

115TH CONGRESS
1ST SESSION

H. R. 436

To prioritize the fight against human trafficking within the Department of State according to congressional intent in the Trafficking Victims Protection Act of 2000 without increasing the size of the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2017

Mr. SMITH of New Jersey (for himself and Ms. MENG) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prioritize the fight against human trafficking within the Department of State according to congressional intent in the Trafficking Victims Protection Act of 2000 without increasing the size of the Federal Government, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Human Trafficking
5 Prioritization Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The International Labor Organization esti-
2 mates that nearly 21 million people are subjected to
3 modern slavery around the world at any given time
4 and that the majority of the enslaved are women
5 and girls.

6 (2) Congress authorized the creation of a De-
7 partment of State Office to Monitor and Combat
8 Trafficking in Persons in the Trafficking Victims
9 Protection Act of 2000 (Division A of Public Law
10 106–386) in order to directly assist the Secretary of
11 State in his or her effort to coordinate a United
12 States Government interagency response to domestic
13 and international trafficking in persons.

14 (3) The Office to Monitor and Combat Traf-
15 ficking in Persons monitors trafficking worldwide
16 and produces the online and printed versions of the
17 annual Trafficking in Persons Report, which is Con-
18 gress’ primary resource for human trafficking re-
19 porting, analysis, and recommendations on the
20 United States and 186 countries around the world.

21 (4) The annual Trafficking in Persons Report
22 contains tier rankings of each country on which it
23 reports, and these tier rankings have become an es-
24 sential diplomatic tool for promoting protection for

1 victims, prevention of trafficking, and prosecution of
2 perpetrators.

3 (5) Some countries have openly stated, and
4 many others have confided, that dramatic improve-
5 ments in the country’s human trafficking record
6 were directly related to avoidance of a low tier rank-
7 ing in the annual Trafficking in Persons Report.

8 (6) Ambassador Mark Lagon, former Amba-
9 sador-at-Large to Monitor and Combat Trafficking
10 in Persons (2007–2009), testified before the Sub-
11 committee on Africa, Global Health, Global Human
12 Rights, and International Organizations of the Com-
13 mittee on Foreign Affairs of the House of Rep-
14 resentatives on April 18, 2013, that “[T]he State
15 Department does a tremendous job in producing a
16 report which tells it like it is, offering objective
17 rankings. Yet at times it pulls punches, typically due
18 to the urging of regional specialists rather than the
19 TIP Office’s dedicated experts on trafficking.”.

20 (7) Ambassador John Miller, former Amba-
21 sador-at-Large to Monitor and Combat Trafficking
22 in Persons (2002–2006), recently stated that, “Up-
23 grading the status of the Office to a Bureau will not
24 create additional bureaucracy—it will simply give
25 JTIP and the Ambassador-at-Large who heads it

1 equal standing with regional and functional bureaus
2 at the State Department. That standing is abso-
3 lutely essential for the issue to remain a priority, es-
4 pecially when multiple U.S. interests are engaged.”.

5 (8) The tier ranking process authorized by Con-
6 gress in the Trafficking Victims Protection Act of
7 2000 has been in some instances compromised by
8 the Office to Monitor and Combat Trafficking subor-
9 dinate stature within the Department of State.

10 (9) It is essential for Congress and the Sec-
11 retary of State to be accurately informed regarding
12 United States and foreign country successes and
13 failures in the fight against human trafficking.

14 (10) The diplomatic power and credibility of the
15 Trafficking in Persons Report is based on rigorous
16 scholarship and scrupulous application of the min-
17 imum standards for the elimination of human traf-
18 ficking and is undermined by political, rather than
19 factual, tier rankings.

20 (11) Strong and effective anti-slavery policy re-
21 quires that officials from the Office to Monitor and
22 Combat Trafficking have equal hierarchical standing
23 with State Department regional bureaus and direct
24 access to the Secretary of State.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the Office to Monitor and Combat Traf-
4 ficking of the Department of State will be more ef-
5 fective in carrying out duties mandated by Congress
6 in the Trafficking Victims Protection Act of 2000 if
7 the Office status is changed to that of a Bureau
8 within the Department hierarchy;

9 (2) the change in status from Office to Monitor
10 and Combat Trafficking to a Bureau can be accom-
11 plished without increasing the number of personnel
12 or the budget of the current Office;

13 (3) a Bureau to Monitor and Combat Traf-
14 ficking would be more effective in carrying out du-
15 ties mandated by Congress in the Trafficking Vic-
16 tims Protection Act of 2000 if the Bureau were
17 headed by an Assistant Secretary with direct access
18 to the Secretary of State, rather than an Ambas-
19 sador-at-Large; and

20 (4) the Secretary of State should review the
21 current use of the 24 Assistant Secretary positions
22 authorized by section 1(c)(1) of the State Depart-
23 ment Basic Authorities Act of 1956 (22 U.S.C.
24 2651a(c)(1)) and make appropriate revisions, con-
25 solidations, and eliminations, to ensure that those
26 positions reflect the highest Departmental needs and

1 foreign policy priorities of the United States, includ-
2 ing efforts to combat trafficking in persons.

3 **SEC. 4. BUREAU TO COMBAT TRAFFICKING IN PERSONS.**

4 (a) IN GENERAL.—Section 105(e) of the Trafficking
5 Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is
6 amended—

7 (1) in the heading, by striking “OFFICE TO
8 MONITOR AND COMBAT TRAFFICKING” and insert-
9 ing “BUREAU TO COMBAT TRAFFICKING IN PER-
10 SONS”;

11 (2) in paragraph (1)—

12 (A) in the first sentence, by striking “Of-
13 fice to Monitor and Combat Trafficking” and
14 inserting “Bureau to Combat Trafficking in
15 Persons”;

16 (B) in the second sentence, by striking
17 “Office” and inserting “Bureau”; and

18 (C) in the sixth sentence, by striking “Of-
19 fice” and inserting “Bureau”; and

20 (3) in subparagraph (A) of paragraph (2), by
21 striking “Office to Monitor and Combat Traf-
22 ficking” and inserting “Bureau to Combat Traf-
23 ficking in Persons”.

24 (b) REFERENCE.—Any reference in the Trafficking
25 Victims Protection Act of 2000 or in any other Act to the

1 Office to Monitor and Combat Trafficking shall be deemed
2 to be a reference to the Bureau to Combat Trafficking
3 in Persons.

4 **SEC. 5. REPORT REGARDING DESIGNATION OF ASSISTANT**
5 **SECRETARY OF STATE TO COMBAT TRAF-**
6 **FICKING IN PERSONS.**

7 Not later than 90 days after the date of the enact-
8 ment of this Act, the Secretary of State shall submit to
9 the Committee on Foreign Affairs of the House of Rep-
10 resentatives and the Committee on Foreign Relations of
11 the Senate a report detailing—

12 (1) for each current Assistant Secretary of
13 State position—

14 (A) the title of that Assistant Secretary of
15 State;

16 (B) how long that particular Assistant Sec-
17 retary designation has been in existence; and

18 (C) whether that particular Assistant Sec-
19 retary designation was legislatively mandated or
20 authorized and, if so, the relevant statutory ci-
21 tation for such mandate or authorization; and

22 (2) whether the Secretary intends to designate
23 one of the Assistant Secretary of State positions au-
24 thorized by section 1(c)(1) of the State Department
25 Basic Authorities Act of 1956 (22 U.S.C.

1 2651a(c)(1)) as the Assistant Secretary of State to
2 Combat Trafficking in Persons, and the reasons for
3 that decision.

4 **SEC. 6. COUNTRIES ON SPECIAL WATCH LIST FOR 4 CON-**
5 **SECUTIVE YEARS THAT ARE DOWNGRADED**
6 **AND REINSTATED ON SPECIAL WATCH LIST.**

7 Section 110(b)(2) of the Trafficking Victims Protec-
8 tion Act of 2000 (22 U.S.C. 7107(b)(2)) is amended by
9 adding at the end the following:

10 “(F) COUNTRIES ON SPECIAL WATCH LIST
11 FOR 4 CONSECUTIVE YEARS THAT ARE DOWN-
12 GRADED AND REINSTATED ON SPECIAL WATCH
13 LIST.—Notwithstanding subparagraphs (D) and
14 (E), a country that—

15 “(i) was included on the special watch
16 list described in subparagraph (A) for 4
17 consecutive years after the date of the en-
18 actment of the William Wilberforce Traf-
19 ficking Victims Protection Reauthorization
20 Act of 2008; and

21 “(ii) was subsequently included on the
22 list of countries described in paragraph
23 (1)(C),

1 may not thereafter be included on the special
2 watch list described in subparagraph (A) for
3 more than 1 consecutive year.”.

4 **SEC. 7. COST LIMITATION.**

5 No additional funds are authorized to be appro-
6 priated for “Diplomatic and Consular Programs” to carry
7 out the provisions of this Act.

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