

Union Calendar No. 406

105TH CONGRESS
2^D SESSION

H. R. 4309

[Report No. 105-709, Part I]

A BILL

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

SEPTEMBER 14, 1998

Reported from the Committee on International Relations
with an amendment

SEPTEMBER 14, 1998

Referral to the Committee on Commerce extended for a
period ending not later than September 14, 1998

SEPTEMBER 14, 1998

Committee on Commerce discharged; committed to the
Committee of the Whole House on the State of the
Union and ordered to be printed

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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

SEPTEMBER 14, 1998

Additional sponsors: Mr. GILMAN, Mr. BONIOR, Mr. OWENS, Mr. SAXTON, Mr. MCGOVERN, Mr. MILLER of California, Mr. UNDERWOOD, Mr. MARKEY, Ms. SLAUGHTER, Mr. EVANS, Mr. BLUNT, Mr. CLEMENT, Mr. ACKERMAN, Mr. BERMAN, and Mr. SANDERS

SEPTEMBER 14, 1998

Reported from the Committee on International Relations with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 14, 1998

Referral to the Committee on Commerce extended for a period ending not later than September 14, 1998

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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:*

8 *(1) The American people abhor torture by any*
9 *government or person. The existence of torture creates*
10 *a climate of fear and international insecurity that af-*
11 *fects all people.*

12 *(2) Torture is the deliberate mental and physical*
13 *damage caused by governments to individuals to de-*
14 *stroy individual personality and terrorize society. The*
15 *effects of torture are long term. Those effects can last*
16 *a lifetime for the survivors and affect future genera-*
17 *tions.*

18 *(3) By eliminating the leadership of their oppo-*
19 *sition and frightening the general public, repressive*

1 *governments often use torture as a weapon against de-*
2 *mocracy.*

3 *(4) Torture survivors remain under physical and*
4 *psychological threats, especially in communities where*
5 *the perpetrators are not brought to justice. In many*
6 *nations, even those who treat torture survivors are*
7 *threatened with reprisals, including torture, for car-*
8 *rying out their ethical duty to provide care. Both the*
9 *survivors of torture and their treatment providers*
10 *should be accorded protection from further repression.*

11 *(5) A significant number of refugees and asylees*
12 *entering the United States have been victims of tor-*
13 *ture. Those claiming asylum deserve prompt consider-*
14 *ation of their applications for political asylum to*
15 *minimize their insecurity and sense of danger. Many*
16 *torture survivors now live in the United States. They*
17 *should be provided with the rehabilitation services*
18 *which would enable them to become productive mem-*
19 *bers of our communities.*

20 *(6) The development of a treatment movement*
21 *for torture survivors has created new opportunities for*
22 *action by the United States and other nations to op-*
23 *pose state-sponsored and other acts of torture.*

24 *(7) There is a need for a comprehensive strategy*
25 *to protect and support torture victims and their treat-*

1 *ment providers, together with overall efforts to elimi-*
2 *nate torture.*

3 *(8) By acting to heal the survivors of torture and*
4 *protect their families, the United States can help to*
5 *heal the effects of torture and prevent its use around*
6 *the world.*

7 **SEC. 3. DEFINITION.**

8 *As used in this Act, the term “torture” has the mean-*
9 *ing given the term in section 2340(1) of title 18, United*
10 *States Code, and includes the use of rape and other forms*
11 *of sexual violence by a person acting under the color of law*
12 *upon another person under his custody or physical control.*

13 **SEC. 4. FOREIGN TREATMENT CENTERS.**

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

18 **“SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.**

19 *“(a) IN GENERAL.—The President is authorized to*
20 *provide assistance for the rehabilitation of victims of tor-*
21 *ture.*

22 *“(b) ELIGIBILITY FOR GRANTS.—Such assistance shall*
23 *be provided in the form of grants to treatment centers and*
24 *programs in foreign countries that are carrying out projects*

1 *or activities specifically designed to treat victims of torture*
2 *for the physical and psychological effects of the torture.*

3 “(c) *USE OF FUNDS.*—*Such assistance shall be avail-*
4 *able—*

5 “(1) *for direct services to victims of torture; and*

6 “(2) *to provide research and training to health*
7 *care providers outside of treatment centers or pro-*
8 *grams described in subsection (b), for the purpose of*
9 *enabling such providers to provide the services de-*
10 *scribed in paragraph (1).”.*

11 (b) *FUNDING.*—

12 (1) *AUTHORIZATION OF APPROPRIATIONS.*—*Of*
13 *the amounts authorized to be appropriated for fiscal*
14 *years 1999 and 2000 pursuant to chapter 1 of part*
15 *I of the Foreign Assistance Act of 1961, there are au-*
16 *thorized to be appropriated to the President*
17 *\$5,000,000 for fiscal year 1999 and \$7,500,000 for*
18 *fiscal year 2000 to carry out section 129 of the For-*
19 *eign Assistance Act, as added by subsection (a).*

20 (2) *AVAILABILITY OF FUNDS.*—*Amounts appro-*
21 *priated pursuant to this subsection shall remain*
22 *available until expended.*

23 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
24 *section (a) shall take effect October 1, 1998.*

1 **SEC. 5. DOMESTIC TREATMENT CENTERS.**

2 (a) *ASSISTANCE FOR TREATMENT OF TORTURE VIC-*
3 *TIMS.*—*The Secretary of Health and Human Services may*
4 *provide grants to programs in the United States to cover*
5 *the cost of the following services:*

6 (1) *Services for the rehabilitation of victims of*
7 *torture, including treatment of the physical and psy-*
8 *chological effects of torture.*

9 (2) *Social and legal services for victims of tor-*
10 *ture.*

11 (3) *Research and training for health care provid-*
12 *ers outside of treatment centers, or programs for the*
13 *purpose of enabling such providers to provide the*
14 *services described in paragraph (1).*

15 (b) *FUNDING.*—

16 (1) *AUTHORIZATION OF APPROPRIATIONS.*—*Of*
17 *the amounts authorized to be appropriated for the De-*
18 *partment of Health and Human Services for fiscal*
19 *years 1999 and 2000, there are authorized to be ap-*
20 *propriated to carry out subsection (a) (relating to as-*
21 *sistance for domestic centers and programs for the*
22 *treatment of victims of torture) \$5,000,000 for fiscal*
23 *year 1999, and \$7,500,000 for fiscal year 2000.*

24 (2) *AVAILABILITY OF FUNDS.*—*Amounts appro-*
25 *propriated pursuant to this subsection shall remain*
26 *available until expended.*

1 **SEC. 6. MULTILATERAL ASSISTANCE.**

2 (a) *FUNDING.*—Of the amounts authorized to be ap-
3 propriated for fiscal years 1999 and 2000 pursuant to
4 chapter 3 of part I of the Foreign Assistance Act of 1961,
5 there are authorized to be appropriated to the United Na-
6 tions Voluntary Fund for Victims of Torture (in this section
7 referred to as the “Fund”) the following amounts for the
8 following fiscal years:

9 (1) *FISCAL YEAR 1999.*—For fiscal year 1999,
10 \$3,000,000.

11 (2) *FISCAL YEAR 2000.*—For fiscal year 2000,
12 \$3,000,000.

13 (b) *AVAILABILITY OF FUNDS.*—Amounts appropriated
14 pursuant to subsection (a) shall remain available until ex-
15 pended.

16 (c) *SENSE OF CONGRESS.*—It is the sense of the Con-
17 gress that the President, acting through the United States
18 Permanent Representative to the United Nations, should—

19 (1) *request the Fund—*

20 (A) *to find new ways to support and protect*
21 *treatment centers and programs that are carry-*
22 *ing out rehabilitative services for victims of tor-*
23 *ture; and*

24 (B) *to encourage the development of new*
25 *such centers and programs;*

1 (2) *use the voice and vote of the United States*
2 *to support the work of the Special Rapporteur on*
3 *Torture and the Committee Against Torture estab-*
4 *lished under the Convention Against Torture and*
5 *Other Cruel, Inhuman or Degrading Treatment or*
6 *Punishment; and*

7 (3) *use the voice and vote of the United States*
8 *to establish a country rapporteur or similar proce-*
9 *dural mechanism to investigate human rights viola-*
10 *tions in a country if either the Special Rapporteur or*
11 *the Committee Against Torture indicates that a sys-*
12 *tematic practice of torture is prevalent in that coun-*
13 *try.*

14 **SEC. 7. SPECIALIZED TRAINING FOR FOREIGN SERVICE OF-**
15 **FICERS.**

16 (a) *IN GENERAL.*—*The Secretary of State shall pro-*
17 *vide training for foreign service officers with respect to—*

18 (1) *the identification of torture;*

19 (2) *the identification of the surrounding cir-*
20 *cumstances in which torture is most often practiced;*

21 (3) *the long-term effects of torture upon a victim;*

22 (4) *the identification of the physical, cognitive,*
23 *and emotional effects of torture, and the manner in*
24 *which these effects can affect the interview or hearing*
25 *process; and*

1 (5) *the manner of interviewing victims of torture*
2 *so as not to retraumatize them, eliciting the necessary*
3 *information to document the torture experience, and*
4 *understanding the difficulties victims often have in*
5 *recounting their torture experience.*

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