that some additional employees for the HSTC could accomplish this mission, and H.R. 3887 includes additional authorizations to section 112A to carry out this purpose.

Section 109. Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons

This section authorizes the President to establish an annual award for up to five persons (or organizations) who provided extraordinary service in efforts to combat trafficking in persons. This award is intended to be provided to U.S. citizens and foreign nationals, and U.S. and foreign non-governmental organizations, that make extraordinary efforts to combat trafficking in the United States or abroad.

Section 110. Responsibilities of Consular Officers of the Department of State

Subsection (a) requires consular officers conducting interviews of employment-based non-immigrant visas to ensure that the applicant has information about the illegality of slavery and other exploitation, the availability of services for human trafficking victims, the legal rights of immigrant victims of trafficking and other exploitation, and the provisions related to foreign labor brokers.

Subsection (b) provides for special provisions relating to A–3 and G–5 visas, including ensuring that that the applicant has an employment contract in a language that the applicant understands, that the Secretary of State report on the feasibility of having a system of monitoring of applicants that receive such visas and of creating a system by which diplomats for whom such applicants work purchase a bond, and that the Secretary cooperate with law enforcement officials to the fullest extent practicable with U.S. international obligations.

This section also provides that no such visas be issued if the individual who would hire the applicant is from a diplomatic mission or international institution where the Secretary determines that trafficking or other abuse has previously occurred or an individual has departed the United States because of credible evidence of such abuse, unless the Secretary of State determines that a mechanism is in place to prevent such abuse in the future. Subsection (b) also requires a report on diplomatic missions and international institutions affected, exceptions made and waivers of diplomatic immunity requested.

The Committee notes that once an A–3 or G–5 visa holder is admitted, there is currently no system to either provide for a one-time visit to ascertain that the visa holder has a copy of the holder's employment contract, the visa holder's passport, and an information pamphlet in a language the visa holder understands. Nor does any U.S. Government employee review, in a language the worker understands, the contents of the employment contract with the domestic worker and ascertain that she understands the rights and obligations stated in the contract. There is no system to monitor such employees to make sure that they are not being abused during their term of employment. The Committee believes that at least a one-time visit is merited, and that there should be a system of ongoing monitoring of the situation. This provision therefore mandates a feasibility study for such a system.

The Committee also notes that domestic servants have sometimes faced abuse. The Committee believes that where abuse has occurred and a domestic servant has not been provided his or her wages, the Department should take steps to ensure a fair settlement. In particular, where a civil claim is dismissed as a result of the State Department's intervention and assertion of diplomatic immunity, the Committee believes the State Department should take all reasonable steps to encourage, assist and support the foreign mission to achieve a just settlement of the claim between the alien and the employer. One alternative, which is used by the Government of Singapore, is for the diplomat employer to post a bond so that if the domestic servant is not paid, the domestic servant can collect funds based on the bond. Therefore this section provides for a feasibility study to study various forms of compensation, in-

cluding a bond program, compensation scheme or an insurance scheme.

Section 111. Report on Activities of the Department of Labor to Monitor and Combat Forced Labor and Child Labor

This section requires that the Secretary of Labor provide an interim report on the progress toward implementing section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 and requires the final report not later than September 30, 2008. The Committee appreciates the notice of Proposed Procedural Guidelines for the list of goods imported with slave labor published by the Department of Labor on October 1, 2007, and believes this is a good first step toward the eventual publication of such items. However, the Committee is concerned that the definition of the scope of the proposed list is too narrow as it applies to goods that are assembled without slave labor but that include components that are produced with slave labor or labor under slave-like conditions. At a minimum, the list produced by the Department should include items produced by slavery or by labor in slave-like conditions, and items where 50 percent or more of the value can be attributed to components made with slave labor or by labor in slave-like conditions.

Section 112. Sense of Congress Regarding Multilateral Framework Between Labor Exporting and Labor Importing Countries

This section provides a sense of Congress that the Secretary of State should seek to establish a multilateral framework between labor exporting and labor importing countries to ensure that individuals migrating between such countries are protected from trafficking in persons and worker exploitation of any kind.

TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE UNITED STATES

SUBTITLE A—ENSURING AVAILABILITY OF POSSIBLE WITNESSES AND INFORMANTS

This subtitle provides for certain changes to the T visa and the authority for continued presence of trafficking victims. The Committee continues, as in the TVPA of 2000, to seek to use the T visa created by that Act as a way to assist law enforcement officials while also seeking to address the humanitarian needs of trafficking victims. This section allows for bringing a victim's relatives into the United States so that the opportunity for retaliation, a key barrier to full cooperation with law enforcement, is reduced. It also allows T visas for those victims whom the Secretary of Homeland Security determines are unlikely or unable to cooperate with law enforcement because of physical or psychological trauma. These provisions will afford an opportunity for such a victim to become more stable and therefore more likely to cooperate with law enforcement.

In this regard, the Committee notes that under the TVPA of 2000, a T visa applicant must have responded to any reasonable request by law enforcement officials in order to investigate or prosecute traffickers. This requirement was modified by the TVPRA of 2003 to provide that a request was not "reasonable" if the victim, "due to psychological or physical trauma is unable to cooperate

with a request" from law enforcement officials." The modification in subsection (a) of Section 201 of this Act creating a new prong for the issuance of a T visa is therefore a streamlining as opposed to an expansion of the visa. A conforming change is made by section 201 to eliminate this language added by the TVPRA of 2003.

Finally, the Committee notes that adjustment of status to a Lawful Permanent Resident status, while conformed to certain changes made in the T visa, remains discretionary and includes the proviso that the victim respond to any reasonable request for assistance from law enforcement officials, maintaining the link to law enforcement in any event.

Despite the Committee's efforts and estimates of as many as 17,500 trafficking victims entering the United States every year, the number of victims coming forward to assist U.S. law enforcement remains too low. The Committee hopes that the changes in this subtitle and others provisions in this Act will increase the numbers of victims who come forward, the number who will be prepared to act as witnesses against trafficking perpetrators, and the number of successful prosecutions against such perpetrators.

Section 201. Protecting Trafficking Victims Against Retaliation

In particular, subsection (a) provides for certain changes to the T visa for trafficking victims. Paragraph (1) allows persons who are brought into the country by the government for investigations or as witnesses to apply for such a visa so as to prevent retaliation for their cooperation. It also allows a visa for persons who are not able to participate in an interview with law enforcement because of the trauma experienced by the applicant, clarifying the existing language in the T Visa authorization, and eliminates the "unusual and severe harm" standard.

Paragraph (2) allows parents and siblings who are in danger of retaliation to join the trafficking victims.

Paragraph (3) conforms the T visa to the changes made in paragraph (1) related to trauma of the victim.

Subsection (b) modifies certain requirements of the T visa, including providing criteria on extreme hardship.

Subsection (c) clarifies and expands the Secretary of Homeland Security's authority to permit continued presence of trafficking victims, including if the alien has filed a civil action against the trafficking perpetrators. It also allows for parole into the United States of certain relatives of trafficking victims, consistent with the amendments in section 205 of the Act. If enacted, the bill would therefore allow the T visa process and the continued presence process to be equally flexible in meeting law enforcement officials' needs.

Subsection (d) provides that the Secretary of Homeland Security may waive the restriction on disqualification from good moral character for T visa holders applying for adjustment to Lawful Permanent Resident Alien if the actions that would have led to the disqualification are caused by or incident to the trafficking which the victim experienced. Such waivers are currently available at the issuance stage, and this subsection is intended as a conforming amendment given that initial T recipients are expected to adjust at a later point in their recovery.

Section 202. Information for Work-Based Nonimmigrants on Legal Rights and Resources

Subsections (a) and (b), in conjunction with section 110 of the Act, require the Secretary of Homeland Security, in consultation with the Secretary of State, to create an information pamphlet for trafficking victims similar to the information required under the International Marriage Brokers Act, including the illegality of slavery and trafficking, rights of immigrants, and available services. It is expected that the Secretary of State shall ensure that the TIP office will be centrally involved in the drafting of the pamphlet, and that the Department of Labor will also play a significant role. Consistent with its mission under the TVPA of 2000, it is also expected that the pamphlet and its issuance will be subject to review by the Senior Policy Operating Group.

Subsection (c) requires summaries of the pamphlets to be made for review.

Subsection (d) requires translation of the pamphlet into certain key languages.

Subsection (e) provides for distribution of the pamphlets

Subsection (f) provides for the creation and distribution of the pamphlet within 120 days of enactment of the Act.

Subsection (g) provides for protection of foreign workers from unscrupulous foreign labor recruiters, who have been responsible for significant abuses discovered in the United States. Under this section, foreign labor recruiters who recruit foreign workers will have to register with the Department of Labor through an electronic system. Such recruiters will have to provide a disclosure to each potential employee recruited. If the recruiter provides materially false or misleading information, such labor recruiter will be subject to civil enforcement action by the Department of Labor and possible criminal prosecution. An employer who uses a foreign labor recruiter who is not registered, or knowingly disregards that such a recruiter is in violation of the provisions of this section, such employer shall also be subject to enforcement action.

Section 203. Clarification of Roles of Secretary of Homeland Security and Attorney General

This section clarifies the roles of the Secretary of Homeland Security and the Attorney General in making certain determinations under the Immigration and Nationality Act.

Section 204. Relief for Certain Victims Pending Actions on Petitions and Applications for Relief

This section allows the Secretary of Homeland Security to stay the removal of an individual who has made a prima facie case for approval of a T Visa (relating to human trafficking).

Section 205. Parole for Derivatives of Trafficking Victims

This section authorizes the provision of parole to derivative family members of trafficking victims to prevent retaliation against the victim or the victim's family. In cases where parole is being sought to support the victim's needs, rather than due to threats of retaliation against the victim's family, it is expected that the law enforcement officials filing the application for parole to determine, through consultations with the trafficking victim, her advocates and service

providers, which family members should join the victim to provide emotional and sustaining support necessary for the victim's cooperation and recovery. This provision need not be used for total family reunification in all such cases, though it is expected that the T visa process will serve that process for adjudicated victims.

Section 206. Implementation of Trafficking Victims Protection Reauthorization Act of 2005

This Section requires the Secretary of Homeland Security to issue interim regulations on the adjustment of status to permanent residence for T visa holders. The Committee is concerned that T visa holders have not been able to fully recover because they continue to be in the immigration system due to adjustment regulations not being issued. The T visa was intended to provide an alternative to the use of the "S" visa to protect trafficking victims—that visa was originally formulated for co-defendants rather than victims, and its requirements for ongoing supervision were onerous on survivors and case agents alike. Prompt adjustment will allow survivors who have cooperated with law enforcement and observed the requirements of the T visa to complete an important step toward full integration into society.

SUBTITLE B—ASSISTANCE FOR TRAFFICKING VICTIMS

Section 211. Victim of Trafficking Certification Process

This section makes certain clarifications resulting from conflicting amendments to the TVPRA and strengthens the role of the Secretary of Health and Human Services in making determinations regarding assistance to victims.

Section 212. Assistance for Certain Visa Applicants

This section clarifies that visa applicants as well as holders have access to certain public benefits.

Section 213. Interim Assistance for Child Victims of Trafficking

This section provides that if credible information is presented that a child has been a trafficking victim, the Secretary of Health and Human Services (HHS) may provide interim assistance to the child for up to 90 days. This section also provides that any Federal official must notify HHS within 48 hours of coming into contact with such child and that State or local officials must notify HHS within 72 hours of coming into contact with such a child.

Section 214. Ensuring Assistance for All Victims of Trafficking in Persons

Concerns have been raised that the TVPA of 2000 and programs carried out under it do not sufficiently meet the needs of American victims of human trafficking. The TVPA's victim-services regime was not intended as programs for foreigners only, but provided exemptions to the 1996 Welfare Reform Act's prohibitions against services for many aliens. Section 214 seeks to ensure that a "service gap" does not exist between victims who are U.S. citizens and victims who are foreign nationals.

Subsection (a) amends the TVPA of 2000 to specifically authorize the use of funds for an assistance program for victims of severe

forms of trafficking of persons and provides for establishing a system that refers such victims to existing programs at the Department of Health and Human Services and the Department of Justice.

Subsection (b) broadens the scope of services by providing that in addition to the program for assistance to women in prostitution authorized in the TVPRA of 2005 and reauthorized in section 302 of this Act, the Attorney General is authorized to use Victims of Crimes Act of 1984 (VOCA) funds to assist persons victimized under Chapter 117 of Title 18 (the Mann Act).

The Committee understands that existing guidelines prohibit assistance to any person in detention and cannot be used for "offender rehabilitation." In addition, the Committee understands that some states have guidelines that limit the use of State VOCA funds for individuals who may have committed a crime. All these guidelines may have the effect of limiting VOCA funds for women in prostitution who are trying to escape their plight. The Committee believes this is inappropriate, as many of these women are victims of those criminals who handle them. However, the Committee does not necessarily intend that these funds be taken away from State grants. The Attorney General may use existing discretionary VOCA funds or may take steps to ensure that State grants give priority to this underserved population.

Subsection (c) ensures equality between classes of victims by providing that grant applications for trafficking programs should include a statement as to whether the service organization applying for the grant has a referral system to ensure that all victims receive assistance regardless of alienage.

Subsection (d) requires that the Attorney General and the Secretary of Health and Human Services submit a report on any service gaps between foreign and U.S. citizen trafficking victims (pursuant to chapter 117 of Title 18 of the U.S. Code).

SUBTITLE C—PENALTIES AGAINST TRAFFICKERS AND OTHER CRIMES

Section 221. Enhancing Trafficking and Other Related Offenses

Subsection (a) clarifies that the Government, in order to prosecute, does not need to prove that a defendant knew that a victim was not at least 18 years old.

Subsection (b) amends section 1592 of title 18 to streamline it, extend it to persons who are obtaining or maintaining a person in prostitution and adds abuse of government process, blackmail, or causing of financial harm to the list of offenses. The misdemeanor-level crime linked to causing or exposing a person to financial harm is intended to reach those schemes that do not rise to the level of serious harm as defined in section 1589 of Title 18 of the U.S. Code. For instance, "financial harm" could encompass a recruiting fee that is usurious, fees that are unrelated to the actual service provided, or a scheme that creates an ongoing dependency on a recruiter such as a fee that eats up more than 1% of the total wage that a guest worker is promised. This misdemeanor will provide a lesser-included offense to the current Forced Labor and Sex Trafficking felonies which carry sentences of up to 20 years for services compelled through a "scheme, plan, or pattern [including] intentionally causing the victim to believe that her family will face

harms such as banishment, starvation, or bankruptcy in their home country." (Conf. Rep. 106–939—Oct. 5, 2000). Although this new crime is intended to give law enforcement officials another tool to prosecute traffickers where there may be lesser indications of force, fraud and coercion, as required by sections 1589 and 1591, its creation and use is not intended to alter the definitions of a victim of a severe form of trafficking for any provision of law, including within the scope of a T visa and who is eligible for it.

Subsection (c) amends various provisions of title 18 to ensure that victims of trafficking offenses get restitution and restoration of forfeited assets.

Subsection (d) enhances the civil action by providing that an action is also available against any person who knowingly benefits from trafficking. It also provides for a realistic statute of limitations.

Subsection (e) adds a new crime regarding actions against persons who intimidate or expose violations of employment-based immigration or labor law involving aliens, and creates a civil cause of action against perpetrators of such intimidation.

Subsection (f) expands the Mann Act relating to transportation of individuals involved in prostitution to any act "in or affecting interstate commerce".

Subsection (g) creates a new crime—sex tourism—and punishes individuals who travel abroad with the intent to engage in illicit sexual conduct, and those who promote and coordinate this travel for their own financial gain.

Subsection (h) provides for updating of sentencing guidelines.

The victim services and immigration benefits created by the Trafficking Victims Protection Act of 2000 are not linked to what, if any, criminal charges are brought. This Act's creation of tools to better address forms of sex trafficking under 22 U.S.C. 7102(9) does not create any rights or access to immigration or other related benefits that are limited to victims of severe forms of trafficking, as defined in 22 U.S.C. 7102(13).

Section 222. Jurisdiction in Certain Trafficking Offenses

This section provides jurisdiction to U.S. courts for prosecution of certain slavery and trafficking offenses committed abroad, including slavery, peonage and trafficking under sections 1589 and 1591 of the U.S. Code. Prosecutions may only take place against a person already facing prosecution in a foreign jurisdiction if the Attorney General or the Deputy Attorney General approves such a prosecution.

Section 223. Amendment to Other Crimes Related to Trafficking

Subsection (a) expands and makes more useful section 278 of the Immigration and Nationality Act, relating to aliens in prostitution, including by applying it not only to those who harbor, transport or otherwise use aliens for prostitution, but to anyone who uses aliens for prostitution.

Subsection (b) requires review of sentencing guidelines to ensure conformity.

Subsection (c) makes technical modifications to provisions relating to the International Marriage Brokers Act to clarify that it applies to anyone in interstate or foreign commerce as well as within

the special maritime and territorial jurisdiction of the United States.

Section 224. Model Statute Provided to States

Subsection (a) requires the Attorney General to ensure that changes to an existing model statute on trafficking is not being construed as derogating from, or in any way limiting or constraining the operations of, current existing State law relating to prostitution.

Subsection (b) requires publication of such a model statute on the website of the Department of Justice.

Subsection (c) requires that the Department of Justice draft and post on its website a model statute setting forth best legislative practices in the area of state and local anti-prostitution enforcement.

SUBTITLE D—ACTIVITIES OF THE UNITED STATES GOVERNMENT

Section 231. Annual Report by the Attorney General

This section requires that the annual report by the Attorney General include activities by the Department of Defense to combat trafficking in persons, actions taken to enforce policies relating to contractors and their employees, actions by the Secretary of Homeland Security to waive restrictions on section 307 of the Tariff Act of 1930, and prohibitions on procurement of items or services produced by slave labor.

Section 232. Annual Anti-Trafficking Conference

This section amends the TVPRA of 2005 to provide that annual anti-trafficking conferences examine the use of existing Federal and State laws that do not require force, fraud or coercion as an element of a felony crime to prosecute traffickers.

Section 233. Senior Policy Operating Group

This section amends section 206 of the TVPRA of 2005 to ensure that the Senior Policy Operating Group reviews all anti-trafficking programs.

Section 234. Coordinators to Combat Human Trafficking

This section establishes a coordinator to ensure consistency of Department of Justice policies regarding trafficking and a coordinator at the Department of Labor. The Committee expects that the Trafficking and Worker Exploitation Task Force will focus on enforcement issues, as opposed to setting policy decisions which should be made by the Interagency Task Force and the Senior Policy Operating Group (SPOG). With the new and expanded crimes created by this Act, an increased need for coordination between the Department of Justice and the Department of Labor is clear. This development and the creation of the coordinators are not intended to derogate from the work of the SPOG, in particular their responsibility to review and coordinate major agency anti-trafficking policies before they are put into effect. The Committee also expects to maintain or heighten the level of representation of each U.S. Government agency to the SPOG.

In coordinating the anti-trafficking activities at the Department of Justice, it is noted that the Chapters 77 (Peonage, Slavery, and Trafficking in Persons) and 117 (Transportation for Illegal Sexual Activity and Related Crimes) of Title 18, U.S. Code, are critical anti-trafficking tools and should be used in tandem to address the criminal phenomenon of trafficking in persons. The Criminal Division's anti-trafficking activities should not be limited only to those sex trafficking cases involving children.

The Justice Department should ensure that there are appropriate structures for the prosecution of both severe forms of trafficking and sex trafficking, as defined in the Trafficking Victims Protection Act of 2000, including cases involving adults in prostitution in which force, fraud, or coercion are not provable. Structures to address such sex trafficking cases should not dilute the servitude-based work of the Criminal Section of the Civil Rights Division, but should build upon and supplement the Criminal Division's existing anti-prostitution activities through the current Child Exploitation and Obscenity Section. In this connection, the Exploitation and Obscenity Section of the Criminal Division of the Department of Justice should be redesignated the "Sexual Exploitation and Obscenity Section," and the Human Trafficking Prosecution Unit of the Civil Rights Division should be redesignated the "Slavery & Trafficking Prosecution Unit."

Section 235. Preventing United States Travel by Traffickers

This section provides that the Secretary of State may prohibit the entry into the United States of traffickers. This authority is expected to be delegated to the Director of the TIP office.

Section 236. Enhancing Efforts to Combat the Trafficking of Children

Section 236 responds to concerns of service providers that a more effective sorting mechanism is needed to carry out the mandate in Section 107 of the TVPA of 2000 that Federal officials affirmatively seek to identify and assist trafficking victims, especially children.

Subsection (a) expresses the sense of Congress that the United States should undertake efforts to protect children from trafficking, including during repatriation.

Subsection (b) provides enhanced procedures for preventing child trafficking at the U.S. border and U.S. ports of entry. It codifies and improves procedures for the repatriation of unaccompanied children from contiguous countries. It also provides that the Secretary of State shall develop a system for the safe repatriation of unaccompanied children and shall develop a pilot program for that purpose.

Subsection (c) requires better care and custody of unaccompanied alien children to be provided by the Department of Health and Human Services (HHS).

Subsection (d) improves procedures for the placement of unaccompanied children in safe and secure settings. It requires that HHS take steps to assist children in complying with immigration orders, assist children in accessing pro bono representation and, in certain cases involving particularly vulnerable children, to obtain guardians ad litem.

Subsection (e) revises procedures for obtaining special immigrant juvenile status and provides refugee assistance for children in such status. It also provides for adjudication of asylum applications by asylum officers.

Subsection (f) provides specialized training, including training related to trafficking, to Federal officials who come into contact with unaccompanied children.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

This title provides authorization of appropriations for various trafficking programs.

Section 301. Trafficking Victims Protection Act of 2000

Of the amounts authorized under this section to the Attorney General, $200,000 should be used to ensure that safety and security consultation is incorporated into any training and technical assistance provided to grantees who provide social services to victims of human trafficking. Moreover, up to $2,000,000 should be used to expand the activities of the Criminal Division's Innocence Lost Task Forces incorporate situations involving adults in prostitution (under Title 18, U.S. Code, Chapter 117, as amended by this Act). Funds authorized by this section should also be used to expand the Criminal Division by five prosecutors to investigate and prosecute cases under the expanded Chapter 117, including cases against those who profit from prostitution and sex tourism, and to expand the Civil Rights Division by five prosecutors to investigate and prosecute cases of severe forms of trafficking, pursuant to the TVPA and its progeny, including this Act.

Section 302. Trafficking Victims Protection Reauthorization Act of 2005

This section amends the TVPRA to add funding through fiscal year 2011.

Section 303. Rule of Construction

This section states that the amendments made by sections 301 and 302 should not affect the availability of the funds currently appropriated.

Section 304. Technical Amendments

This section amends the earlier trafficking bills to reflect the name change of the Committee on Foreign Affairs (formerly known as the "Committee on International Relations").

TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

Section 401. Short Title

This section provides that this title may be referred to as the, "Child Soldier Prevention Act of 2007."

Section 402. Definitions

This section provides for various definitions used throughout the Act.

Section 403. Findings

This section provides for various findings regarding the millions of children killed, injured or permanently affected by their forced exploitation as child soldiers.

Section 404. Sense of Congress

This section expresses the sense of Congress that the forced recruitment or use of children should be condemned, that the U.S. should support and, where practicable, to lead efforts to establish and uphold international standards to end the use of child soldiers, that the U.S. should expand services to rehabilitate and reintegrate child victims, and that the U.S. should work with other governments, international organizations and non-governmental organizations to bring to justice those paramilitary groups that use child soldiers and to assist in the rehabilitation and reintegration of such children. This section also expresses the sense of congress that the Secretaries of State, Labor and Defense should coordinate programs to address these issues and U.S. diplomatic missions should include in their strategic planning the elimination of the use of child soldiers.

Section 405. Prohibition on Provision of Military Assistance to Foreign Governments that Recruit or Use Child Soldiers

Subsection (a) prohibits military assistance or the export of U.S munitions to governments that the Secretary of State determines have governmental armed forces or government-supported armed forces, including paramilitaries, militias or civil defense forces that recruit or use child soldiers.

Subsection (b) provides that the Secretary of State include a list of such countries in its annual report on trafficking required by section 110 of the TVPA of 2000.

Subsection (c) provides that the President may waive the restriction in subsection (a) if it is in the national interest.

Subsection (d) provides that the President may reinstate assistance which is restricted if the government has implemented effective measures to come into compliance with this title and has implemented effective policies to prohibit and prevent future use of child soldiers.

Subsection (e) provides that notwithstanding the restriction in subsection (a), international military education and training assistance may be provided for two years if the Secretary of State certifies to the appropriate congressional committees that the government of that country is implementing effective measures to demobilize child soldiers and the assistance is provided to directly support professionalization of the military of the government. Subsection (e) also includes an exception for assistance specifically designed to further cooperation between the United States and foreign governments to combat international terrorism.

Section 406. Reports

Subsection (a) provides that the Secretary of State and U.S. Missions abroad thoroughly investigate reports on the use of child soldiers.

Subsection (b) clarifies that the Secretary of State should include a description of the use of child soldiers, including trends toward

improvement or the continued or increased tolerance of such practices and the role of the government in engaging in or tolerating the use of child soldiers.

Subsection (c) provides that the President notify the appropriate congressional committees annually on any waivers made under section 405 and a description of the assistance under such section.

Subsection (d) provides that not less than 180 days after implementation of the Act, the President submit a strategy for achieving the goals in the Act.

Subsection (e) requires that not later than 120 days after enactment of the Act, the Secretary of State shall submit to the appropriate congressional committees a report on the recruitment and use of child soldiers by the governmental armed forces or government-supported armed groups of the Government of Burma, including paramilitaries, militias, or civil defense forces.

Section 407. Training for Foreign Service Officers

This section establishes a requirement for instruction for Foreign Service Officers relating to child soldiers and the terms of the Child Soldier Prevention Act of 2007.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

* * * * * * *

SEC. 103. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the [Committee on International Relations] *Committee on Foreign Affairs* and the Committee on the Judiciary of the House of Representatives.

* * * * * * *

SEC. 105. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) * * *

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, *the Secretary of Education,* and such other officials as may be designated by the President.

* * * * * * *

(d) ACTIVITIES OF THE TASK FORCE.—The Task Force shall carry out the following activities:

(1) * * *

* * * * * * *

(7) Not later than May 1, 2004, and annually thereafter, the Attorney General shall submit to the Committee on Ways and Means, the [Committee on International Relations] *Committee on Foreign Affairs*, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this division, or any amendment made by this division, which shall include, at a minimum, information on—

(A) the number of persons who received benefits or other services under section 107(b) in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, *the Attorney General,* the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

* * * * * * *

(G) the amount, recipient, and purpose of each grant under section 202 and 204 of the Trafficking Victims Protection Act of 2005; [and]

(H) activities by the Department of Defense to combat trafficking in persons, including educational efforts for and disciplinary actions taken against members of the United States Armed Forces, materials included in training of the armed forces of foreign countries, and efforts to ensure that United States Government contractors do not engage in trafficking in persons;

(I) activities or actions by Federal departments and agencies to enforce—

(i) section 106(g) of this Act and any similar provision of law, regulation, or policy relating to United States Government contractors and their employees or United States Government subcontractors and their employees that engage in severe forms of trafficking in persons, procurement of commercial sex acts, or use of forced labor, including debt bondage;

(ii) section 307 of the Tariff Act of 1930 (19 U.S.C. 1307; relating to prohibition on importation of convict made goods), including any determinations by the Secretary of Homeland Security to waive the restrictions of such section; and

(iii) prohibitions on the procurement by the United States Government of items or services produced by slave labor, consistent with Executive Order 13107 (December 10, 1998); and

[(H)] *(J)* the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under section 105(f) of this division.

[(e) SUPPORT FOR THE TASK FORCE.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this division and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a nonreimbursable basis.

[(1) ESTABLISHMENT.—There shall be established within the executive branch a Senior Policy Operating Group.

[(2) MEMBERSHIP; RELATED MATTERS.—

[(A) IN GENERAL.—The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order No. 13257 of February 13, 2002).

[(B) CHAIRPERSON.—The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

[(C) MEETINGS.—The Operating Group shall meet on a regular basis at the call of the Chairperson.

[(3) DUTIES.—The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

[(4) AVAILABILITY OF INFORMATION.—Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the department or agency's plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this division.

[(5) REGULATIONS.—Not later than 90 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).]

(e) OFFICE TO MONITOR AND COMBAT TRAFFICKING.—

(1) ESTABLISHMENT.—The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Trafficking, which shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large.

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

(A) The Director shall have primary responsibility for assisting the Secretary of State in carrying out the purposes of this division, shall provide assistance to the Task Force,

and may have additional responsibilities as determined by the Secretary of State.

(B) The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means.

(C) The Director shall, in coordination and cooperation with the Assistant Secretary for International Labor Affairs and other officials at the Department of State involved in corporate responsibility and other relevant officials of the United States Government, be responsible for promoting, building, and sustaining partnerships between the United States Government and private entities (including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations) to ensure that United States citizens do not use any item, product, or material produced or extracted with the use of labor from victims of severe forms of trafficking and to ensure that such entities do not contribute to trafficking in persons involving sexual exploitation, such as through work with the airlines and tourism industries.

(D) The Director shall be responsible solely for all policy, funding, and programming decisions regarding funds made available for trafficking in persons programs that are centrally controlled by the Department of State.

(3) COORDINATION.—Any trafficking in persons programs of the Department of State or the United States Agency for International Development that are not centrally controlled by the Department of State shall be carried out with concurrence of the Director.

SEC. 106. PREVENTION OF TRAFFICKING.

(a) * * *

* * * * * * *

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

(1) technical assistance and other support for the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

(2) technical assistance and other support for foreign governments and nongovernmental organizations to provide immigrant populations with information regarding the rights of such populations in the foreign country and any information regarding in-country nongovernmental organization-operated hotlines of the type described in section 107(a)(1)(A) of this Act, with such information to be provided in the native languages of the major immigrant groups of such populations;

(3) technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to ensure that foreign migrant workers are provided

protection equal to nationals of the foreign country, that labor recruitment firms are regulated, and that workers providing domestic services in households are provided protection under labor rights laws; and

(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations.

SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force*, and shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons*. In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:

(A) * * *

* * * * * * *

(F) In cooperation and coordination with the United Nations High Commissioner for Refugees, the International Organization of Migration, and other relevant organizations, support for increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers.

(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims. *In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis.*

(b) VICTIMS IN THE UNITED STATES.—

(1) ASSISTANCE.—

(A) * * *

* * * * * * *

(E) CERTIFICATION.—

(i) IN GENERAL.—Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after [consultation with the Attorney General and the Secretary of Homeland Security, that the person] *con-*

sultation with the Attorney General or the Secretary of Homeland Security, that the person referred to in subparagraph (C)(ii)(II)—

(I) * * *

(II)(aa) * * *

(bb) is a person whose continued presence in the [United States the Secretary of Homeland Security is ensuring] *United States the Secretary of Homeland Security is ensuring* in order to effectuate prosecution of traffickers in persons.

(ii) PERIOD OF EFFECTIVENESS.—A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for [so long as the Attorney General and the Secretary of Homeland Security determines] *so long as the Secretary of Homeland Security determines* that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

* * * * * * *

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

(i) DETERMINATION.—With respect to a person referred to in subparagraph (C)(ii)(I) who is seeking assistance under this paragraph, if credible information is presented on behalf of the person that the person has been subjected to a severe form of trafficking in persons, the Secretary of Health and Human Services shall promptly make a determination of the person's eligibility under this paragraph.

(ii) EXCLUSIVE AUTHORITY.—The Secretary of Health and Human Services shall have exclusive authority in making determinations of eligibility under clause (i).

(iii) DURATION.—Assistance provided under this paragraph for an individual determined to be eligible under clause (i) may be provided for up to 90 days and may be extended for an additional 30 days.

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

(I) to ensure the best interests of the child and to create an increased chance of cooperation by child victims of severe forms of trafficking in persons, the United States Government should provide assistance to protect and care for such child victims during the pendency of proceedings to determine whether a child is a victim of severe forms of trafficking; and

(II) in order to further the objective of subclause (I), the Secretary of Health and Human Services should make the determination of eligibility for assistance under clause (i) on the basis of the information provided and the Secretary's own assessment of such information without regard to the assessments by other departments and agencies of the United States Government regarding whether such child victim's application for relief or benefits

under this Act or the Immigration and Nationality Act will be approved.

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

(i) FEDERAL OFFICIALS.—Any Federal official who has reason to believe that a person may be a juvenile victim of trafficking referred to in subparagraph (C)(ii)(I) shall notify the Secretary of Health and Human Services not later than 48 hours after the official first learns that the person may be a juvenile victim of trafficking for the purpose of facilitating the provision of interim assistance under subparagraph (F).

(ii) STATE AND LOCAL OFFICIALS.—Any State or local official who has reason to believe that a person may be a juvenile victim of trafficking referred to in subparagraph (C)(ii)(I) shall notify the Secretary of Health and Human Services not later than 72 hours after the official first learns that the person may be a juvenile victim of trafficking for the purpose of facilitating the provision of interim assistance under subparagraph (F).

* * * * * * *

(c) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, the Secretary of Homeland Security and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) * * *

* * * * * * *

[(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—Federal law enforcement officials may permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.]

(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—

(A) TRAFFICKING VICTIMS.—

(i) IN GENERAL.—Upon application from law enforcement officials, the Secretary of Homeland Security may permit an alien's continued presence in the United States if—

(I) after a prima facie assessment, the Secretary determines that such alien may be a victim of a severe form of trafficking; and

(II) the Secretary is notified by such law enforcement officials that such alien may be a potential witness to such trafficking, in order to effectuate prosecution of those responsible.

(ii) SAFETY.—Federal law enforcement officials described in clause (i), in investigating and prosecuting traffickers, shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

(iii) CONTINUATION OF PRESENCE.—The Secretary shall continue to permit the continued presence of an alien described in clause (i) if such alien has filed a civil action under section 1595 of title 18, United States Code, until such action is concluded.

(B) PAROLE FOR RELATIVES.—Pursuant to section 240A(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(b)), as added by section 205 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, law enforcement officials may submit a written request to the Secretary of Homeland Security to permit the parole into the United States of certain relatives of an alien described in subparagraph (A)(i).

(4) TRAINING OF GOVERNMENT PERSONNEL.—Appropriate personnel of the Department of State [and the Department of Justice], *the Department of Homeland Security, and the Department of Health and Human Services* shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims*, including the identification of juvenile victims of trafficking*. *The Attorney General and the Secretary of Heath and Human Services shall provide education and guidance to State and local officials on the identification of aliens who are the victims of severe forms of trafficking, and in particular child victims of trafficking, including education and guidance on the requirements of subsection (b)(1)(G)(ii).*

* * * * * * *

(h) ASSISTANCE FOR UNITED STATES CITIZENS.—

(1) IN GENERAL.—The Secretary of Health and Human Services and the Attorney General, in consultation with the Secretary of State and the Secretary of Labor, are authorized to establish a program to provide assistance to United States citizens who are victims of severe forms of trafficking. In determining the types of assistance that would be most beneficial for such victims, the Secretary of Health and Human Services and the Attorney General shall consult with nongovernmental organizations that provide services to victims of severe forms of trafficking in the United States.

(2) USE OF EXISTING PROGRAMS.—In addition to such other specialized services as may be required for victims described in paragraph (1), the program established pursuant to paragraph (1) shall facilitate communication and coordination between the providers of assistance to such victims, and provide a means of identifying such providers and making referrals to programs for which such victims are already eligible (including programs administered by the Department of Justice and the Department of Health and Human Services).

(3) GRANTS.—The Secretary of Health and Human Services and the Attorney General may make grants to States, Indian tribes, units of local government, and non-profit, nongovernmental victims' service organizations to develop, expand, and strengthen victim service programs authorized under this subsection. The Federal share of a grant made under this subsection may not exceed 75 percent of the total costs of the projects described in the application submitted.

SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAFFICKING PROGRAMS.

(a) AWARDING OF GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The head of each department and agency of the United States Government that administers funds made available for programs described in this division and the amendments made by this division in the United States and foreign countries shall—

(1) make solicitations of grants, cooperative agreements, and contracts for such programs publicly available;

(2) award grants, cooperative agreements, and contracts on a full and open competitive basis, consistent with existing law; and

(3) ensure that internal department or agency review process for such grants, cooperative agreements, and contracts is not subject to ad hoc or intermittent review by individuals or organizations outside the United States Government not otherwise provided for in the process described in paragraphs (1) and (2).

(b) EVALUATION OF TRAFFICKING PROGRAMS.—

(1) IN GENERAL.—The President shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under anti-trafficking programs established and carried out under this division and the amendments made by this division on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

(2) REQUIREMENTS.—In carrying out paragraph (1), the President shall—

(A) establish performance goals for assistance described in paragraph (1) and express such goals in an objective and quantifiable form, to the extent practicable;

(B) ensure that performance indicators are used for each United States program authorized by this division and the amendments made by this division to measure and assess the achievement of the performance goals described in subparagraph (A); and

(C) provide a basis for recommendations for adjustments to assistance described in paragraph (1) to enhance the impact of such assistance.

(c) TARGETED USE OF TRAFFICKING PROGRAMS.—The Director of the Office to Monitor and Combat Trafficking shall undertake efforts to provide assistance to foreign countries and nongovernmental organizations under this division and the amendments made by this division based on the priorities and country assessments contained in the most recent report submitted by the Secretary of State to Congress pursuant to section 110(b) of this Act.

(d) CONSISTENCY WITH OTHER PROGRAMS.—The President shall take steps to ensure that the design, monitoring, and evaluation of

United States assistance programs for emergency relief, development, and poverty alleviation under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and other similar United States assistance programs are carried out in a manner that takes into account and are consistent with United States policies and other United States programs relating to combatting trafficking in persons.

(e) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2011, up to 2 percent of the amounts made available to carry out this division and the amendments made by this division may be used to carry out this section.

SEC. 108. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—For purposes of this division, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for [a significant number of] victims of severe forms of trafficking are the following:

(1) * * *

* * * * * * *

(b) CRITERIA.—In determinations under subsection (a)(4), the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country*, including in all appropriate cases requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly-reduced sentences for convictions of acts of severe forms of trafficking in persons shall not be considered to be an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons.* After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful

acts as a direct result of being trafficked, *including by providing training to law enforcement and immigration officials in the identification and treatment of trafficking victims using approaches that focus on the needs of the victims*.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons[, measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country], *measures to establish the identity of local populations, including birth registration, citizenship, and nationality*, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards.

* * * * * * *

(11) Whether the government has made serious and sustained efforts to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country.

SEC. 110. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) * * *

(b) REPORTS TO CONGRESS.—

(1) * * *

* * * * * * *

(3) SIGNIFICANT EFFORTS.—In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider—

(A) * * *

* * * * * * *

(D) COUNTRIES ON SPECIAL WATCH LIST FOR TWO CONSECUTIVE YEARS.—If a country is included on the special watch list described in subparagraph (A) for two consecutive years, such country shall be included on the list of countries described in paragraph (1)(C), unless the Secretary of State determines that (i) the country has a written plan to begin making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, (ii) the plan, if implemented, would constitute making such significant efforts, and (iii) the country is devoting sufficient resources to implement the plan, and, as part of the report required by paragraph (1) and the interim assessment required by subparagraph (B), the Secretary provides to the appropriate congressional committees credible evidence that the country meets the requirements of clauses (i) through (iii). The Secretary may make a determination under the preceding sentence with

respect to a country for not more than two consecutive years.

* * * * * * *

(d) PRESIDENTIAL DETERMINATIONS.—The determinations referred to in subsection (c) are the following:

(1) WITHHOLDING OF NONHUMANITARIAN, NONTRADE-RELATED ASSISTANCE.—The President has determined that—

(A)(i) * * *

(ii) in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year, [the United States will not provide] *the United States will not provide such assistance to the government of the country for the subsequent fiscal year and will not provide* funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

* * * * * * *

SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.

(a) IN GENERAL.—The President, acting through the Council of Economic Advisors, the National Research Council of the National Academies, the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, the Secretary of State, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall carry out research, including by providing grants to nongovernmental organizations, as well as relevant United States Government agencies and international organizations, which furthers the purposes of this division and provides data to address the problems identified in the findings of this division. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

(1) * * *

* * * * * * *

(5) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis. *Such mechanism shall include, not later than two years after the date of the enactment of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, the establishment of an integrated data base by combining all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking (established under section 105 of this Act) and, to the maximum extent practicable, applicable data from relevant international organizations, for the purposes of improving coordination of the collection of data related to trafficking in persons by each agency of the United States Government that collects such data, promoting uniformity of such data collection and standards and systems related to such collection, and un-*

dertaking a meta-analysis of patterns of trafficking in persons, slavery, and slave-like conditions.

* * * * * * *

(b) ROLE OF HUMAN SMUGGLING AND TRAFFICKING CENTER.—The research initiatives described in subsection (a)(4) *and the second sentence of subsection (a)(5)* shall be carried out by the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)).

* * * * * * *

SEC. 112B. PRESIDENTIAL AWARD FOR EXTRAORDINARY EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) ESTABLISHMENT OF AWARD.—The President is authorized to establish an award for extraordinary efforts engaged in outside the United States to combat trafficking in persons, to be known as the "Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons". To the maximum extent practicable, the Secretary should make the award annually to up to 5 individuals or organizations, including individuals who are United States citizens or foreign nationals and United States or foreign nongovernmental organizations.

(b) SELECTION.—The President shall establish procedures for selecting recipients of the award authorized under subsection (a).

(c) CEREMONY.—The President shall host an annual ceremony for recipients of the award authorized under subsection (a) at the time the report required by section 110(b) of this Act is submitted by the Secretary of State to Congress pursuant to such section. The Secretary of State is authorized to pay the costs associated with travel by each recipient to the ceremony.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2011.

SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.—To carry out the purposes of sections **[**104,**]** 105(e), 105(f) and 110, there are authorized to be appropriated to the Secretary of State **[**$1,500,000 for fiscal year 2001, $3,000,000 for each of the fiscal years 2002 and 2003, $5,000,000 for each of the fiscal years 2004 and 2005, and $5,500,000 for each of the fiscal years 2006 and 2007**]** *$5,000,000 for each of the fiscal years 2008 through 2011.* In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking *$1,500,000 for additional personnel for each of the fiscal years 2008 through 2011* for official reception and representation expenses $3,000 for each of the fiscal years **[**2006 and 2007**]** *2008 through 2011.*

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Health and Human Services **[**$5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002 and $15,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007**]** *$15,000,000 for each of the fiscal years 2008 through 2011. To carry out the purposes of section 107(h), there are authorized to be appropriated to*

the Secretary of Health and Human Services $2,500,000 for fiscal year 2008, $5,000,0000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $15,000,000 for fiscal year 2011.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—

(1) BILATERAL ASSISTANCE TO COMBAT TRAFFICKING.—

(A) PREVENTION.—To carry out the purposes of section 106, there are authorized to be appropriated to the Secretary of State $10,000,000 for each of the fiscal years [2004, 2005, 2006, and 2007] *2008 through 2011.*

(B) PROTECTION.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State [$15,000,000] *$10,000,000* for fiscal year 2003 and $10,000,000 for each of the fiscal years [2004, 2005, 2006, and 2007] *2008 through 2011. To carry out the purposes of section 107(a)(1)(F), there are authorized to be appropriated to the Secretary of State $500,000 for fiscal year 2008, $750,000 for fiscal year 2009, and $1,000,000 for each of the fiscal years 2010 and 2011.*

(C) PROSECUTION AND MEETING MINIMUM STANDARDS.—To carry out the purposes of section 134 of the Foreign Assistance Act of 1961 *(as added by section 109)*, there are authorized to be appropriated $10,000,000 for each of the fiscal years [2004, 2005, 2006, and 2007] *2008 through 2011* to assist in promoting prosecution of traffickers and otherwise to assist countries in meeting the minimum standards described in section 108 of this Act, including $250,000 for each such fiscal year to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.

[(2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To carry out the purposes of section 109, there is authorized to be appropriated to the Secretary of State for each of the fiscal years 2001 through 2005 $300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for such fiscal year.]

[(3)] *(2)* PREPARATION OF ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS.—To carry out the purposes of [section 104] *sections 116(f) and 502B(h) of the Foreign Assistance Act of 1961 (as added by section 104)*, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices[, including the preparation and publication of the list described in subsection (a)(1) of that section].

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2001 and [$10,000,000 for fiscal year 2002 and $15,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007] *$15,000,000 for each of the fiscal years 2008 through 2011.* To carry out the purposes of section 134 of the Foreign Assistance

Act of 1961 (as added by section 109), there are authorized to be appropriated to the President, acting through the Attorney General and the Secretary of State, [$250,000 for each of fiscal years 2004, 2005, 2006, and 2007] *$500,000 for each of the fiscal years 2008 through 2011* to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies. *To carry out the purposes of section 107(h), there are authorized to be appropriated to the Attorney General $2,500,000 for fiscal year 2008, $5,000,0000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $15,000,000 for fiscal year 2011.*

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 106, there are authorized to be appropriated to the President [$5,000,000 for fiscal year 2001, $10,000,000 for fiscal year 2002, and $15,000,000 for each of the fiscal years 2003 through 2007] *$15,000,000 for each of the fiscal years 2008 through 2011*.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of [section 109] *section 134 of the Foreign Assistance Act of 1961 (as added by section 109)*, there are authorized to be appropriated to the President [$5,000,000 for fiscal year 2001, $10,000,000 for fiscal year 2002, and $15,000,000 for each of the fiscal years 2003 through 2007] *$15,000,000 for each of the fiscal years 2008 through 2011*.

(3) RESEARCH.—To carry out the purposes of section 112A, there are authorized to be appropriated to the President [$300,000 for each of the fiscal years 2004 through 2007] *$500,000 for each of the fiscal years 2008 through 2011*.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Labor [$5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002 and $10,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007] *$15,000,000 for each of the fiscal years 2008 through 2011*.

* * * * * * *

(h) AUTHORIZATION OF APPROPRIATIONS TO DIRECTOR OF THE FBI.—There are authorized to be appropriated to the Director of the Federal Bureau of Investigation $15,000,000 for [fiscal year 2006] *each of the fiscal years 2008 through 2011*, to remain available until expended, to investigate severe forms of trafficking in persons.

(i) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary of Homeland Security, [$18,000,000 for each of the fiscal years 2006 and 2007] *$18,000,000 for each of the fiscal years 2008 through 2011*, to remain available until expended, for investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking in persons.

SECTION 134 OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 134. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) AUTHORIZATION.—The President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000), including—

(1) * * *

(2) the investigation and prosecution of traffickers*, including investigation of individuals and entities that may be involved in trafficking in persons involving sexual exploitation*;

* * * * * * *

IMMIGRATION AND NATIONALITY ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles, chapters, and sections according to the following table of contents, may be cited as the "Immigration and Nationality Act".

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TITLE I—GENERAL

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* * * * * * *

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* * * * * * *

[Sec. 278. Importation of alien for immoral purpose.]
Sec. 278. Aliens in prostitution.

* * * * * * *

TITLE I—GENERAL

DEFINITIONS

SECTION 101. (a) As used in this Act—

(1) * * *

* * * * * * *

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

(A) * * *

* * * * * * *

(T)(i) subject to section 214(o), an alien who the Secretary of Homeland Security[, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly;] determines—

(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000[,]*;*

(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking, *including physical presence on account of the alien having been allowed entry into the United States for participation in investigative or judicial processes;*

(III)(aa) has complied with any reasonable request for assistance in the Federal, State or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; [or]

(bb) in the Secretary's sole and unreviewable discretion, that the alien is unlikely or unable to cooperate with such a request due to physical or psychological trauma; or

[(bb)] *(cc)* has not attained 18 years of age[, and]*; and*

(IV) the alien would suffer extreme hardship [involving unusual and severe harm] upon removal; *and*

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) * * *

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such [alien; and] *alien and any parents or siblings of such alien who establish a present danger of retaliation as a result of the alien's cooperation with law enforcement.*

[(iii) if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.]

* * * * * * *

(27) The term "special immigrant" means—

(A) * * *

* * * * * * *

(J) an immigrant who is present in the United States—

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a [State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;] *State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with one or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;*

* * * * * * *

(iii) in whose case [the Attorney General expressly consents to the dependency order serving as a precondition to

the grant of special immigrant juvenile status;] *the Secretary of Homeland Security consents to the grant of special immigrant juvenile status,* except that—

(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien [in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction;] *in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction;* and

* * * * * * *

TITLE II—IMMIGRATION

CHAPTER 1—SELECTION SYSTEM

* * * * * * *

ASYLUM

SEC. 208. (a) AUTHORITY TO APPLY FOR ASYLUM.—

(1)

(2) EXCEPTIONS.—

(A) * * *

* * * * * * *

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

* * * * * * *

(b) CONDITIONS FOR GRANTING ASYLUM.—

(1) * * *

* * * * * * *

(3) TREATMENT OF SPOUSE AND CHILDREN.—

(A) * * *

* * * * * * *

(C) INITIAL JURISDICTION.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))), regardless of whether filed in accordance with this section or section 235(b).

* * * * * * *

CHAPTER 2—QUALIFICATIONS FOR ADMISSION OF ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

* * * * * * *

GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION; WAIVERS OF INADMISSIBILITY

SEC. 212. (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Except as otherwise provided in this Act, aliens who are

inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(1) * * *

(2) CRIMINAL AND RELATED GROUNDS.—

(A) * * *

* * * * * * *

(H) SIGNIFICANT TRAFFICKERS IN PERSONS.—

(i) IN GENERAL.—Any alien who is listed in a report submitted pursuant to section 111(b) of the Trafficking Victims Protection Act of 2000, or who the [consular officer] *consular officer, the Secretary of State,* or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 103 of such Act, is inadmissible.

* * * * * * *

ADMISSION OF NONIMMIGRANTS

SEC. 214. (a) * * *

* * * * * * *

(o)(1) * * *

* * * * * * *

(8)(A) If the Secretary of Homeland Security, in the Secretary's discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in section 101(a)(15)(T)(i)(III)(aa), the request is unreasonable.

(B) In determining whether extreme hardship described in section 101(a)(15)(T)(i)(IV) exists, the Secretary of Homeland Security, in consultation with investigators, prosecutors, and relevant individuals responsible for working with victims and witnesses shall consider whether the country to which the alien is likely to be removed can adequately address security concerns and the mental and physical health needs of the alien and of persons described in section 101(a)(15)(T)(ii).

* * * * * * *

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

(1) has provided to and reviewed with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007; and

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

* * * * * * *

CHAPTER 4—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL

* * * * * * *

GENERAL CLASSES OF DEPORTABLE ALIENS

SEC. 237. (a) * * *

* * * * * * *

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

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

(3) Nothing in this subsection shall be construed as limiting the authority of the Secretary of Homeland Security to grant a stay of removal or deportation in any case not described in this subsection.

* * * * * * *

CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS

SEC. 240A. (a) * * *

(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—

(1) * * *

* * * * * * *

(6) RELATIVES OF TRAFFICKING VICTIMS.—

(A) IN GENERAL.—Upon written request by a law enforcement official, the Secretary of Homeland Security shall grant parole under section 212(d)(5) to any alien who is a relative of an alien granted continued presence pursuant to section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)), if the relative was, on the date on which law enforcement applied for such continued presence—

(i) in the case of an alien granted continued presence who is under 21 years of age, the spouse, child, parent, or unmarried sibling under 18 years of age, of the alien; or

(ii) in the case of an alien granted continued presence who is 21 years of age or older, the spouse or child of the alien, or a parent or sibling of the alien who establishes a present danger of retaliation as a result of the alien's cooperation with law enforcement.

(B) DURATION OF PAROLE.—

(i) IN GENERAL.—The grant of parole under subparagraph (A) shall extend until the date an application

filed by the principal alien under section 101(a)(15)(T)(ii) has been finally adjudicated.

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

(I) the date on which the principal alien's continued presence in the United States under section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)) is terminated; or

(II) the date on which a civil action filed by the principal alien under section 1595 of title 18, United States Code, is concluded.

(iii) DUE DILIGENCE.—Failure by the principal alien to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) of subparagraph (A) may result in revocation of parole.

* * * * * * *

CHAPTER 5—ADJUSTMENT AND CHANGE OF STATUS

ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

SEC. 245. (a) * * *

* * * * * * *

(h) In applying this section to a special immigrant described in section 101(a)(27)(J)—

(1) * * *

(2) in determining the alien's admissibility as an immigrant—

[(A) paragraphs (4), (5)(A), and (7)(A) of section 212(a) shall not apply, and**]**

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

* * * * * * *

(l)(1) If, in the opinion of the Secretary of Homeland Security**[**, or in the case of subparagraph (C)(i), the Attorney General,,**]** a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i), or has been physically present in the United States for a continuous period during the investigation or prosecution of acts of trafficking and that, in the opinion of the **[**Attorney General,**]** *Secretary of Homeland Security,* the investigation or prosecution is complete, whichever period of time is less;

(B) *subject to paragraph (6),* has, throughout such period, been a person of good moral character, and

(C)(i) * * *

(ii) the alien would suffer extreme hardship **[**involving unusual and severe harm**]** upon removal from the United States, the Secretary of Homeland Security**[**, or in the case of subparagraph (C)(i), the Attorney General,**]** may adjust the status of the

alien (and any person admitted under section 101(a)(15)(T)(ii) as the spouse, parent, sibling, or child of the alien) to that of an alien lawfully admitted for permanent residence.

* * * * * * *

(6) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, may waive consideration of a disqualification from good moral character (described in section 101(f)) with respect to an alien if the disqualification was caused by, or was incident to, the trafficking described in section 101(a)(15)(T)(i)(I).

(m)(1) Secretary of Homeland Security may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), **[**unless the Attorney General**]** *unless the Secretary* determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if—

(A) * * *

* * * * * * *

CHAPTER 8—GENERAL PENALTY PROVISIONS

* * * * * * *

[IMPORTATION OF ALIEN FOR IMMORAL PURPOSE

[SEC. 278. The importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden. Whoever shall, directly or indirectly, import, or attempt to import into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both. The trial and punishment of offenses under this section may be in any district to or into which such alien is brought in pursuance of importation by the person or persons accused, or in any district in which a violation of any of the provisions of this section occurs. In all prosecutions under this section, the testimony of a husband or wife shall be admissible and competent evidence against each other.**]**

ALIENS IN PROSTITUTION

SEC. 278. (a) GENERALLY.—Whoever, for the purposes of prostitution or for any other any sexual activity for which any person can be charged with a criminal offense—

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

(2) knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly holds, keeps, maintains, supports, employs, or harbors the individual in any place in the United

States, including any building or any means of transportation, or attempts to do so,
shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

(b) SPECIAL EVIDENTIARY RULE.—In all prosecutions under this section, the testimony of a husband or wife shall be admissible and competent evidence against each other.

* * * * * * *

SECTION 431 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

SEC. 431. DEFINITIONS.

(a) * * *

* * * * * * *

(c) TREATMENT OF CERTAIN BATTERED ALIENS AS QUALIFIED ALIENS.—For purposes of this title, the term "qualified alien" includes—

(1) * * *

(2) an alien—

(A) * * *

(B) who meets the requirement of subparagraph (B) of paragraph (1); **[**or**]**

(3) an alien child who—

(A) * * *

(B) who meets the requirement of subparagraph (B) of paragraph (1)**[**.**]** *or;*

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

This subsection shall not apply to an alien during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual subjected to such battery or cruelty.

* * * * * * *

TITLE 18, UNITED STATES CODE

PART I—CRIMES

* * * * * * *

CHAPTER 73—OBSTRUCTION OF JUSTICE

Sec.
1501. Assault on process server.

* * * * * * *

1521. Retaliation in foreign labor contracting.

* * * * * * *

§ 1521. Retaliation in foreign labor contracting

(a)(1) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to prevent or to retaliate against such person for—

(A) the disclosure of information by such person concerning violations with respect to aliens of the provisions of employment-based immigration programs or any other Federal labor or employment law; or

(B) the cooperation of such person in an investigation or other proceeding concerning compliance with respect to aliens with the requirements of employment-based immigration programs or any other Federal labor or employment law,

shall be punished as provided in paragraph (2).

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

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

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

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

(b) An individual who is the victim of an offense under this section may, in a civil action, recover damages (including reasonable attorneys' fees) for the harm done the victim by that offense. Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(c) For the purposes of this section, the term "employment-based immigration" means a nonimmigrant visa issued for the purpose of employment, student exchange employment, or job training in the United States, including those issued under subparagraph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) of the Immigration and Nationality Act.

* * * * * * *

CHAPTER 77—PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS

Sec.

1581. Peonage; obstructing enforcement.

* * * * * * *

* * * * * * *

[1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.]

1592. Unlawful compelled service.

* * * * * * *

1596. Additional jurisdiction in certain trafficking offenses.

* * * * * * *

§ 1591. Sex trafficking of children or by force, fraud, or coercion

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or **[**that the person has not attained the age of 18 years and**]** *that the person (being a person who has not attained the age of 18 years)* will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b). *In a prosecution under this subsection, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.*

* * * * * * *

[§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

[(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

[(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

[(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

[(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

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

[(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.**]**

§ 1592. Unlawful compelled service

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

(1) destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person to prevent or restrict or to attempt to

prevent or restrict, without lawful authority, the persons ability to move or travel;

(2) improperly uses a position of real or apparent governmental authority;

(3) asserts as fact, exposes, or threatens to expose, a matter, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

(4) exposes any person to bankruptcy or other financial harm, shall be punished as provided in subsection (b).

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

(1) if the offense involved a violation of subsection (a)(1) or (2), or a violation of subsection (a)(3) in which bodily injury, incarceration, or deportation occurred as a result of the blackmail, be fined under this title or imprisoned not more than 5 years, or both;

(2) if the offense involved a violation of subsection (a)(3) not resulting in bodily injury or incarceration, or a violation of subsection (a)(4) in which bankruptcy or financial harm occurred and the loss of at least one person was over ten thousand dollars, be fined under this title or imprisoned not more than 3 years, or both; and

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

(c) DEFINITION.—For purposes of this paragraph, "financial harm" includes the factors set forth in section 892(b) of this title, and fees charged for foreign labor contracting activity, as defined in section 202(g) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, that are not reasonably related to services provided to the foreign worker.

§ 1593. Mandatory restitution

(a) * * *

(b)(1) * * *

* * * * * * *

(4) The distribution of proceeds among multiple victims in an order of restitution under this section shall govern the distribution of forfeited funds through the processes of remission or restoration under this section or any other statute that explicitly authorizes restoration or remission of forfeited property.

* * * * * * *

§ 1594. General provisions

(a) * * *

(b) **[**The court,**]** *Subject to remission or restoration, the court,* in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(c)(1) * * *

* * * * * * *

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

(4) In a prosecution brought under any other provision of Federal law, the Attorney General may grant restoration or remission of property to victims of severe forms of trafficking as defined in section 103 of the Trafficking Victims Protection Act of 2000, in accordance with section 1594(b)(4).

* * * * * * *

§ 1595. Civil remedy

(a) An individual who is a victim of a violation **[**of section 1589, 1590, or 1591**]** of this chapter may bring a civil action against the perpetrator *(or any person who knowingly benefits, financially or by receiving anything of value from participation in a venture which has engaged in an act in violation of this chapter)* in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

* * * * * * *

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

§ 1596. Additional jurisdiction in certain trafficking offenses

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

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

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

(b) LIMITATION ON PROSECUTIONS OF OFFENSES PROSECUTED IN OTHER COUNTRIES.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

* * * * * * *

CHAPTER 117—TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES

Sec.

2421. Transportation generally.

* * * * * * *

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* * * * * * *

§ 2422. Coercion and enticement

(a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in *or affecting* interstate or foreign commerce, *in the special maritime and territorial jurisdiction of the United States,* or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

* * * * * * *

§ 2423. Transportation of minors

(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.

[(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

[(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

[(d) ANCILLARY OFFENSES.—Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

[(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

[(f) DEFINITION.—As used in this section, the term "illicit sexual conduct" means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

[(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.]

§ 2423A. Sex tourism

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

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

(c) ARRANGING TRAVEL AND RELATED CONDUCT.—Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 10 years, or both.

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

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

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

(1) the term "illicit sexual conduct" means—

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

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

(2) the term "child" means a person under 18 years of age.

(g) DEFENSE.—In a prosecution under this section for a violation where an element of the offense involves a commercial sex act with a child, it is a defense, which the defendant must establish by a preponderance of the evidence, that the person engaging in that act reasonably believed that the other person was not a child.

* * * * * * *

SECTION 833 OF THE VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

SEC. 833. DOMESTIC VIOLENCE INFORMATION AND RESOURCES FOR IMMIGRANTS AND REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) * * *

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(d) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—

(1) * * *

* * * * * * *

(5) PENALTIES.—

(A) * * *

(B) FEDERAL CRIMINAL PENALTY.—In circumstances in or affecting [interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates] *interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, an international marriage broker that violates* (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

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TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

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TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

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SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS.

(a) * * *

(b) ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING.—

(1) * * *

* * * * * * *

(6) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the [Committee on International Relations] *Committee on Foreign Affairs* of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the United States Agency for International Development to carry out this subsection $2,500,000 for each of the fiscal years [2006 and 2007] *2008 through 2011*.

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SEC. 104. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) * * *

* * * * * * *

(c) RESEARCH.—

(1) * * *

(2) REPORT.—

(A) * * *

(B) DEFINITION.—In this paragraph, the term "appropriate congressional committees" means—

(i) the [Committee on International Relations] *Committee on Foreign Affairs* and the Committee on the Judiciary of the House of Representatives; and

* * * * * * *

(e) PREVENTION OF TRAFFICKING BY PEACEKEEPERS.—

(1) * * *

(2) REPORT BY SECRETARY OF STATE.—At least 15 days prior to voting for a new or reauthorized peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates (or in an emergency, as far in advance as is practicable), the Secretary of State shall submit to the [Committee on International Relations] *Committee on Foreign Affairs* of the House of Representatives, the Committee on Foreign Relations of the Senate, and any other appropriate congressional committee a report that contains—

(A) * * *

* * * * * * *

SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.

(a) * * *

(b) ACTIVITIES OF THE DEPARTMENT OF LABOR.—

(1) * * *

* * * * * * *

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Labor $1,000,000 for each of the fiscal years 2008 through 2011.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN PERSONS.

(a) PROGRAM TO REDUCE TRAFFICKING IN PERSONS AND DEMAND FOR COMMERCIAL SEX ACTS IN THE UNITED STATES.—

(1) * * *

(2) TRAFFICKING CONFERENCE.—

(A) IN GENERAL.—The Attorney General, in consultation and cooperation with the Secretary of Health and Human Services, shall conduct an annual conference in each of the fiscal years 2006, 2007, and 2008, and thereafter conduct a biennial conference, addressing severe forms of trafficking in persons and commercial sex acts that occur, in whole or in part, within the territorial jurisdiction of the United States. At each such conference, the Attorney General, or his designee, shall—

(i) * * *

(ii) disseminate best methods and practices for enforcement of laws prohibiting acts of severe forms of trafficking in persons and other laws related to acts of trafficking in persons, including, but not limited to, best methods and practices for training State and local law enforcement personnel on the enforcement of such laws *and the use of existing Federal and State criminal laws that do not require force, fraud, or coercion as an element of a felony crime to prosecute such persons*;

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) **[**$2,500,000 for each of the fiscal years 2006 and 2007**]** *$3,000,000 for each of the fiscal years 2008 through 2011* to carry out the activities described in subsection (a)(1)(B)(i) and **[**$2,500,000 for each of the fiscal years 2006 and 2007**]** *$3,000,000 for each of the fiscal years 2008 through 2011* to carry out the activities described in subsection (a)(1)(B)(ii); and

(2) **[**$1,000,000 for each of the fiscal years 2006 through 2007**]** *$1,000,000 for each of the fiscal years 2008 through 2011* to carry out the activities described in subsection (a)(2).

SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated **[**$10,000,000 for each of the fiscal years 2006 and 2007**]** *$15,000,000 for each of the fiscal years 2008 through 2011* to carry out the activities described in this section.

SEC. 203. PROTECTION OF JUVENILE VICTIMS OF TRAFFICKING IN PERSONS.

(a) * * *

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(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section **[**$5,000,000 for each of the fiscal years 2006 and 2007**]** *$5,000,000 for each of the fiscal years 2008 through 2011*.

SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section [$25,000,000 for each of the fiscal years 2006 and 2007] *$25,000,000 for each of the fiscal years 2008 through 2011.*

* * * * * * *

SEC. 206. SENIOR POLICY OPERATING GROUP.

Each Federal department or agency involved in grant activities related to combatting trafficking or providing services to persons subjected to trafficking inside the United States shall[, as the department or agency determines appropriate,] apprise the Senior Policy Operating Group established by section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)), under the procedures established by the Senior Policy Operating Group, of such activities of the department or agency to ensure that the activities are consistent with the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

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SECTION 462 OF THE HOMELAND SECURITY ACT OF 2002

SEC. 462. CHILDREN'S AFFAIRS.

(a) * * *

(b) FUNCTIONS.—

(1) IN GENERAL.—Pursuant to the transfer made by subsection (a), the Director of the Office of Refugee Resettlement shall be responsible for—

(A) * * *

* * * * * * *

(L) conducting investigations and inspections of facilities and other entities in which unaccompanied alien children reside[.], *including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements.*

* * * * * * *

(3) DUTIES WITH RESPECT TO FOSTER CARE.—In carrying out the duties described in [paragraph (1)(G),] *paragraph (1),* the Director of the Office of Refugee Resettlement is encouraged to use the refugee children foster care system established pursuant to section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) for the placement of unaccompanied alien children.

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

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SECTION 708 OF THE FOREIGN SERVICE ACT OF 1980

SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) * * *

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(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided after January 1, 2008, for members of the Service, including chiefs of mission, instruction on matters related to child soldiers and the terms of the Child Soldier Prevention Act of 2007.

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