

HR 3887

William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: International Affairs

Introduced: Oct 18, 2007

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Dec 5, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/3887>

Sponsor

Name: Rep. Lantos, Tom [D-CA-12]

Party: Democratic • **State:** CA • **Chamber:** House

Cosponsors (42 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Oct 18, 2007
Rep. Drake, Thelma D. [R-VA-2]	R · VA		Oct 18, 2007
Rep. Hastings, Alcee L. [D-FL-23]	D · FL		Oct 18, 2007
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Oct 18, 2007
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		Oct 18, 2007
Rep. Miller, George [D-CA-7]	D · CA		Oct 18, 2007
Rep. Nadler, Jerrold [D-NY-8]	D · NY		Oct 18, 2007
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Oct 18, 2007
Rep. Ros-Lehtinen, Ileana [R-FL-18]	R · FL		Oct 18, 2007
Rep. Smith, Christopher H. [R-NJ-4]	R · NJ		Oct 18, 2007
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Oct 18, 2007
Rep. Berman, Howard L. [D-CA-28]	D · CA		Oct 23, 2007
Rep. Burton, Dan [R-IN-5]	R · IN		Oct 23, 2007
Rep. Chabot, Steve [R-OH-1]	R · OH		Oct 23, 2007
Rep. Fortenberry, Jeff [R-NE-1]	R · NE		Oct 23, 2007
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Oct 23, 2007
Rep. Payne, Donald M. [D-NJ-10]	D · NJ		Oct 23, 2007
Rep. Sires, Albio [D-NJ-13]	D · NJ		Oct 23, 2007
Rep. Solis, Hilda L. [D-CA-32]	D · CA		Oct 23, 2007
Rep. Sherman, Brad [D-CA-27]	D · CA		Oct 24, 2007
Rep. Ackerman, Gary L. [D-NY-5]	D · NY		Oct 29, 2007
Rep. Engel, Eliot L. [D-NY-17]	D · NY		Oct 29, 2007
Rep. Inglis, Bob [R-SC-4]	R · SC		Oct 29, 2007
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Oct 29, 2007
Rep. Miller, Jeff [R-FL-1]	R · FL		Oct 29, 2007
Rep. Sutton, Betty [D-OH-13]	D · OH		Oct 29, 2007
Rep. Wasserman Schultz, Debbie [D-FL-20]	D · FL		Oct 29, 2007
Rep. Allen, Thomas H. [D-ME-1]	D · ME		Oct 31, 2007
Rep. Delahunt, William D. [D-MA-10]	D · MA		Oct 31, 2007
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		Oct 31, 2007
Rep. Moran, James P. [D-VA-8]	D · VA		Oct 31, 2007
Rep. Pence, Mike [R-IN-6]	R · IN		Oct 31, 2007
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Oct 31, 2007
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Oct 31, 2007
Rep. Hooley, Darlene [D-OR-5]	D · OR		Nov 1, 2007
Rep. Gutierrez, Luis V. [D-IL-4]	D · IL		Nov 7, 2007
Rep. Murphy, Christopher [D-CT-5]	D · CT		Nov 9, 2007
Rep. Bachus, Spencer [R-AL-6]	R · AL		Nov 15, 2007
Rep. Bilirakis, Gus M. [R-FL-9]	R · FL		Nov 15, 2007
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		Nov 15, 2007
Rep. Ramstad, Jim [R-MN-3]	R · MN		Nov 15, 2007

Cosponsor	Party / State	Role	Date Joined
Resident Commissioner Fortuno, Luis G. [R-PR-At Large]	R · PR		Nov 15, 2007

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Oct 22, 2007
Foreign Affairs Committee	House	Reported By	Nov 6, 2007
Judiciary Committee	House	Discharged From	Nov 20, 2007
Judiciary Committee	Senate	Referred To	Dec 5, 2007

Subjects & Policy Tags

Policy Area:

International Affairs

Related Bills

Bill	Relationship	Last Action
110 HR 7311	Related bill	Dec 23, 2008: Became Public Law No: 110-457.
110 S 3061	Related bill	Sep 8, 2008: Placed on Senate Legislative Calendar under General Orders. Calendar No. 946.

William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007 - **Title I: Combatting 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 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.

Expresses the sense of Congress that the Secretary should locate the Office at the Department of State (Department) headquarters in Washington, DC.

(Sec. 103) Directs the President to carry out programs to prevent and deter trafficking in persons, including related assistance to foreign governments.

Amends the Foreign Assistance Act of 1961 to provide anti-trafficking assistance to foreign countries for investigations of individuals and entities involved in sexual exploitation.

(Sec. 105) 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 that the award of grants, cooperative agreements, and contracts be made on a full and open competitive basis. Directs the President to: (1) establish related performance goals and indicators; and (2) ensure that U.S. development and emergency programs are carried out consistent with policies and programs to combat trafficking.

Requires the Director to provide U.S. assistance consistent with annual reporting priorities and country assessments.

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

(Sec. 106) Repeals the limitation that only countries with a significant number of trafficking victims be monitored.

Revises the criteria for determining whether a country is making significant efforts to combat trafficking, including the addition of criteria respecting: (1) law enforcement and immigration training in the identification and treatment of trafficking victims; and (2) efforts to reduce commercial sex acts and sex tourism.

(Sec. 107) Deems a country that has been on the special watch list for two consecutive years to be not making significant efforts to combat trafficking unless the Secretary of State determines that the country: (1) has a written plan that would constitute making such efforts; and (2) is devoting sufficient resources to the plan's implementation.

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. 108) Requires the establishment of an integrated database relating to trafficking trends.

(Sec. 109) Authorizes: (1) the President to establish the Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons; and (2) FY2008-FY2011 appropriations.

(Sec. 110) Sets forth consular officer responsibilities respecting anti-trafficking and related information to be given at

nonimmigrant alien visa interviews.

Sets forth special provisions relating to (A-3 visa) nonimmigrant employees of foreign government officials or (G-5 visa) nonimmigrant employees of foreign employees of, or representatives to, international organizations respecting: (1) consular interviews; (2) feasibility of employer oversight; and (3) law enforcement assistance.

Prohibits A-3 or G-5 visa issuance if the individual who would hire such alien is from a diplomatic mission or international institution where trafficking or other abuse has previously occurred or an individual has departed the United States because of such abuse unless a mechanism is in place to prevent future abuse. Requires the Secretary of State to report annually to the appropriate congressional committees on diplomatic missions and international institutions affected, exceptions made, and waivers of diplomatic immunity requested.

(Sec. 111) Directs the Secretary of Labor to report on Department of Labor progress in monitoring and combatting forced labor and child labor.

(Sec. 112) Expresses the 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 workers migrating between such countries are protected from trafficking in persons and worker exploitation.

Title II: Combatting Trafficking in 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 create and make available (including in translation) 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) foreign labor contracting requirements.

Sets forth protections for workers recruited abroad by foreign labor contractors. Requires the Secretary of Labor to establish a complaint investigation process. Authorizes the Secretary to impose fines and take civil action against a contractor in violation of such protections.

(Sec. 203) 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. 204) Amends TVPA to authorize: (1) the Secretary of Homeland Security, 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. 205) 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 TVPA to revise trafficking victims certification provisions.

(Sec. 212) Amends the 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. 213) 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 interim assistance to the child for up to 90 days (with a 30-day extension); (2) federal and state and local officials to notify the Secretary within 48 hours and 72 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. 214) Authorizes the Secretary of Health and Human Services and the Attorney General to: (1) establish an assistance program for U.S. citizens and lawful permanent residents who are victims of severe forms of trafficking; and (2) make grants to states, Indian tribes, local government, and nonprofit victims' service organizations to develop and expand victim service programs.

Authorizes FY2008-FY2011 appropriations.

Amends the Victims of Crime Act of 1984 to state that the terms "victim," "crime victim," and "victim of crime" include an individual who is exploited or otherwise victimized by any person who is in violation of: (1) federal criminal code provisions respecting transportation for illegal sexual activity and related crimes; (2) INA provisions respecting importation of aliens for immoral purposes; or (3) any similar state offense regardless of whether such offense involves participation in a commercial sex act.

Requires that: (1) applications for certain grants to states, Indian tribes, local government, and nonprofit victims' service organizations for assistance programs for victims of severe forms of trafficking or sex trafficking include a statement of whether the services will be available to both U.S. citizens and foreign victims, or if not, what mechanisms will be undertaken to ensure that all victims are assisted; and (2) the Attorney General and the Secretary of Health and Human Services report to the appropriate congressional committees identifying any service gap between foreign and U.S. citizen victims of severe forms of trafficking and victims of sex trafficking.

Subtitle C: Penalties Against Traffickers and Other Related Offenses - (Sec. 221) Amends the federal criminal code to establish and provide penalties for the crime of aggravated sex trafficking. (Repeals the existing provision respecting sex trafficking of children, or by force, fraud, or coercion.)

Subjects to fine and/or imprisonment any person who 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: (1) prevents or restricts such person's travel

or movement by destroying or preventing access to immigration or identification documents; (2) acts or fails to act under color of official right; (3) blackmails another person; or (4) causes or exploits financial harm or a fear of financial harm on the part of such person.

Revises restitution of forfeited asset provisions.

Requires that a civil action against the perpetrator or knowing beneficiary of an act of peonage, slavery, or trafficking into servitude begin within 10 years after the cause of action arises.

Makes it a crime to prevent the disclosure of information or the cooperation of a witness or other person concerning compliance with employment-based visa or other federal labor or employment law requirements.

Establishes and provides penalties for the crimes of: (1) sex trafficking (in or affecting interstate or foreign commerce); and (2) sex tourism. Increases sex tourism penalties if the commercial sex act is with a person under 18 years old.

(Sec. 222) 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. 223) Amends INA with respect to aliens in prostitution, including permitting testimony of a husband or wife as evidence against the other.

Amends the Violence Against Women and Department of Justice Reauthorization Act of 2005 to apply international marriage broker provisions within the special maritime and territorial jurisdiction of the United States as well as to interstate or foreign commerce.

(Sec. 224) Directs the Attorney General to: (1) draft and post on the Department of Justice (DOJ) website a model statute setting forth best legislative practices in the area of state anti-trafficking in persons enforcement; (2) assist states in its adoption and application; and (3) report annually to the appropriate congressional committees.

Subtitle D: Annual Report by the Attorney General - (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; (2) federal actions taken to enforce policies against contractors who engage in trafficking or related activities; and (3) federal actions to prohibit procurement and entry of convict- and slave-made items.

(Sec. 232) Requires 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.

(Sec. 234) Redesignates the Child Exploitation and Obscenity Section of the DOJ Criminal Division as the Sexual Exploitation and Obscenity Section.

Directs the Attorney General to expand the responsibilities of the Innocence Lost Task Forces to incorporate situations involving adults who are sexually exploited.

Directs the Secretary of Labor to establish within the Department of Labor a Coordinator to Combat Human Trafficking who shall: (1) ensure coordination of policies relating to trafficking victims in the United States and abroad; (2) ensure

coordination with state labor agencies relating to trafficking in persons; (3) represent DOJ at interagency mechanisms relating to trafficking in persons; and (4) serve, in conjunction with the DOJ Coordinator to Combat Human Trafficking, as the executive secretariat of the Trafficking in Persons and Worker Exploitation Task Force. Authorizes appropriations.

(Sec. 235) Amends INA to add the Secretary of State and the Secretary of Homeland Security to the list of those may prohibit the entry of traffickers into the United States.

(Sec. 236) Directs the Secretary of State to develop: (1) 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; and (2) a safe repatriation pilot program for alien children.

Sets forth procedures for the repatriation of unaccompanied children from contiguous countries.

Directs the Secretary of State to 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.

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 of State 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) the Secretary of Labor for additional activities to monitor and combat forced labor and child labor; (3) research, reports and an annual conference on trafficking; (4) a grant program to strengthen assistance for certain trafficking victims; (5) the pilot program for U.S. residential treatment facilities for juvenile trafficking victims; and (6) grants for state and local anti-trafficking programs.

Title IV: Prevention of the Use of Child Soldiers - Child Soldier Prevention Act of 2007 - (Sec. 404) Sets forth the sense of Congress respecting the prevention and elimination of the use of child soldiers.

(Sec. 405) 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 of State as having governmental armed forces or government supported armed groups that recruit or use child soldiers.

Directs the Secretary to include a list of such countries in the annual trafficking report.

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.

Authorizes the President to use such otherwise prohibited assistance to: (1) carry out demining activities, clearance of unexploded ordnance, destruction of small arms, or related activities; and (2) further anti-terrorism cooperation between the United States and a foreign government.

(Sec. 406) Directs the Secretary of State to: (1) ensure that U.S. missions abroad investigate reports on child soldiers; (2) include in the annual country reports on human rights practices a description of the use of child soldiers; and (3) report on child soldiers in Burma.

Directs the President to: (1) notify the appropriate congressional committees annually on waivers made under section 405 of this Act and a description of the assistance under such section; and (2) submit a strategy for achieving the goals under this title.

(Sec. 407) Amends the Foreign Service Act of 1980 to require Foreign Service instruction relating to child soldiers and the terms of the Child Soldier Prevention Act of 2007.

Actions Timeline

- **Dec 5, 2007:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Dec 4, 2007:** Ms. Jackson-Lee moved to suspend the rules and pass the bill, as amended.
- **Dec 4, 2007:** Considered under suspension of the rules. (consideration: CR H14098-14122)
- **Dec 4, 2007:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3887.
- **Dec 4, 2007:** DEBATE - The House proceeded with further debate on H.R. 3887.
- **Dec 4, 2007:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Dec 4, 2007:** Considered as unfinished business. (consideration: CR H14130)
- **Dec 4, 2007:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 405 - 2 (Roll no. 1124).(text: CR H14098-14112)
- **Dec 4, 2007:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 405 - 2 (Roll no. 1124). (text: CR H14098-14112)
- **Dec 4, 2007:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 4, 2007:** The title of the measure was amended. Agreed to without objection.
- **Nov 20, 2007:** Committee on Judiciary discharged.
- **Nov 20, 2007:** Placed on the Union Calendar, Calendar No. 281.
- **Nov 9, 2007:** House Committee on Judiciary Granted an extension for further consideration ending not later than Nov. 20, 2007.
- **Nov 6, 2007:** Reported (Amended) by the Committee on Foreign Affairs. H. Rept. 110-430, Part I.
- **Nov 6, 2007:** Committee on Energy and Commerce discharged.
- **Nov 6, 2007:** House Committee on Judiciary Granted an extension for further consideration ending not later than Nov. 9, 2007.
- **Oct 23, 2007:** Committee Consideration and Mark-up Session Held.
- **Oct 23, 2007:** Ordered to be Reported (Amended) by Voice Vote.
- **Oct 22, 2007:** Referred to the Subcommittee on Health.
- **Oct 18, 2007:** Introduced in House
- **Oct 18, 2007:** Referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.