

## SECTION 238 PROCESSING OF CERTAIN VISAS

Section 238 mandates a report from the Department of Homeland Security concerning the work of the Violence Against Women Act (VAWA) Unit at the U.S. Citizenship and Immigration Services' Vermont Service Center. The VAWA Unit is a highly-trained adjudication team that is responsible for a number of victim-related immigration applications, including but not limited to: the adjudications, adjustments, work authorizations, parole, fax-back benefits and employment verification, naturalization, and derivative beneficiaries related to such programs as Violence Against Women Act self-petitions (Section 101(a)(51) of the Immigration and Nationality Act); T visas (Section 101(a)(15)(T) of the Immigration and Nationality Act), U-visas (Section 101(a)(15)(U) of the Immigration and Nationality Act); battered spouse waivers (Section 216(c)(4)); abused immigrant work authorizations (Section 106 of the Immigration and Nationality Act) and parole for children of Violence Against Women Act cancellation recipients (Public Law 103-222, as reauthorized by Public Laws 106-326, 108-193, 109-162, and 109-164) and any other matters that are protected by the confidentiality provisions of the Violence Against Women Act.

The mandated report seeks information on funding, staffing, and training. The Unit should continue to be the responsible office for the processing of victim-related immigration applications, and such processing should be conducted in a manner consistent with applicable confidentiality requirements. Off-site adjudication of such applications should be considered an extraordinary circumstance, and if cases must be adjudicated elsewhere, special care should be taken to ensure compliance with confidentiality and adjudication standards of the Unit.

Immigrant victims of domestic violence, sexual assault and other violent crimes should not have to wait for up to a year before they can support themselves and their families. The Vermont Service Center should therefore strive to issue work authorization and deferred action in most instances within 60 days of filing, consistent with the need for safe and competent adjudication. The mandated report therefore seeks information on the timing adjudications, and steps taken to improve on this aspect of the Unit's mission.

The staff of the Unit are widely respected as experts in the effect of trauma and victimization and the heightened confidentiality mandated by the Violence Against Women Act, and have historically been not only an adjudication team but a policy resource. The mandated report thus includes a description of measures taken to ensure that the policy expertise of the Unit is fully incorporated into decision-making by the Department of Homeland Security.

## PROVISIONS FROM H.R. 3887 NOT INCLUDED IN BILL

Several provisions from H.R. 3887 do not appear in this version of the legislation. For example, the original House bill attempted to streamline the investigation and prosecution of certain sex trafficking and related offenses by amending the Mann Act, 18 U.S.C. §2421, et seq. The Wilberforce Act reflects a different consensus, and achieves these ends through modifications to the Slavery/Trafficking Chapter of Title 18 discussed above.

Specific language regarding the surveys required by section 232 of H.R. 3887 is not included in the bill. However, the provisions of paragraph (B)(i) and (ii) of section 201(a)(1) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(a)) still require that the surveys contained in that provision be completed, and section 237(d) requires the Department of Justice to

provide the relevant committees a report on the status of those surveys, including the projected date when such surveys will be completed. Also, section 234 of H.R. 3887 proposed a reorganization of functions within the Department of Justice. The Department of Justice should review the relationship between the Criminal Section of the Civil Rights Division and the Child Exploitation and Obscenity Section of the Criminal Division and promote a coordinated approach to the trafficking prosecutions that these Sections carry out. More critically, the Department and the Federal Bureau of Investigation should assess the division of labor within the Bureau as to trafficking offenses, with particular emphasis on servitude cases being considered a key civil rights enforcement priority.

Because efforts in the closely-related area of prostitution enforcement are important to prevent situations from ripening into servitude, the reporting requirements of Section 237 are intended to gain a better understanding of the Criminal Division and United States Attorneys Offices' activities to enforce the Mann Act or those local prostitution offenses that United States Attorneys may have jurisdiction over through operation of the District of Columbia Criminal Code or the Travel Act 18 U.S.C. §1952 or other racketeering tools.

## TITLE III

Title III authorizes funds for programs, projects and activities related to human trafficking. In order to promote broad support for the bill, some of the authorization for program funding was reduced to levels closer to previously appropriated levels, and therefore represents a more realistic target for future spending. Any reductions in authorizations are not intended to indicate a decrease in the importance of any programs, but indeed are intended to encourage appropriations at those new levels. It should be noted that Department of Homeland Security, Immigration and Customs Enforcement is engaging in a number of important investigatory activities abroad and should continue to be fully supported.

## TITLE IV

Title IV is drawn from title IV of both H.R. 3887 and S. 3061. The two versions were substantially similar, and the intent of title IV is described in House Report 110-430. As in both bills, section 404, revised from the text of both H.R. 3887 and S. 3061, provides that no assistance under section 516 of the Foreign Assistance Act (relating to transfers of excess defense articles), section 541 of the Foreign Assistance Act (relating to international military education and training) and section 23 of the Arms Export Control Act (relating to foreign military financing) shall be provided, and no licenses for commercial arm sales may be issued, to countries that are determined to be using or permitting the use of child soldiers in governmental armed forces or government-supported armed forces. While requiring enhanced reporting on child soldiers in the annual country reports on human rights, the actual list of countries that are subject to this prohibition will be included in the annual Report on Trafficking in Persons, as provided for in H.R. 3887, instead of the annual country reports, as provided in S. 3061. The country reports should continue to be an objective assessment of human rights conditions around the world, and should not be used as the specific mechanism for imposing sanctions or other matters affecting U.S. relations with other countries.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## CONDEMNING THE NOVEMBER 26, 2008, TERRORIST ATTACKS IN MUMBAI, INDIA

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the Committees on Foreign Affairs and Energy and Commerce be discharged from further consideration of the resolution (H. Res. 1532) condemning the November 26, 2008, terrorist attacks in Mumbai, India, and expressing sympathy to the innocent victims from India and around the world, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the resolution is as follows:

## H. RES. 1532

Whereas, on November 26, 2008, coordinated and cowardly acts of violence were carried out throughout Mumbai, India, the country's financial capital and largest city;

Whereas teams of gunmen stormed various locations throughout Mumbai, including two prominent hotels, a local café, a Jewish outreach center, a hospital, a railroad station, and a cinema, shooting and torturing their victims and setting off grenades and explosives along the way;

Whereas after 60 hours of terror, these attacks were successfully brought to an end on November 29, 2008, by the Indian government;

Whereas media outlets are currently reporting hundreds of injured victims and 172 fatalities, including 6 Americans;

Whereas President George W. Bush and President-elect Barack Obama immediately condemned the Mumbai attacks and extended their condolences and the support of the American people to all Indians;

Whereas this is the second large-scale terrorist attack in Mumbai since the July 2006 train bombings;

Whereas India has long been ravaged by similar attacks over the past few years in other large Indian cities, including Ahmedabad, Bangalore, Delhi, and Hyderabad, as well as by attacks abroad, most recently at the Indian Embassy in Kabul;

Whereas India has been a strong partner of the United States in combating violent extremism and offered immediate support to the United States after the terrorist attacks of September 11, 2001;

Whereas the United States and India are both multicultural, multiethnic, multi-religious democracies that oppose terrorism in all its forms and will continue to work steadfastly to overcome terrorist ideologies and to promote international peace and security: Now, therefore, be it

Resolved, That the House of Representatives—