

105TH CONGRESS
2D SESSION

H. R. 4309

To provide a comprehensive program of support for victims of torture.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1998

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mrs. MALONEY of New York, Ms. NORTON, Mr. OBERSTAR, Mr. MINGE, Ms. WOOLSEY, Mrs. MORELLA, Mr. LEWIS of Georgia, Mr. DIAZ-BALART, Mr. SABO, Mr. RAMSTAD, Mr. BROWN of Ohio, Mr. ENGEL, Mr. PORTER, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on 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

A BILL

To provide a comprehensive program of support for victims
of torture.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Torture Victims Relief
5 Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The American people abhor torture by any
2 government or person. The existence of torture cre-
3 ates a climate of fear and international insecurity
4 that affects all people.

5 (2) Torture is the deliberate mental and phys-
6 ical damage caused by governments to individuals to
7 destroy individual personality and terrorize society.
8 The effects of torture are long term. Those effects
9 can last a lifetime for the survivors and affect future
10 generations.

11 (3) By eliminating the leadership of their oppo-
12 sition and frightening the general public, repressive
13 governments often use torture as a weapon against
14 democracy.

15 (4) Torture survivors remain under physical
16 and psychological threats, especially in communities
17 where the perpetrators are not brought to justice. In
18 many nations, even those who treat torture survivors
19 are threatened with reprisals, including torture, for
20 carrying out their ethical duty to provide care. Both
21 the survivors of torture and their treatment provid-
22 ers should be accorded protection from further re-
23 pression.

24 (5) A significant number of refugees and
25 asylees entering the United States have been victims

1 of torture. Those claiming asylum deserve prompt
2 consideration of their applications for political asy-
3 lum to minimize their insecurity and sense of dan-
4 ger. Many torture survivors now live in the United
5 States. They should be provided with the rehabilita-
6 tion services which would enable them to become
7 productive members of our communities.

8 (6) The development of a treatment movement
9 for torture survivors has created new opportunities
10 for action by the United States and other nations to
11 oppose state-sponsored and other acts of torture.

12 (7) There is a need for a comprehensive strat-
13 egy to protect and support torture victims and their
14 treatment providers, together with overall efforts to
15 eliminate torture.

16 (8) By acting to heal the survivors of torture
17 and protect their families, the United States can
18 help to heal the effects of torture and prevent its use
19 around the world.

20 **SEC. 3. DEFINITION.**

21 As used in this Act, the term “torture” has the mean-
22 ing given the term in section 2340(1) of title 18, United
23 States Code, and includes the use of rape and other forms
24 of sexual violence by a person acting under the color of

1 law upon another person under his custody or physical
2 control.

3 **SEC. 4. FOREIGN TREATMENT CENTERS.**

4 (a) AMENDMENTS TO THE FOREIGN ASSISTANCE
5 ACT OF 1961.—Part I of the Foreign Assistance Act of
6 1961 (22 U.S.C. 2151 et seq.) is amended by adding at
7 the end of chapter 1 the following new section:

8 **SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.**

9 “(a) IN GENERAL.—The President is authorized to
10 provide assistance for the rehabilitation of victims of tor-
11 ture.

12 “(b) ELIGIBILITY FOR GRANTS.—Such assistance
13 shall be provided in the form of grants to treatment cen-
14 ters and programs in foreign countries that are carrying
15 out projects or activities specifically designed to treat vic-
16 tims of torture for the physical and psychological effects
17 of the torture.

18 “(c) USE OF FUNDS.—Such assistance shall be avail-
19 able—

20 “(1) for direct services to victims of torture;
21 and

22 “(2) to provide research and training to health
23 care providers outside of treatment centers or pro-
24 grams described in subsection (b), for the purpose of

1 enabling such providers to provide the services de-
2 scribed in paragraph (1).”.

3 (b) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—Of
5 the amounts authorized to be appropriated for fiscal
6 years 1999 and 2000 pursuant to chapter 1 of part
7 I of the Foreign Assistance Act of 1961, there are
8 authorized to be appropriated to the President
9 \$5,000,000 for fiscal year 1999 and \$7,500,000 for
10 fiscal year 2000 to carry out section 129 of the For-
11 eign Assistance Act, as added by subsection (a).

12 (2) AVAILABILITY OF FUNDS.—Amounts appro-
13 priated pursuant to this subsection shall remain
14 available until expended.

15 (c) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall take effect October 1, 1998.

17 **SEC. 5. DOMESTIC TREATMENT CENTERS.**

18 (a) ASSISTANCE FOR TREATMENT OF TORTURE VIC-
19 TIMS.—The Secretary of Health and Human Services may
20 provide grants to programs in the United States to cover
21 the cost of the following services:

22 (1) Services for the rehabilitation of victims of
23 torture, including treatment of the physical and psy-
24 chological effects of torture.

1 (2) Social and legal services for victims of tor-
2 ture.

3 (3) Research and training for health care pro-
4 viders outside of treatment centers, or programs for
5 the purpose of enabling such providers to provide
6 the services described in paragraph (1).

7 (b) FUNDING.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—Of
9 the amounts authorized to be appropriated for the
10 Department of Health and Human Services for fis-
11 cal years 1999 and 2000, there are authorized to be
12 appropriated to carry out subsection (a) (relating to
13 assistance for domestic centers and programs for the
14 treatment of victims of torture) \$5,000,000 for fiscal
15 year 1999, and \$7,500,000 for fiscal year 2000.

16 (2) AVAILABILITY OF FUNDS.—Amounts appro-
17 priated pursuant to this subsection shall remain
18 available until expended.

19 **SEC. 6. MULTILATERAL ASSISTANCE.**

20 (a) FUNDING.—Of the amounts authorized to be ap-
21 propriated for fiscal years 1999 and 2000 pursuant to
22 chapter 3 of part I of the Foreign Assistance Act of 1961,
23 there are authorized to be appropriated to the United Na-
24 tions Voluntary Fund for Victims of Torture (in this sec-

1 tion referred to as the “Fund”) the following amounts for
2 the following fiscal years:

3 (1) FISCAL YEAR 1999.—For fiscal year 1999,
4 \$3,000,000.

5 (2) FISCAL YEAR 2000.—For fiscal year 2000,
6 \$3,000,000.

7 (b) AVAILABILITY OF FUNDS.—Amounts appro-
8 priated pursuant to subsection (a) shall remain available
9 until expended.

10 (c) SENSE OF CONGRESS.—It is the sense of the Con-
11 gress that the President, acting through the United States
12 Permanent Representative to the United Nations,
13 should—

14 (1) request the Fund—

15 (A) to find new ways to support and pro-
16 tect treatment centers and programs that are
17 carrying out rehabilitative services for victims
18 of torture; and

19 (B) to encourage the development of new
20 such centers and programs;

21 (2) use the voice and vote of the United States
22 to support the work of the Special Rapporteur on
23 Torture and the Committee Against Torture estab-
24 lished under the Convention Against Torture and

1 Other Cruel, Inhuman or Degrading Treatment or
2 Punishment; and

3 (3) use the voice and vote of the United States
4 to establish a country rapporteur or similar proce-
5 dural mechanism to investigate human rights viola-
6 tions in a country if either the Special Rapporteur
7 or the Committee Against Torture indicates that a
8 systematic practice of torture is prevalent in that
9 country.

10 **SEC. 7. SPECIALIZED TRAINING FOR CONSULAR PERSON-**

11 **NEL.**

12 (a) IN GENERAL.—The Secretary of State shall pro-
13 vide training for consular officers with respect to—

14 (1) the identification of torture;

15 (2) the identification of the surrounding cir-
16 cumstances in which torture is most often practiced;

17 (3) the long-term effects of torture upon a vic-
18 tim;

19 (4) the identification of the physical, cognitive,
20 and emotional effects of torture, and the manner in
21 which these effects can affect the interview or hear-
22 ing process; and

23 (5) the manner of interviewing victims of tor-
24 ture so as not to retraumatize them, eliciting the
25 necessary information to document the torture expe-

1 rience, and understanding the difficulties victims
2 often have in recounting their torture experience.

3 (b) GENDER-RELATED CONSIDERATIONS.—In con-
4 ducting training under subsection (a) (4) or (5), gender-
5 specific training shall be provided on the subject of inter-
6 acting with women and men who are victims of torture
7 by rape or any other form of sexual violence.

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