

Lofgren, Berman (2016)

Failed
12-17.

AMENDMENT TO H.R. 4970
OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA
AND MR. BERMAN OF CALIFORNIA

Page 143, beginning on line 1, strike title VIII, and insert the following:

1 **TITLE VIII—PROTECTION OF**
2 **BATTERED IMMIGRANTS**

3 **SEC. 801. U NONIMMIGRANT DEFINITION.**

4 Section 101(a)(15)(U)(iii) of the Immigration and
5 Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended
6 by inserting “stalking;” after “sexual exploitation;”.

7 **SEC. 802. ANNUAL REPORT ON IMMIGRATION APPLICA-**
8 **TIONS MADE BY VICTIMS OF ABUSE.**

9 Not later than December 1, 2012, and annually
10 thereafter, the Secretary of Homeland Security shall sub-
11 mit to the Committee on the Judiciary of the Senate and
12 the Committee on the Judiciary of the House of Rep-
13 resentatives a report that includes the following:

- 14 (1) The number of aliens who—
15 (A) submitted an application for non-
16 immigrant status under paragraph (15)(T)(i),
17 (15)(U)(i), or (51) of section 101(a) of the Im-

1 migration and Nationality Act (8 U.S.C.
2 1101(a)) during the preceding fiscal year;

3 (B) were granted such nonimmigrant sta-
4 tus during such fiscal year; or

5 (C) were denied such nonimmigrant status
6 during such fiscal year.

7 (2) The mean amount of time and median
8 amount of time to adjudicate an application for such
9 nonimmigrant status during such fiscal year.

10 (3) The mean amount of time and median
11 amount of time between the receipt of an application
12 for such nonimmigrant status and the issuance of
13 work authorization to an eligible applicant during
14 the preceding fiscal year.

15 (4) The number of aliens granted continued
16 presence in the United States under section
17 107(c)(3) of the Trafficking Victims Protection Act
18 of 2000 (22 U.S.C. 7105(c)(3)) during the pre-
19 ceding fiscal year.

20 (5) A description of any actions being taken to
21 reduce the adjudication and processing time, while
22 ensuring the safe and competent processing, of an
23 application described in paragraph (1) or a request
24 for continued presence referred to in paragraph (4).

1 **SEC. 803. PROTECTION FOR CHILDREN OF VAWA SELF-PE-**
2 **TITIONERS.**

3 Section 204(l)(2) of the Immigration and Nationality
4 Act (8 U.S.C. 1154(l)(2)) is amended—

5 (1) in subparagraph (E), by striking “or” at
6 the end;

7 (2) by redesignating subparagraph (F) as sub-
8 paragraph (G); and

9 (3) by inserting after subparagraph (E) the fol-
10 lowing:

11 “(F) a child of an alien who filed a pend-
12 ing or approved petition for classification or ap-
13 plication for adjustment of status or other ben-
14 efit specified in section 101(a)(51) as a VAWA
15 self-petitioner; or”.

16 **SEC. 804. PUBLIC CHARGE.**

17 Section 212(a)(4) of the Immigration and Nationality
18 Act (8 U.S.C. 1182(a)(4)) is amended by adding at the
19 end the following:

20 “(E) SPECIAL RULE FOR QUALIFIED
21 ALIEN VICTIMS.—Subparagraphs (A), (B), and
22 (C) shall not apply to an alien who—

23 “(i) is a VAWA self-petitioner;

24 “(ii) is an applicant for, or is granted,
25 nonimmigrant status under section
26 101(a)(15)(U); or

1 “(iii) is a qualified alien described in
2 section 431(c) of the Personal Responsi-
3 bility and Work Opportunity Reconciliation
4 Act of 1996 (8 U.S.C. 1641(c)).”.

5 **SEC. 805. REQUIREMENTS APPLICABLE TO U VISAS.**

6 (a) **RECAPTURE OF UNUSED U VISAS.**—Section
7 214(p)(2) of the Immigration and Nationality Act (8
8 U.S.C. 1184(p)(2)) is amended by—

9 (1) in subparagraph (A), by striking “The num-
10 ber” and inserting “Except as provided in subpara-
11 graph (C), the number”; and

12 (2) by adding at the end the following:

13 “(C) Beginning in fiscal year 2012, if the
14 numerical limitation set forth in subparagraph
15 (A) is reached before the end of the fiscal year,
16 up to 5,000 additional visas, of the aggregate
17 number of visas that were available and not
18 issued to nonimmigrants described in section
19 101(a)(15)(U) in fiscal years 2006 through
20 2011, may be issued until the end of the fiscal
21 year.”.

22 (3) **SUNSET DATE.**—The amendments made by
23 paragraphs (1) and (2) are repealed on the date on
24 which the aggregate number of visas that were avail-
25 able and not issued in fiscal years 2006 through

1 2011 have been issued pursuant to section
2 214(p)(2)(C) of the Immigration and Nationality
3 Act.

4 (b) AGE DETERMINATIONS.—Section 214(p) of the
5 Immigration and Nationality Act (8 U.S.C. 1184(p)) is
6 amended by adding at the end the following:

7 “(7) AGE DETERMINATIONS.—

8 “(A) CHILDREN.—An unmarried alien who
9 seeks to accompany, or follow to join, a parent
10 granted status under section 101(a)(15)(U)(i),
11 and who was under 21 years of age on the date
12 on which such parent petitioned for such status,
13 shall continue to be classified as a child for pur-
14 poses of section 101(a)(15)(U)(ii), if the alien
15 attains 21 years of age after such parent’s peti-
16 tion was filed but while it was pending.

17 “(B) PRINCIPAL ALIENS.—An alien de-
18 scribed in clause (i) of section 101(a)(15)(U)
19 shall continue to be treated as an alien de-
20 scribed in clause (ii)(I) of such section if the
21 alien attains 21 years of age after the alien’s
22 application for status under such clause (i) is
23 filed but while it is pending.”.

1 **SEC. 806. HARDSHIP WAIVERS.**

2 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
4 ed—

5 (1) in subparagraph (A), by striking the comma
6 at the end and inserting a semicolon;

7 (2) in subparagraph (B), by striking “(1), or”
8 and inserting “(1); or”;

9 (3) in subparagraph (C), by striking the period
10 at the end and inserting a semicolon and “or”; and

11 (4) by inserting after subparagraph (C) the fol-
12 lowing:

13 “(D) the alien meets the requirements
14 under section 204(a)(1)(A)(iii)(II)(aa)(BB) and
15 following the marriage ceremony was battered
16 by or subject to extreme cruelty perpetrated by
17 the alien’s intended spouse and was not at fault
18 in failing to meet the requirements of para-
19 graph (1).”.

20 (b) TECHNICAL CORRECTIONS.—Section 216(c)(4) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1186a(c)(4)), as amended by subsection (a), is further
23 amended—

24 (1) in the matter preceding subparagraph (A),
25 by striking “The Attorney General, in the Attorney

1 General's" and inserting "The Secretary of Home-
2 land Security, in the Secretary's"; and

3 (2) in the undesignated paragraph at the end—

4 (A) in the first sentence, by striking "At-
5 torney General" and inserting "Secretary of
6 Homeland Security";

7 (B) in the second sentence, by striking
8 "Attorney General" and inserting "Secretary";

9 (C) in the third sentence, by striking "At-
10 torney General." and inserting "Secretary.";

11 and

12 (D) in the fourth sentence, by striking
13 "Attorney General" and inserting "Secretary".

14 **SEC. 807. PROTECTIONS FOR A FIANCÉE OR FIANCÉ OF A**
15 **CITIZEN.**

16 (a) IN GENERAL.—Section 214 of the Immigration
17 and Nationality Act (8 U.S.C. 1184) is amended—

18 (1) in subsection (d)—

19 (A) in paragraph (1), by striking "crime."
20 and inserting "crime described in paragraph

21 (3)(B) and information on any permanent pro-
22 tection or restraining order issued against the
23 petitioner related to any specified crime de-
24 scribed in paragraph (3)(B)(i).";

1 (B) in paragraph (2)(A), in the matter
2 preceding clause (i)—

3 (i) by striking “a consular officer”
4 and inserting “the Secretary of Homeland
5 Security”; and

6 (ii) by striking “the officer” and in-
7 serting “the Secretary”; and

8 (C) in paragraph (3)(B)(i), by striking
9 “abuse, and stalking.” and inserting “abuse,
10 stalking, or an attempt to commit any such
11 crime.”; and

12 (2) in subsection (r)—

13 (A) in paragraph (1), by striking “crime.”
14 and inserting “crime described in paragraph
15 (5)(B) and information on any permanent pro-
16 tection or restraining order issued against the
17 petitioner related to any specified crime de-
18 scribed in subsection (5)(B)(i).”; and

19 (B) by amending paragraph (4)(B)(ii) to
20 read as follows:

21 “(ii) To notify the beneficiary as required by clause
22 (i), the Secretary of Homeland Security shall provide such
23 notice to the Secretary of State for inclusion in the mailing
24 to the beneficiary described in section 833(a)(5)(A)(i) of

1 the International Marriage Broker Regulation Act of 2005
2 (8 U.S.C. 1375a(a)(5)(A)(i)).”; and

3 (3) in paragraph (5)(B)(i), by striking “abuse,
4 and stalking.” and inserting “abuse, stalking, or an
5 attempt to commit any such crime.”.

6 (b) PROVISION OF INFORMATION TO K NON-
7 IMMIGRANTS.—Section 833 of the International Marriage
8 Broker Regulation Act of 2005 (8 U.S.C. 1375a) is
9 amended—

10 (1) in subsection (a)(5)(A)—

11 (A) in clause (iii)—

12 (i) by striking “State any” and insert-
13 ing “State, for inclusion in the mailing de-
14 scribed in clause (i), any”; and

15 (ii) by striking the last sentence; and

16 (B) by adding at the end the following:

17 “(iv) The Secretary of Homeland Se-
18 curity shall conduct a background check of
19 the National Crime Information Center’s
20 Protection Order Database on each peti-
21 tioner for a visa under subsection (d) or
22 (r) of section 214 of the Immigration and
23 Nationality Act (8 U.S.C. 1184). Any ap-
24 propriate information obtained from such
25 background check—

1 “(I) shall accompany the criminal
2 background information provided by
3 the Secretary of Homeland Security
4 to the Secretary of State and shared
5 by the Secretary of State with a bene-
6 ficiary of a petition referred to in
7 clause (iii); and

8 “(II) shall not be used or dis-
9 closed for any other purpose unless
10 expressly authorized by law.

11 “(v) The Secretary of Homeland Se-
12 curity shall create a cover sheet or other
13 mechanism to accompany the information
14 required to be provided to an applicant for
15 a visa under subsection (d) or (r) of sec-
16 tion 214 of the Immigration and Nation-
17 ality Act (8 U.S.C. 1184) by clauses (i)
18 through (iv) of this paragraph or by
19 clauses (i) and (ii) of subsection (r)(4)(B)
20 of such section 214, that calls to the appli-
21 cant’s attention—

22 “(I) whether the petitioner dis-
23 closed a protection order, a restrain-
24 ing order, or criminal history informa-
25 tion on the visa petition;

1 “(II) the criminal background in-
2 formation and information about any
3 protection order obtained by the Sec-
4 retary of Homeland Security regard-
5 ing the petitioner in the course of ad-
6 judicating the petition; and

7 “(III) whether the information
8 the petitioner disclosed on the visa pe-
9 tition regarding any previous petitions
10 filed under subsection (d) or (r) of
11 such section 214 is consistent with the
12 information in the multiple visa track-
13 ing database of the Department of
14 Homeland Security, as described in
15 subsection (r)(4)(A) of such section
16 214.”; and

17 (2) in subsection (b)(1)(A), by striking “or”
18 after “orders” and inserting “and”.

19 **SEC. 808. REGULATION OF INTERNATIONAL MARRIAGE**
20 **BROKERS.**

21 (a) IMPLEMENTATION OF THE INTERNATIONAL MAR-
22 RIAGE BROKER ACT OF 2005.—

23 (1) FINDINGS.—Congress finds the following:

24 (A) The International Marriage Broker
25 Act of 2005 (subtitle D of Public Law 109–

1 162; 119 Stat. 3066) has not been fully imple-
2 mented with regard to investigating and pros-
3 ecuting violations of the law, and for other pur-
4 poses.

5 (B) Six years after Congress enacted the
6 International Marriage Broker Act of 2005 to
7 regulate the activities of the hundreds of for-
8 profit international marriage brokers operating
9 in the United States, the Attorney General has
10 not determined which component of the Depart-
11 ment of Justice will investigate and prosecute
12 violations of such Act.

13 (2) REPORT.—Not later than 90 days after the
14 date of the enactment of this Act, the Attorney Gen-
15 eral shall submit to Congress a report that includes
16 the following:

17 (A) The name of the component of the De-
18 partment of Justice responsible for inves-
19 tigating and prosecuting violations of the Inter-
20 national Marriage Broker Act of 2005 (subtitle
21 D of Public Law 109–162; 119 Stat. 3066) and
22 the amendments made by this Act.

23 (B) A description of the policies and proce-
24 dures of the Attorney General for consultation
25 with the Secretary of Homeland Security and

1 the Secretary of State in investigating and
2 prosecuting such violations.

3 (b) TECHNICAL CORRECTION.—Section 833(a)(2)(H)
4 of the International Marriage Broker Regulation Act of
5 2005 (8 U.S.C. 1375a(a)(2)(H)) is amended by striking
6 “Federal and State sex offender public registries” and in-
7 serting “the National Sex Offender Public Website”.

8 (c) REGULATION OF INTERNATIONAL MARRIAGE
9 BROKERS.—Section 833(d) of the International Marriage
10 Broker Regulation Act of 2005 (8 U.S.C. 1375a(d)) is
11 amended—

12 (1) by amending paragraph (1) to read as fol-
13 lows:

14 “(1) PROHIBITION ON MARKETING OF OR TO
15 CHILDREN.—

16 “(A) IN GENERAL.—An international mar-
17 riage broker shall not provide any individual or
18 entity with the personal contact information,
19 photograph, or general information about the
20 background or interests of any individual under
21 the age of 18.

22 “(B) COMPLIANCE.—To comply with the
23 requirements of subparagraph (A), an inter-
24 national marriage broker shall—

1 “(i) obtain a valid copy of each for-
2 eign national client’s birth certificate or
3 other proof of age document issued by an
4 appropriate government entity;

5 “(ii) indicate on such certificate or
6 document the date it was received by the
7 international marriage broker;

8 “(iii) retain the original of such cer-
9 tificate or document for 7 years after such
10 date of receipt; and

11 “(iv) produce such certificate or docu-
12 ment upon request to an appropriate au-
13 thority charged with the enforcement of
14 this paragraph.”;

15 (2) in paragraph (2)—

16 (A) in subparagraph (A)(i)—

17 (i) in the heading, by striking “REG-
18 ISTRIES.—” and inserting “WEBSITE.—”;
19 and

20 (ii) by striking “Registry or State sex
21 offender public registry,” and inserting
22 “Website,”; and

23 (B) in subparagraph (B)(ii), by striking
24 “or stalking.” and inserting “stalking, or an at-
25 tempt to commit any such crime.”;

1 (3) in paragraph (3)—

2 (A) in subparagraph (A)—

3 (i) in clause (i), by striking “Registry,
4 or of the relevant State sex offender public
5 registry for any State not yet participating
6 in the National Sex Offender Public Reg-
7 istry, in which the United States client has
8 resided during the previous 20 years,” and
9 inserting “Website”; and

10 (ii) in clause (iii)(II), by striking
11 “background information collected by the
12 international marriage broker under para-
13 graph (2)(B);” and inserting “signed cer-
14 tification and accompanying documentation
15 or attestation regarding the background in-
16 formation collected under paragraph
17 (2)(B);”; and

18 (B) by striking subparagraph (C);

19 (4) in paragraph (5)—

20 (A) in subparagraph (A)(ii), by striking “A
21 penalty may be imposed under clause (i) by the
22 Attorney General only” and inserting “At the
23 discretion of the Attorney General, a penalty
24 may be imposed under clause (i) either by a
25 Federal judge, or by the Attorney General”;

1 (B) by amending subparagraph (B) to read
2 as follows:

3 “(B) FEDERAL CRIMINAL PENALTIES.—

4 “(i) FAILURE OF INTERNATIONAL
5 MARRIAGE BROKERS TO COMPLY WITH OB-
6 LIGATIONS.—Except as provided in clause
7 (ii), an international marriage broker that,
8 in circumstances in or affecting interstate
9 or foreign commerce, or within the special
10 maritime and territorial jurisdiction of the
11 United States—

12 “(I) except as provided in sub-
13 clause (II), violates (or attempts to
14 violate) paragraph (1), (2), (3), or (4)
15 shall be fined in accordance with title
16 18, United States Code, or imprisoned
17 for not more than 1 year, or both; or

18 “(II) knowingly violates or at-
19 tempts to violate paragraphs (1), (2),
20 (3), or (4) shall be fined in accord-
21 ance with title 18, United States
22 Code, or imprisoned for not more
23 than 5 years, or both.

24 “(ii) MISUSE OF INFORMATION.—A
25 person who knowingly discloses, uses, or

1 causes to be used any information obtained
2 by an international marriage broker as a
3 result of a requirement under paragraph
4 (2) or (3) for any purpose other than the
5 disclosures required under paragraph (3)
6 shall be fined in accordance with title 18,
7 United States Code, or imprisoned for not
8 more than 1 year, or both.

9 “(iii) FRAUDULENT FAILURES OF
10 UNITED STATES CLIENTS TO MAKE RE-
11 QUIRED SELF-DISCLOSURES.—A person
12 who knowingly and with intent to defraud
13 another person outside the United States
14 in order to recruit, solicit, entice, or induce
15 that other person into entering a dating or
16 matrimonial relationship, makes false or
17 fraudulent representations regarding the
18 disclosures described in clause (i), (ii), (iii),
19 or (iv) of subsection (d)(2)(B), including
20 by failing to make any such disclosures,
21 shall be fined in accordance with title 18,
22 United States Code, imprisoned for not
23 more than 1 year, or both.

24 “(iv) RELATIONSHIP TO OTHER PEN-
25 ALTIES.—The penalties provided in clauses

1 (i), (ii), and (iii) are in addition to any
2 other civil or criminal liability under Fed-
3 eral or State law to which a person may be
4 subject for the misuse of information, in-
5 cluding misuse to threaten, intimidate, or
6 harass any individual.

7 “(v) CONSTRUCTION.—Nothing in
8 this paragraph or paragraph (3) or (4)
9 may be construed to prevent the disclosure
10 of information to law enforcement or pur-
11 suant to a court order.”; and

12 (C) in subparagraph (C), by striking the
13 period at the end and inserting “including equi-
14 table remedies.”;

15 (5) by redesignating paragraphs (6) and (7) as
16 paragraphs (7) and (8), respectively; and

17 (6) by inserting after paragraph (5) the fol-
18 lowing:

19 “(6) ENFORCEMENT.—

20 “(A) AUTHORITY.—The Attorney General
21 shall be responsible for the enforcement of the
22 provisions of this section, including the prosecu-
23 tion of civil and criminal penalties provided for
24 by this section.

1 “(B) CONSULTATION.—The Attorney Gen-
2 eral shall consult with the Director of the Office
3 on Violence Against Women of the Department
4 of Justice to develop policies and public edu-
5 cation designed to promote enforcement of this
6 section.”.

7 (d) GAO STUDY AND REPORT.—Section 833(f) of
8 the International Marriage Broker Regulation Act of 2005
9 (8 U.S.C. 1375a(f)) is amended—

10 (1) in the subsection heading, by striking
11 “STUDY AND REPORT.—” and inserting “STUDIES
12 AND REPORTS.—”; and

13 (2) by adding at the end the following:

14 “(4) CONTINUING IMPACT STUDY AND RE-
15 PORT.—

16 “(A) STUDY.—The Comptroller General
17 shall conduct a study on the continuing impact
18 of the implementation of this section and of sec-
19 tion of 214 of the Immigration and Nationality
20 Act (8 U.S.C. 1184) on the process for grant-
21 ing K nonimmigrant visas, including specifically
22 a study of the items described in subparagraphs
23 (A) through (E) of paragraph (1).

24 “(B) REPORT.—Not later than 2 years
25 after the date of the enactment of the Violence

1 Against Women Reauthorization Act of 2011,
2 the Comptroller General shall submit to the
3 Committee on the Judiciary of the Senate and
4 the Committee on the Judiciary of the House of
5 Representatives a report setting forth the re-
6 sults of the study conducted under subpara-
7 graph (A).

8 “(C) DATA COLLECTION.—The Attorney
9 General, the Secretary of Homeland Security,
10 and the Secretary of State shall collect and
11 maintain the data necessary for the Comptroller
12 General to conduct the study required by para-
13 graph (1)(A).”.

14 ~~SEC. 809. ELIGIBILITY OF CRIME AND TRAFFICKING VIC-~~
15 ~~TIMS IN THE COMMONWEALTH OF THE~~
16 ~~NORTHERN MARIANA ISLANDS TO ADJUST~~
17 ~~STATUS.~~

18 Section 705(c) of the Consolidated Natural Resources
19 Act of 2008 (Public Law 110-229; 48 U.S.C. 1806 note),
20 is amended by striking “except that,” and all that follows
21 through the end, and inserting the following: “except
22 that—

23 “(1) for the purpose of determining whether an
24 alien lawfully admitted for permanent residence (as
25 defined in section 101(a)(20) of the Immigration