110TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

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Part 1

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2007

APRIL 20, 2007.—Ordered to be printed

Mr. LANTOS, from the Committee on Foreign Affairs, submitted the following

R E P O R T

[To accompany H.R. 1678]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 1678) to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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59–006

SUMMARY

H.R. 1678, the Torture Victims Relief Reauthorization Act of 2007, was referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce. The Committee on Foreign Affairs considered the portions of the bill under its jurisdiction and ordered it to be reported favorably, by voice vote, without amendment, on March 27, 2007.

BACKGROUND AND PURPOSE

H.R. 1678, the Torture Victims Relief Reauthorization Act of 2007, reauthorizes appropriations to assist domestic and international programs and centers specializing in the treatment of victims of torture. The legislation reauthorizes funds to carry out provisions of P.L. 105–320, the Torture Victims Relief Act of 1998 (the "TVRA"). In particular, the bill authorizes $25,000,000 for each of FY08 and FY09 for the Department of Health and Human Services in support of domestic treatment centers (this provision falls under the jurisdiction of the Committee on Energy and Commerce). In addition, the bill authorizes $12,000,000 for each of FY08 and FY09 in support of international treatment centers and programs. Finally, the bill authorizes $12,000,000 for each of FY08 and FY09 for the United Nations Voluntary Fund for Victims of Torture.

Although exact figures are difficult to determine, according to Amnesty International, over 150 countries worldwide still engage in torture. An estimated 400,000 to 500,000 foreign torture survivors reside in the United States, and there may be over 100 million worldwide. More than 250 treatment programs operate internationally to provide crucial medical, psychological and social services to torture survivors. The Center for Victims of Torture in Minnesota was the first multi-discipline center of its kind in the United States and the third torture victims' treatment program in the world. Currently, there are 31 programs for the treatment of survivors of torture operating in the United States, of which 20 programs are assisted through the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services. The National Consortium of Torture Victims Treatment Programs reports that their clients come from 110 countries, and 93% of those clients are newly-arrived torture survivors. Only 7% of their clients are long-term residents or have become citizens of the United States.

The Torture Victims Relief Act of 1998, which was sponsored by Rep. Christopher H. Smith (R–NJ) and cosponsored by Rep. Tom Lantos (D–CA), established a comprehensive approach in the support of programs for the treatment of survivors of torture in the United States and abroad. With regard to domestic treatment programs, the TVRA tasks the Secretary of Health and Human Services with coordinating grants to services for the rehabilitation of victims of torture. This includes the treatment of the physical and psychological effects of torture, as well as social and legal services for victims of torture. Regarding domestic programs, the TVRA also provides support for research and training for health care providers outside of treatment centers if they provide similar services. The grants are administered through ORR. Concerning international entities providing such services abroad, the TVRA authorizes the President to provide grant assistance for the rehabilitation of vic-

tims of torture. These funds can be provided to entities which offer direct services to victims of torture, and support research and training to health care providers outside of treatment centers, if they provide similar services. These grants are administered by the United States Agency for International Development (USAID) through its Victims of Torture Fund (VTF). In FY06, the VTF supported treatment programs in 28 countries that span 4 regions (Latin America and the Caribbean, Africa, Asia and the Near East, and Europe and Eurasia) and supported 120 local organizations in communities where survivors live. Finally, the TVRA authorizes the President to make a contribution from the United States to the multilateral United Nations Voluntary Fund for Victims of Torture (UNVF). Through this United Nations mechanism, the UNVF supported 175 Projects in 64 countries in 2006, including within the United States. The TVRA further expresses the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should request the UNVF to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture, to encourage the development of new centers and programs, and to use its voice and vote to support the work of the United Nations Special Rapporteur on Torture and the United Nations Committee Against Torture.

In addition to supporting these treatment programs, the TVRA requires the Secretary of State to provide a special training program for Foreign Service Officers on the nature, impact and circumstances of torture.

HEARINGS

The Committee did not hold hearings on the legislation.

COMMITTEE CONSIDERATION

On March 27, 2007, the Committee met in an open mark-up session and ordered favorably reported H.R. 1678 without amendment by voice vote, a quorum being present.

VOTES OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during consideration of H.R. 1678.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds and reemphasizes that Congress has passed an important policy provision regarding the application and disbursements of grants under the TVRA in the Torture Victims Relief Reauthorization Act of 2005 (P.L. 109–165), which stipulates that special consideration should be given to establishing and supporting such programs and centers abroad in emerging democracies, in post-conflict environments, and, with a view toward providing services to refugees and internally displaced persons, in areas as close to ongoing conflict as safely as possible. In addition, the 2005 law seeks to ensure that, in support for do-

mestic programs and centers for the treatment of victims of torture, particular attention should be given to regions with significant immigrant or refugee population concentrations.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

H.R. 1678 reauthorizes the following sums to carry out the provisions of the Torture Victims Relief Act (P.L. 105–320): $25,000,000 for each of FY08 and FY09 for the Department of Health and Human Services in support of domestic treatment centers (this provision falls under the jurisdiction of the Committee on Energy and Commerce); $12,000,000 for each of FY08 and FY09 in support of international treatment programs; and $12,000,000 for each of FY08 and FY09 for the UN Voluntary Fund for Victims of Torture.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1678, the following estimate and comparison prepared by the Director of the Congressional Budget Office under Section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 2, 2007.

Hon. TOM LANTOS, *Chairman,*
Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1678, the Torture Victims Relief Reauthorization Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sam Papenfuss, who can be reached at 226–2840.

Sincerely,

PETER R. ORSZAG.

Enclosure

cc: Honorable Ileana Ros-Lehtinen
Ranking Member

H.R. 1678—Torture Victims Relief Reauthorization Act of 2007

H.R. 1678 would authorize the appropriation of $49 million in both 2008 and 2009 for foreign and domestic programs to assist victims of torture. CBO estimates that implementing the bill would cost $22 million in 2008 and $97 million over the 2008–2012 period, assuming that outlays would follow historical spending patterns for those programs and that the authorized amounts would be appropriated. The bill would not affect direct spending or revenues.

The estimated budgetary impact of H.R. 1678 is shown in the following table. The costs of this legislation fall within budget functions 150 (international affairs) and 550 (health).

By Fiscal Year, in Millions of Dollars

	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Domestic Treatment Centers					
Authorization Level	25	25	0	0	0
Estimated Outlays	8	18	15	7	2
Foreign Treatment Centers					
Authorization Level	12	12	0	0	0
Estimated Outlays	2	8	8	3	2
Contribution to United Nations' Fund					
Authorization Level	12	12	0	0	0
Estimated Outlays	12	12	0	0	0
Total					
Authorization Level	49	49	0	0	0
Estimated Outlays	22	38	23	10	4

Section 2 of the bill would authorize the appropriation of $25 million a year in 2008 and 2009 for the Department of Health and Human Services (HHS) for domestic treatment of victims of torture. Under current law, HHS makes grants to programs in the United States that provide psychological and physical rehabilitation, social services, and legal services to victims of torture. Section 3 would authorize the appropriation of $12 million in 2008 and $12 million in 2009 for foreign treatment centers for victims of torture. Finally, section 4 would authorize the appropriation of $12 million in 2008 and $12 million in 2009 for grants to the United Nations Voluntary Fund for Victims of Torture.

H.R. 1678 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Sam Papenfuss, who can be reached at 226–2840. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

Intergovernmental and Private Sector Impact

H.R. 1681 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Performance Goals and Objectives

The Committee states that the purpose of H.R. 1678 is to reauthorize funds to carry out provisions of the Torture Victims Relief Act of 1998, to provide effective and adequate medical and psychosocial treatment and services to survivors of torture, both in the United States and abroad.

Constitutional Authority Statement

Pursuant to clause 3(d) (1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

New Advisory Committees

H.R. 1678 establishes no new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 1678 does not apply to the Legislative Branch.

EARMARK IDENTIFICATION

H.R. 1678 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI. Section 202 contains an authorization for a grant to the International Center for Democratic Transition, an organization endorsed by the Community of Democracies at its 2006 Ministerial meeting and supported by the Department of State.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION AND DISCUSSION

Section 1. Short Title.

Section 1 sets as short title of H.R. 1678, the "Torture Victims Relief Reauthorization Act of 2007."

Section 2. Authorization of Appropriations for Domestic Treatment Centers for Victims of Torture.

Section 2 authorizes $25,000,000 for each of the fiscal years 2008 and 2009 for the Department of Health and Human Services to fund domestic treatment centers for victims of torture.

Section 3. Authorization of Appropriations for Foreign Treatment Centers for Victims of Torture.

Section 3 authorizes $12,000,000 for each of the fiscal years 2008 and 2009 for the President to fund foreign treatment centers for victims of torture.

Section 4. Authorization of Appropriations for the United States Contribution to the United Nations Voluntary Fund for Victims of Torture.

Section 4 authorizes $12,000,000 for each of the fiscal years 2008 and 2009 for the President to make United States contributions to the United Nations Voluntary Fund for Victims of Torture

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TORTURE VICTIMS RELIEF ACT OF 1998

* * * * * * *

SEC. 4. FOREIGN TREATMENT CENTERS.

(a) * * *

(b) FUNDING.—

[(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2004 and 2005 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the Presi-

dent to carry out section 130 of such Act (relating to assistance for centers in foreign countries and programs for the treatment of victims of torture) $11,000,000 for fiscal year 2004 and $12,000,000 for fiscal year 2005.]

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President to carry out section 130 of such Act $12,000,000 for each of the fiscal years 2008 and 2009.

* * * * * * *

SEC. 5. DOMESTIC TREATMENT CENTERS.

(a) * * *

(b) FUNDING.—

[(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2004 and 2005, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $20,000,000 for fiscal year 2004 and $25,000,000 for fiscal year 2005.]

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2008 and 2009, there are authorized to be appropriated to carry out subsection (a) $25,000,000 for each of the fiscal years 2008 and 2009.

* * * * * * *

Exchange of Letters—Foreign Affairs Committee and Energy and Commerce Committee

TOM LANTOS, CALIFORNIA
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REPUBLICAN CHIEF COUNSEL

The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 1678, which authorizes appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not in any way serve as a jurisdictional precedent as to our two committees.

Further, as to any House-Senate conference on the bill, I understand that your committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I will ensure that our exchange of letters is included in your Committee's report on the bill, and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,

Tom Lantos

TOM LANTOS
Chairman

TL:da/mco

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Washington, DC 20515–6115

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April 11, 2007

The Honorable Tom Lantos
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
2170 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing in regard to H.R. 1678, which authorizes appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture.

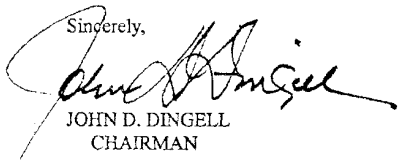
The bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I support passage of the bill, and I recognize and appreciate your desire to bring it up on the House floor in an expeditious manner. The Committee will not seek a sequential referral of the bill. This decision is based on my understanding that you have agreed that the inaction of the Committee with respect to the bill does not in any way serve as a jurisdictional precedent as to our two committees.

Further, as to any House-Senate conference on the bill, the Committee on Energy and Commerce reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction. It is my understanding that you have agreed to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I request that you send me a letter confirming our agreements as to jurisdiction, including with respect to conferees, and that our exchange of letters be included in your Committee's report on the bill.

I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Sincerely,



JOHN D. DINGELL
CHAIRMAN

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

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