

115TH CONGRESS  
2D SESSION

# S. 1862

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## AN ACT

To amend the Trafficking Victims Protection Act of 2000 to modify the criteria for determining whether countries are meeting the minimum standards for the elimination of human trafficking, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Trafficking Victims  
3 Protection Reauthorization Act of 2017”.

4 **SEC. 2. DEFINITIONS.**

5 Section 103 of the Trafficking Victims Protection Act  
6 of 2000 (22 U.S.C. 7102) is amended—

7 (1) by redesignating paragraphs (5) through  
8 (15) as paragraphs (7) through (17), respectively;  
9 and

10 (2) by inserting after paragraph (4) the fol-  
11 lowing:

12 “(5) **CONCRETE ACTIONS.**—The term ‘concrete  
13 actions’ means actions that demonstrate increased  
14 efforts by the government of a country to meet the  
15 minimum standards for the elimination of traf-  
16 ficking, including any of the following:

17 “(A) Enforcement actions taken.

18 “(B) Investigations actively underway.

19 “(C) Prosecutions conducted.

20 “(D) Convictions attained.

21 “(E) Training provided.

22 “(F) Programs and partnerships actively  
23 underway.

24 “(G) Efforts to prevent severe forms of  
25 trafficking, including programs to reduce the  
26 vulnerability of particularly vulnerable popu-

1           lations, involving survivors of trafficking in  
2           community engagement and policy making, en-  
3           gagement with foreign migrants, ending recruit-  
4           ment fees, and other such measures.

5           “(H) Victim services offered, including im-  
6           migration services and restitution.

7           “(I) The amount of money the government  
8           has committed to the actions described in sub-  
9           paragraphs (A) through (H).

10          “(6) CREDIBLE INFORMATION.—The term  
11          ‘credible information’ includes all of the following:

12           “(A) Reports by the Department of State.

13           “(B) Reports of other Federal agencies, in-  
14           cluding the Department of Labor’s List of  
15           Goods Produced by Child Labor or Forced  
16           Labor and List of Products Produced by  
17           Forced Labor or Indentured Child Labor.

18           “(C) Documentation provided by a foreign  
19           country, including—

20           “(i) copies of relevant laws, regula-  
21           tions, and policies adopted or modified;  
22           and

23           “(ii) an official record of enforcement  
24           actions taken, judicial proceedings, train-  
25           ing conducted, consultations conducted,

1 programs and partnerships launched, and  
2 services provided.

3 “(D) Materials developed by civil society  
4 organizations.

5 “(E) Information from survivors of human  
6 trafficking, vulnerable persons, and whistle-  
7 blowers.

8 “(F) All relevant media and academic re-  
9 ports that, in light of reason and common  
10 sense, are worthy of belief.

11 “(G) Information developed by multilateral  
12 institutions.

13 “(H) An assessment of the impact of the  
14 actions described in subparagraphs (A) through  
15 (I) of paragraph (5) on the prevalence of  
16 human trafficking in the country.”.

17 **SEC. 3. SENSE OF CONGRESS.**

18 (a) PRIVATE SECTOR SUPPORT TO STRENGTHEN  
19 LAW ENFORCEMENT AGENCIES AND THE ROLE OF PRI-  
20 VATE BUSINESSES IN PREVENTING AND COMBATING  
21 CHILD SEX TRAFFICKING.—It is the sense of Congress  
22 that—

23 (1) the President should work with the private  
24 sector to explore, develop, and use technology that

1 strengthens Federal law enforcement capabilities to  
2 combat traffickers and criminal networks; and

3 (2) private businesses, both domestic and inter-  
4 national, should take every reasonable step to pre-  
5 vent and combat child sex trafficking.

6 (b) EFFORTS TO END MODERN SLAVERY.—It is the  
7 sense of Congress that any future authorization of appro-  
8 priations to carry out the grant program authorized under  
9 section 1298 of the Defense Authorization Act for Fiscal  
10 Year 2017 (22 U.S.C. 7114) should simultaneously extend  
11 the accountability provisions under subsections (c), (d),  
12 and (e) of such section.

13 **SEC. 4. PROHIBITION ON PLACEMENT OR RECRUITMENT**  
14 **FEES.**

15 Section 106(g) of the Trafficking Victims Protection  
16 Act of 2000 (22 U.S.C. 7104(g)) is amended—

17 (1) by redesignating clauses (i) through (iv) as  
18 paragraphs (1) through (4), respectively, and moving  
19 such paragraphs 4 ems to the left; and

20 (2) in paragraph (4), as redesignated—

21 (A) by redesignating subclauses (I)  
22 through (V) as subparagraphs (A) through (E),  
23 respectively, and moving such subparagraphs 4  
24 ems to the left;

1 (B) in subparagraph (B), as redesignated,  
 2 by redesignating items (aa) and (bb) as clauses  
 3 (i) and (ii), respectively, and moving such  
 4 clauses 4 ems to the left; and

5 (C) in subparagraph (D), as redesignated,  
 6 by striking “unreasonable placement or recruit-  
 7 ment fees” and all that follows through the pe-  
 8 riod at the end and inserting “placement or re-  
 9 cruitment fees.”.

10 **SEC. 5. MINIMUM STANDARDS FOR THE ELIMINATION OF**  
 11 **TRAFFICKING.**

12 Section 108(b)(7) of the Trafficking Victims Protec-  
 13 tion Act of 2000 (22 U.S.C. 7106(b)(7)) is amended by  
 14 inserting “or enable” after “condone”.

15 **SEC. 6. ACTIONS AGAINST GOVERNMENTS FAILING TO**  
 16 **MEET MINIMUM STANDARDS.**

17 Section 110(b) of the Trafficking Victims Protection  
 18 Act of 2000 (22 U.S.C. 7107) is amended—

19 (1) in paragraph (1)—

20 (A) by striking “The report should” and  
 21 inserting “The report shall, to the extent con-  
 22 current reporting data is available, cover efforts  
 23 and activities taking place during the period be-  
 24 tween April 1 of the year preceding the report

1 and March 31 of the year in which the report  
2 is made, and should”;

3 (B) in subparagraph (A), by inserting  
4 “based only on concrete actions taken by the  
5 country that are recorded during the reporting  
6 period” after “such standards”;

7 (C) in subparagraph (B) by inserting  
8 “based only on concrete actions taken by the  
9 country (excluding any commitments by the  
10 country to take additional future steps during  
11 the next year) that are recorded during the re-  
12 porting period” after “compliance”;

13 (D) in subparagraph (F), by striking  
14 “and” at the end;

15 (E) in subparagraph (G), by striking the  
16 period at the end and inserting “; and”; and

17 (F) by adding at the end the following:

18 “(H) for each country included in a dif-  
19 ferent list than the country had been placed in  
20 the previous annual report, a detailed expla-  
21 nation of how the concrete actions (or lack of  
22 such actions) undertaken (or not undertaken)  
23 by the country during the previous reporting  
24 period contributed to such change, including a

1 clear linkage between such actions and the min-  
2 imum standards enumerated in section 108.”;

3 (2) in paragraph (2)—

4 (A) in subparagraph (A)(iii)—

5 (i) in subclause (I), by adding “or” at  
6 the end;

7 (ii) in subclause (II), by striking “;  
8 or” and inserting a period; and

9 (iii) by striking subclause (III);

10 (B) in subparagraph (B), by striking “the  
11 last annual report” and inserting “April 1 of  
12 the previous year”;

13 (C) in subparagraph (D)(ii), by striking “2  
14 years” and inserting “1 year”; and

15 (D) in subparagraph (E)—

16 (i) in the subparagraph heading, by  
17 striking “PUBLIC” and inserting “CON-  
18 GRESSIONAL”; and

19 (ii) by striking “shall provide” and all  
20 that follows and inserting the following:  
21 “shall—

22 “(i) provide a detailed description of  
23 the credible information supporting such  
24 determination on a publicly available



1 website maintained by the Department of  
2 State; and

3 “(ii) offer to brief the Committee on  
4 Foreign Relations of the Senate and the  
5 Committee on Foreign Affairs of the  
6 House of Representatives on any written  
7 plan submitted by the country under sub-  
8 paragraph (D)(ii)(I), with an opportunity  
9 to review the written plan.”;

10 (3) in paragraph (3)—

11 (A) in subparagraph (B), by striking  
12 “and” at the end;

13 (B) in subparagraph (C), by striking the  
14 semicolon at the end and inserting a period;  
15 and

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

17 “(D) the extent to which the government  
18 of the country is devoting sufficient budgetary  
19 resources—

20 “(i) to investigate and prosecute acts  
21 of severe trafficking in persons;

22 “(ii) to convict and sentence persons  
23 responsible for such acts; and

24 “(iii) to obtain restitution for victims  
25 of human trafficking;

1           “(E) the extent to which the government  
2 of the country is devoting sufficient budgetary  
3 resources—

4                   “(i) to protect and support victims of  
5 trafficking in persons; and

6                   “(ii) to prevent severe forms of traf-  
7 ficking in persons; and

8           “(F) the extent to which the government of  
9 the country has consulted with domestic and  
10 international civil society organizations that re-  
11 sulted in concrete actions to improve the provi-  
12 sion of services to victims of trafficking in per-  
13 sons.”; and

14           (4) by adding at the end the following:

15           “(4) ACTION PLANS FOR COUNTRIES UPGRADED  
16 TO TIER 2 WATCHLIST.—

17                   “(A) IN GENERAL.—Not later than 180  
18 days after the release of the annual Trafficking  
19 in Persons Report, the Secretary of State, act-  
20 ing through the Ambassador-at-Large of the  
21 Office to Monitor and Combat Trafficking and  
22 the Assistant Secretary of the appropriate re-  
23 gional bureau, in consultation with appropriate  
24 officials from the government of each country  
25 described in paragraph (2)(A)(ii), and with the

1 assistance of the United States Ambassador or  
2 Charge d’Affaires in each country, shall—

3 “(i) prepare an action plan for each  
4 country upgraded from Tier 3 to Tier 2  
5 Watchlist to further improve such coun-  
6 try’s tier ranking under this subsection;  
7 and

8 “(ii) present the relevant action plan  
9 to the government of each such country.

10 “(B) CONTENTS.—Each action plan pre-  
11 pared under this paragraph—

12 “(i) shall include specific concrete ac-  
13 tions to be taken by the country to sub-  
14 stantively address deficiencies preventing  
15 the country from meeting Tier 2 stand-  
16 ards, based on credible information; and

17 “(ii) should be focused on short-term  
18 and multi-year goals.

19 “(C) BRIEFINGS.—The Ambassador-at-  
20 Large of the Office to Monitor and Combat  
21 Trafficking and all appropriate regional Assist-  
22 ant Secretaries shall make themselves available  
23 to brief the Committee on Foreign Relations of  
24 the Senate, the Committee on Appropriations of  
25 the Senate, the Committee on Foreign Affairs

1 of the House of Representatives, and the Com-  
 2 mittee on Appropriations of the House of Rep-  
 3 resentatives on the implementation of each ac-  
 4 tion plan prepared under this paragraph.

5 “(D) SAVINGS PROVISION.—Nothing in  
 6 this paragraph may be construed as modi-  
 7 fying—

8 “(i) minimum standards for the elimi-  
 9 nation of trafficking under section 108; or

10 “(ii) the actions against governments  
 11 failing to meet minimum standards under  
 12 this section or the criteria for placement  
 13 on the Special Watch List under para-  
 14 graph (2).”.

15 **SEC. 7. COMMUNICATION WITH GOVERNMENTS OF COUN-**  
 16 **TRIES DESIGNATED AS TIER 2 WATCH LIST**  
 17 **COUNTRIES ON THE TRAFFICKING IN PER-**  
 18 **SONS REPORT.**

19 (a) IN GENERAL.—Not less than annually, the Sec-  
 20 retary of State shall provide, to the foreign minister of  
 21 each country that has been downgraded to a “Tier 2  
 22 Watch List” country pursuant to the Trafficking in Per-  
 23 sons report submitted under section 110(b) of the Traf-  
 24 ficking Victims Protection Act of 2000 (22 U.S.C.  
 25 7107(b))—

1 (1) a copy of the annual Trafficking in Persons  
2 report; and

3 (2) information pertinent to that country's  
4 downgrade, including—

5 (A) confirmation of the country's designa-  
6 tion to the Tier 2 Watch List;

7 (B) the implications associated with such  
8 designation and the consequences for the coun-  
9 try of a downgrade to Tier 3;

10 (C) the factors that contributed to the  
11 downgrade; and

12 (D) the steps that the country must take  
13 to be considered for an upgrade in status of  
14 designation.

15 (b) SENSE OF CONGRESS REGARDING COMMUNICA-  
16 TIONS.—It is the sense of Congress that, given the gravity  
17 of a Tier 2 Watch List designation, the Secretary of State  
18 should communicate the information described in sub-  
19 section (a) to the foreign minister of any country down-  
20 graded to the Tier 2 Watch List.

21 **SEC. 8. UNITED STATES SUPPORT FOR INTEGRATION OF**  
22 **ANTI-TRAFFICKING INTERVENTIONS IN MUL-**  
23 **TILATERAL DEVELOPMENT BANKS.**

24 (a) REQUIREMENTS.—The Secretary of the Treasury,  
25 in consultation with the Secretary of State, acting through

1 the Ambassador at Large for Monitoring and Combating  
2 Trafficking in Persons, shall instruct the United States  
3 Executive Director of each multilateral development bank  
4 to initiate discussions with the other executive directors  
5 and management of the respective multilateral develop-  
6 ment bank to—

7           (1) further develop anti-human trafficking pro-  
8           visions in relevant project development, safeguards,  
9           procurement, and evaluation policies;

10           (2) employing a risk-based approach, require  
11           human trafficking risk assessments and integration  
12           plans as a routine part of developing projects  
13           through existing, forthcoming or new mechanisms  
14           and processes;

15           (3) support analyses of the impact of severe  
16           forms of trafficking in persons on key indicators of  
17           economic and social development and of the benefits  
18           of reducing human trafficking on economic and so-  
19           cial development;

20           (4) support the proactive integration of effective  
21           anti-trafficking interventions into projects with the  
22           objectives of enhancing development outcomes and  
23           reducing the incidence of severe forms of trafficking  
24           in project areas;

1           (5) increase the capacity of multilateral devel-  
2           opment banks and of recipient governments to con-  
3           duct human trafficking risk assessments and inte-  
4           grate anti-trafficking interventions into projects;

5           (6) support the development of meaningful risk  
6           mitigation and reduction policies, regulations, and  
7           strategies within the multilateral development banks  
8           to reduce the incidence and prevalence of severe  
9           forms of trafficking in persons and enhance develop-  
10          ment outcomes that may be improved by reducing  
11          the incidence and prevalence of human trafficking;  
12          and

13          (7) support the inclusion of human trafficking  
14          risk analysis in the development of relevant country  
15          strategies by each multilateral development bank.

16          (b) BRIEFINGS.—The Secretary of the Treasury shall  
17          make relevant officials available to brief the Committee  
18          on Foreign Relations of the Senate, the Committee on Ap-  
19          propriations of the Senate, the Committee on Financial  
20          Services of the House of Representatives, and the Com-

- 1 mittee on Appropriations of the House of Representatives
- 2 on the implementation of this section.

Passed the Senate December 17, 2018.

Attest:

*Secretary.*





115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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**S. 1862**

**AN ACT**

To amend the Trafficking Victims Protection Act of 2000 to modify the criteria for determining whether countries are meeting the minimum standards for the elimination of human trafficking, and for other purposes.