

S 3061

William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008

**Congress:** 110 (2007–2009, Ended)

**Chamber:** Senate

**Policy Area:** International Affairs

**Introduced:** May 22, 2008

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 946.

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**Official Text:** <https://www.congress.gov/bill/110th-congress/senate-bill/3061>

Sponsor

**Name:** Sen. Biden, Joseph R., Jr. [D-DE]

**Party:** Democratic • **State:** DE • **Chamber:** Senate

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Brownback, Sam [R-KS]	R · KS		May 22, 2008
Sen. Hatch, Orrin G. [R-UT]	R · UT		Jun 16, 2008
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Jun 25, 2008
Sen. Specter, Arlen [R-PA]	R · PA		Jun 27, 2008
Sen. Durbin, Richard J. [D-IL]	D · IL		Jul 29, 2008
Sen. Feinstein, Dianne [D-CA]	D · CA		Jul 29, 2008

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Sep 8, 2008

Subjects & Policy Tags

Policy Area:

International Affairs

Related Bills

Bill	Relationship	Last Action
110 HR 7311	Related bill	<b>Dec 23, 2008:</b> Became Public Law No: 110-457.
110 HR 3887	Related bill	<b>Dec 5, 2007:</b> Received in the Senate and Read twice and referred to the Committee on the Judiciary.

William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 - **Title I: Combating International Trafficking in Persons** - (Sec. 101) Amends the Trafficking Victims Protection Act of 2000 (TVPA) to include the Secretary of Education on the Interagency Task Force to Monitor and Combat Trafficking.

(Sec. 102) Directs the Secretary of State (Secretary) to establish within the Department of State an Office to Monitor and Combat Trafficking. (Current law authorizes such Office's establishment.)

Revises responsibilities of the Director of the Office.

(Sec. 104) Requires, both in the United States and abroad, that solicitations of grants, cooperative agreements, and contracts for anti-trafficking programs be made publicly available and on a competitive basis.

Directs the President to: (1) establish an anti-trafficking program monitoring system; and (2) provide U.S. assistance consistent with annual reporting priorities and country assessments.

Obligates specified FY2008-FY2011 funds for activities under this section.

(Sec. 106) States that a country included on the special watch list for three consecutive years shall be included on the list of countries with governments not in full compliance with standards to eliminate trafficking and not making significant efforts to be in compliance.

Requires translation of the Department's annual trafficking report into the principal languages of as many countries as possible and publication on appropriate websites.

(Sec. 107) Requires the establishment of an integrated database relating to trafficking trends.

(Sec. 108) Authorizes: (1) the President to establish the Paul D. Wellstone Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons; and (2) FY2008-FY2011 appropriations.

(Sec. 109) Directs the Secretary of Labor to report to the appropriate congressional committees regarding Department of Labor activities to monitor and combat forced labor and child labor.

**Title II: Combating Trafficking of Persons in the United States - Subtitle A: Ensuring Availability of Possible Witnesses and Informants** - (Sec. 201) Amends the Immigration and Nationality Act (INA) with respect to nonimmigrant T-visas (victims of severe form of trafficking in persons) to authorize aliens to apply for such visas who are: (1) brought into the country for investigations or as witnesses; (2) unable to participate in a law enforcement interview because of physical or psychological trauma; or (3) parents or siblings who face retaliation as a result of their family member's escape from trafficking or cooperation with law enforcement.

Authorizes the Secretary of Homeland Security to: (1) extend the period of T-visa and U-visa (victims of certain crimes) status; (2) consider when determining extreme hardship whether the country to which the alien is likely to be removed can address security concerns and the alien's mental and physical health needs; and (3) waive the disqualification for lack of good moral character for T-visa holders applying for adjustment to permanent resident status if the disqualification is caused by or incident to the trafficking.

(Sec. 202) Directs the Secretary of Homeland Security to develop and distribute an information pamphlet on legal rights

and resources for aliens applying for employment- or education-based nonimmigrant visas, which shall include information respecting: (1) nonimmigrant visa application processes; (2) the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States; (3) legal rights and services for trafficking victims and worker exploitation in the United States; and (4) the legal rights of employment-based nonimmigrants.

(Sec. 203) Directs the Secretary to develop and make available an information pamphlet on legal rights and resources for aliens applying for an A-3 visa (nonimmigrant employees of foreign government officials) or a G-5 visa (nonimmigrant employees of foreign employees of, or representatives to, international organizations).

Prohibits A-3 or G-5 visa issuance unless an employment contact has been signed. Suspends visa issuance if a diplomatic mission or its employees are found to have a record of exploiting such visa holders.

(Sec. 204) Authorizes the Secretary of Homeland Security to grant a stay of removal or deportation to a T-visa applicant whose application sets forth a prima facie case of approval until the application is adjudicated.

(Sec. 205) Amends TVPA to authorize: (1) the Secretary, upon application from a federal law enforcement official, to permit an alien trafficking victim's continued presence in the United States in order to effectuate investigation and prosecution of the traffickers; and (2) law enforcement officials to request the parole entry of specified relatives of such an alien. Directs the Secretary to permit such alien's continued presence if the alien has filed a civil action against the traffickers.

Amends INA to provide for the parole entry of specified relatives of trafficking victims. Sets forth parole entry duration.

(Sec. 206) Directs the Secretary of Homeland Security to issue interim regulations for T-visa adjustment to permanent resident status.

**Subtitle B: Assistance for Trafficking Victims** - (Sec. 211) Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to make an alien who has had approved, or has pending, a petition that sets forth a prima facie case for T-visa status eligible for public benefits.

(Sec. 212) Amends TVPA to direct: (1) the Secretary of Health and Human Services, upon credible information that a child has been a trafficking victim, to provide 90-day interim assistance to the child and determine eligibility for long-term assistance; (2) federal and state and local officials to notify the Secretary within 24 hours and 48 hours, respectively, of learning of such a child; and (3) the Secretary and the Attorney General to provide appropriate training for state and local officials.

(Sec. 213) Directs the Secretary of Health and Human Services and the Attorney General to establish an assistance program for U.S. citizens and lawful permanent residents who are victims of severe forms of trafficking.

Authorizes the Secretary of Health and Human Services and the Attorney General to make grants to states, Indian tribes, local government, and nonprofit victims' service organizations to develop and expand victim service programs.

Authorizes FY2008-FY2011 appropriations.

**Subtitle C: Penalties Against Traffickers and Other Related Offenses** - (Sec. 221) Amends the federal criminal code with respect to restitution of forfeited assets in instances of severe trafficking of persons.

(Sec. 222) Sets forth provisions regarding offenses of trafficking, forced labor, enticement into slavery, sex trafficking of children, and sex tourism.

(Sec. 223) Provides U.S. courts with additional extraterritorial jurisdiction in certain trafficking, slavery, and peonage offenses if: (1) the alleged offender or victim is a U.S. national or lawful permanent resident; or (2) the alleged offender, irrespective of nationality, is present in the United States.

Prohibits such an action if the offense has been prosecuted or is being prosecuted in another country unless the Attorney General approves.

(Sec. 224) States that the Secretary shall: (1) not issue a passport to an individual who is convicted of a federal sex offense during a certain period if the individual used a passport or otherwise crossed an international border in committing such offense; and (2) revoke a passport issued to such an individual before the date on which the individual was convicted of the federal sex offense.

Directs the Secretary of Homeland Security to place an alien convicted of a sex offense in removal proceedings.

Amends INA to make conviction of sexual abuse of a minor grounds for deportation and inadmissibility.

**Subtitle D: Activities of the United States Government** - (Sec. 231) Amends TVPA to require that the Attorney General's annual report include information on: (1) Department of Defense (DOD) activities to combat trafficking in persons; and (2) federal actions taken to enforce policies against government contractors who engage in trafficking or related activities.

(Sec. 232) Requires the Defense Contract Audit Agency to conduct an audit of all DOD contractors and subcontractors implementing contracts abroad where there is substantial evidence to suggest trafficking in persons.

(Sec. 234) Amends INA to add the Secretary and the Secretary of Homeland Security to the list of those who may prohibit the entry of traffickers into the United States.

(Sec. 235) Directs the Secretary to: (1) 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) develop a safe repatriation pilot program for alien children; and (3) negotiate child repatriation agreements between the United States and countries contiguous to the United States designed to protect children from severe forms of trafficking in persons.

States, with specified exceptions, that the care and custody of unaccompanied alien children in the United States shall be the responsibility of the Secretary of Health and Human Services. Sets forth related provisions respecting: (1) notification of, and transfer to, the Department of Health and Human Services (HHS); (2) age determinations; (3) safe placement; (4) legal and child advocate access; (5) immigration status adjustment and asylum protections; and (6) assistance eligibility.

(Sec. 236) Directs the Secretary to temporarily increase the fee for processing machine-readable: (1) nonimmigrant visas; and (2) combined border crossing and identification cards and nonimmigrant visas.

**Title III: Authorization of Appropriations** - (Sec. 301) Amends TVPA to authorize appropriations through FY2011 for: (1) the Interagency Task Force to Monitor and Combat Trafficking; (2) the Senior Policy Operating Group; (3) actions against governments that do not meet minimum standards against trafficking; (4) the Office to Monitor and Combat Trafficking, including amounts for additional personnel; (5) the Secretary of Health and Human Services and the Attorney General for assistance to trafficking victims in the United States; (6) the Secretary for bilateral assistance to combat

trafficking; (7) training for law enforcement, prosecutors, and the judiciary; (8) the President for foreign victim assistance, assistance to foreign countries, and research; (9) the Secretary of Labor; (10) the Federal Bureau of Investigation (FBI); and (11) the Secretary of Homeland Security.

(Sec. 302) Amends the Trafficking Victims Protection Reauthorization Act of 2005 to authorize appropriations through FY2011 for: (1) the pilot program for residential rehabilitative facilities for trafficking victims; (2) research, reports and an annual conference on trafficking; (3) a grant program to strengthen assistance for certain trafficking victims; (4) the pilot program for U.S. residential treatment facilities for juvenile trafficking victims; and (5) grants for state and local anti-trafficking programs.

**Title IV: Child Soldiers Prevention and Accountability** - Child Soldiers Prevention and Accountability Act of 2008 - (Sec. 403) Prohibits, with a national interest waiver, funds for specified military and related areas from being made available to the government of a country identified by the Secretary as having governmental armed forces or government supported armed groups that recruit or use child soldiers.

Authorizes the President to reinstate such assistance upon certifying to Congress that a government is implementing: (1) compliance measures; and (2) mechanisms to prohibit future use of child soldiers.

Authorizes the President to provide assistance to a country for international military education and training otherwise prohibited under this Act upon certifying to Congress that such assistance is for measures to demobilize child soldiers and for programs to professionalize the military.

(Sec. 404) Requires that U.S. missions abroad investigate reports on child soldiers.

Directs the Secretary to include in the annual country reports on human rights practices a description of the use of child soldiers.

(Sec. 405) Amends the Foreign Service Act of 1980 to require Foreign Service instruction relating to child soldiers and the substance of the Child Soldiers Prevention and Accountability Act of 2008.

(Sec. 406) Amends the federal criminal code to make it a crime to recruit or use child soldiers.

Amends INA to make such recruitment or use grounds for an alien's removal from the United States.

## **Actions Timeline**

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- **Sep 8, 2008:** Committee on the Judiciary. Reported by Senator Leahy with amendments. Without written report.
- **Sep 8, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 946.
- **Jul 31, 2008:** Committee on the Judiciary. Ordered to be reported with an amendment favorably.
- **May 22, 2008:** Introduced in Senate
- **May 22, 2008:** Sponsor introductory remarks on measure. (CR S4798-4799)
- **May 22, 2008:** Read twice and referred to the Committee on the Judiciary.