

# Calendar No. 623

115TH CONGRESS  
2D SESSION

# S. 1862

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.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2017

Mr. CORKER (for himself, Mr. MENENDEZ, Mr. RUBIO, Mr. CARDIN, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

OCTOBER 5, 2018

Reported by Mr. CORKER, with an amendment

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

---

## A BILL

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-

lations, involving survivors of trafficking in community engagement and policy making; engagement with foreign migrants; ending recruitment fees; and other such measures.

“(H) Victim services offered, including immigration services and restitution.

“(I) The amount of money the government has committed to the actions described in subparagraphs (A) through (H).

“(6) CREDIBLE EVIDENCE.—The term ‘credible evidence’ includes all of the following:

“(A) Reports by the Department of State.

“(B) Reports of other Federal agencies, including the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor or Indentured Child Labor.

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

“(i) copies of relevant laws, regulations, and policies adopted or modified; and

“(ii) an official record of enforcement actions taken, judicial proceedings, training 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 REGARDING PRIVATE SECTOR**  
 18 **SUPPORT TO STRENGTHEN LAW ENFORCE-**  
 19 **MENT AGENCIES AND THE ROLE OF PRIVATE**  
 20 **BUSINESSES IN PREVENTING AND COM-**  
 21 **BATING CHILD SEX TRAFFICKING.**

22 It is the sense of Congress 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 **SEC. 4. PROHIBITION ON PLACEMENT OR RECRUITMENT**  
 7 **FEES.**

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

10 (1) by redesignating clauses (i) through (iv) as  
 11 paragraphs (1) through (4), respectively, and moving  
 12 such paragraphs 4 ems to the left; and

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

14 (A) by redesignating subclauses (I)  
 15 through (V) as subparagraphs (A) through (E),  
 16 respectively, and moving such subparagraphs 4  
 17 ems to the left;

18 (B) in subparagraph (B), as redesignated,  
 19 by redesignating items (aa) and (bb) as clauses  
 20 (i) and (ii), respectively, and moving such  
 21 clauses 4 ems to the left; and

22 (C) in subparagraph (D), as redesignated,  
 23 by striking “unreasonable placement or recruit-  
 24 ment fees” and all that follows through the pe-

1           riod at the end and inserting “placement or re-  
2           ruitment fees.”.

3   **SEC. 5. MINIMUM STANDARDS FOR THE ELIMINATION OF**  
4           **TRAFFICKING.**

5           Section 108(b) of the Trafficking Victims Protection  
6   Act of 2000 (22 U.S.C. 7106(b)) is amended—

7           (1) in paragraph (1)—

8                (A) by inserting “and without bias” after  
9                “vigorously”;

10               (B) by striking “if the government” and  
11                inserting the following: “if—

12                “(A) the government”;

13               (C) by striking “such acts and the Sec-  
14                retary” and inserting the following: “such acts;

15                “(B) the Secretary”; and

16               (D) by striking “such data.” and inserting  
17                the following: “such data; and

18                “(C) the Secretary has included a descrip-  
19                tion of such data and a description of such good  
20                faith efforts to collect such data in the annual  
21                Trafficking in Persons Report.”; and

22           (2) in paragraph (7)—

23                (A) by inserting “and without bias” after  
24                “vigorously”;

(B) by inserting “or enable” after “con-  
done”;

(C) by striking “if the government” and  
inserting the following: “if—

“(A) the government”;

(D) by striking “such acts and the Sec-  
retary” and inserting the following: “such acts;

“(B) the Secretary”; and

(E) by striking “such data.” and inserting  
the following: “such data; and

“(C) the Secretary has included a descrip-  
tion of such data in the annual Trafficking in  
Persons Report.”.

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

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

(1) in paragraph (1)—

(A) by striking “The report should” and  
inserting “The report shall, to the extent con-  
current reporting data is available, cover efforts  
and activities taking place during the period be-  
tween April 1 of the year preceding the report  
and March 31 of the year in which the report  
is made, and should”;

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

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

11          (D) by amending subparagraph (C) to read  
 12          as follows:

13               “(C) a list of those countries, if any, to  
 14               which the minimum standards for the elimi-  
 15               nation of trafficking are applicable, and whose  
 16               governments—

17                       “(i) do not fully comply with such  
 18                       standards and are not making significant  
 19                       efforts to bring themselves into compliance;

20                       “(ii) tolerate trafficking in govern-  
 21                       ment-funded programs; or

22                       “(iii) have a government-supported  
 23                       practice of—

24                               “(I) trafficking;



1                   “(H) facilitating the use of  
2                   forced labor (such as in agriculture,  
3                   forestry, mining, or construction);

4                   “(III) permitting sexual slavery  
5                   in government camps, compounds, or  
6                   outposts; or

7                   “(IV) employing child soldiers;”;

8                   (E) in subparagraph (F), by striking  
9                   “and” at the end;

10                  (F) in subparagraph (G), by striking the  
11                  period at the end and inserting “; and”; and

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

13                   “(H) for each country included in a dif-  
14                   ferent list than the country had been placed in  
15                   the previous annual report, a detailed expla-  
16                   nation of how the concrete actions (or lack of  
17                   such actions) undertaken (or not undertaken)  
18                   by the country during the previous reporting  
19                   period contributed to such change, including a  
20                   clear linkage between such actions and the min-  
21                   imum standards enumerated in section 108.”;

22                  (2) in paragraph (2)—

23                   (A) in subparagraph (A)(iii)—

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

1           (ii) in subclause (H), by striking “;  
2           or” and inserting a period; and

3           (iii) by striking subclause (H);

4           (B) in subparagraph (B), by striking “the  
5           last annual report” and inserting “April 1 of  
6           the previous year”;

7           (C) in subparagraph (D)—

8           (i) in clause (i), by striking “2008,”  
9           and all that follows and inserting—

10          “2008—

11           “(I) shall be included on the list  
12           of countries described in paragraph  
13           (1)(C); and

14           “(H) shall be required to meet  
15           the requirements specified in para-  
16           graph (1)(B) before the country may  
17           be removed from the list of countries  
18           described in paragraph (1)(C).”; and

19           (ii) in clause (ii), by striking “2  
20           years” and inserting “1 year”; and

21           (D) in subparagraph (E)—

22           (i) in the subparagraph heading, by  
23           striking “PUBLIC” and inserting “CON-  
24           GRESSIONAL”; and

1           (ii) by striking “shall provide” and all  
2           that follows and inserting the following:  
3           “shall—

4           “(i) provide a detailed description of  
5           the credible evidence supporting such de-  
6           termination on a publicly available website  
7           maintained by the Department of State;  
8           and

9           “(ii) offer to brief the Committee on  
10          Foreign Relations of the Senate and the  
11          Committee on Foreign Affairs of the  
12          House of Representatives on any written  
13          plan submitted by the country under sub-  
14          paragraph (D)(ii)(I), with an opportunity  
15          to review the written plan.”;

16       (3) in paragraph (3)—

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

19           (B) in subparagraph (C), by striking the  
20           semicolon at the end and inserting a period;  
21           and

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

23           “(D) the extent to which the government  
24           of the country is devoting sufficient budgetary  
25           resources—

1 “(i) to investigate and prosecute acts  
2 of severe trafficking in persons;

3 “(ii) to convict and sentence persons  
4 responsible for such acts; and

5 “(iii) to obtain restitution for victims  
6 of human trafficking;

7 “(E) the extent to which the government  
8 of the country is devoting sufficient budgetary  
9 resources—

10 “(i) to protect and rehabilitate victims  
11 of trafficking in persons; and

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

14 “(F) the extent to which the government of  
15 the country has consulted with domestic and  
16 international civil society organizations to im-  
17 prove the provision of services to victims of  
18 trafficking in persons.”; and

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

20 “(4) ACTION PLANS FOR COUNTRIES UPGRADED  
21 TO TIER 2 WATCHLIST.—

22 “(A) IN GENERAL.—Not later than 180  
23 days after the release of the annual Trafficking  
24 in Persons Report, the Ambassador-at-Large of  
25 the Office to Monitor and Combat Trafficking

1 and the Assistant Secretary of the appropriate  
 2 regional bureau, in consultation with appro-  
 3 priate officials from the government of each  
 4 country described in paragraph (2)(A)(ii);  
 5 shall—

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

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

13 “(B) COORDINATION.—The United States  
 14 Ambassador or Charge d’Affaires of the country  
 15 for which an action plan is being prepared, in  
 16 consultation with the Ambassador-at-Large of  
 17 the Office to Monitor and Combat Trafficking  
 18 in Persons, shall be responsible for coordinating  
 19 all necessary diplomatic engagement to prepare  
 20 such plan.

21 “(C) CONTENTS.—Each action plan pre-  
 22 pared under this paragraph—

23 “(i) shall include specific concrete ac-  
 24 tions to be taken by the country to sub-  
 25 stantively address deficiencies preventing

the country from meeting Tier 2 standards, based on credible evidence; and

“(ii) should be focused on short-term and multiyear goals.

“(D) BRIEFINGS.—The Ambassador-at-Large of the Office to Monitor and Combat Trafficking and all appropriate regional Assistant Secretaries shall make themselves available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of each action plan prepared under this paragraph.

“(E) SAVINGS PROVISION.—Nothing in this paragraph may be construed as modifying—

“(i) minimum standards for the elimination of trafficking under section 108; or

“(ii) the actions against governments failing to meet minimum standards under this section or the criteria for placement on the Special Watch List under paragraph (2).”.

1 **SEC. 7. COMMUNICATION WITH GOVERNMENTS OF COUN-**  
 2 **TRIES DESIGNATED AS TIER 2 WATCH LIST**  
 3 **COUNTRIES ON THE TRAFFICKING IN PER-**  
 4 **SONS REPORT.**

5 (a) IN GENERAL.—Not less than annually, the Sec-  
 6 retary of State shall provide, to the foreign minister of  
 7 each country that has been downgraded to a “Tier 2  
 8 Watch List” country pursuant to the Trafficking in Per-  
 9 sons report submitted under section 110(b) of the Traf-  
 10 ficking Victims Protection Act of 2000 (22 U.S.C.  
 11 7107(b))—

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

14 (2) information pertinent to that country’s  
 15 downgrade, including—

16 (A) confirmation of the country’s designa-  
 17 tion to the Tier 2 Watch List;

18 (B) the implications associated with such  
 19 designation and the consequences for the coun-  
 20 try of a downgrade to Tier 3;

21 (C) the factors that contributed to the  
 22 downgrade; and

23 (D) the steps that the country must take  
 24 to be considered for an upgrade in status of  
 25 designation.

1       (b) ~~SENSE OF CONGRESS REGARDING COMMUNICA-~~  
 2 ~~TIONS.—It is the sense of Congress that, given the gravity~~  
 3 ~~of a Tier 2 Watch List designation, the Secretary of State~~  
 4 ~~should communicate the information described in sub-~~  
 5 ~~section (a) to the foreign minister of any country down-~~  
 6 ~~graded to the Tier 2 Watch List.~~

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8       Section 113 of the Trafficking Victims Prevention  
 9 Act of 2000 (22 U.S.C. 7110) is amended—

10           (1) by striking subsection (a) and inserting the  
 11 following:

12       “(a) ~~AUTHORIZATION OF APPROPRIATIONS IN SUP-~~  
 13 ~~PORT OF THE TASK FORCE.—There are authorized to be~~  
 14 ~~appropriated to the Department of State, for each of the~~  
 15 ~~fiscal years 2018 through 2023, \$12,500,000 for Diplo-~~  
 16 ~~matic and Consular Programs of the Office to Monitor and~~  
 17 ~~Combat Trafficking in Persons, which shall be used to~~  
 18 ~~carry out sections 105(e), 105(f), and 110, including for~~  
 19 ~~additional personnel.”;~~

20           (2) by striking subsection (c) and inserting the  
 21 following:

22       “(c) ~~AUTHORIZATION OF APPROPRIATIONS FOR THE~~  
 23 ~~DEPARTMENT OF STATE.—~~

24           “(1) ~~ASSISTANCE TO COMBAT TRAFFICKING.—~~

25       There are authorized to be appropriated to the De-



1       partment of State, for each of the fiscal years 2018  
2       through 2023, \$64,800,000, which shall be used—

3               “(A) to carry out sections 106 and 107(a);

4               “(B) to carry out section 134 of the For-  
5       eign Assistance Act of 1961 (22 U.S.C. 2152d);

6               “(C) to assist countries in meeting the  
7       minimum standards described in section 108;  
8       and

9               “(D) for programs and activities on pre-  
10      vention, protection, and prosecution to combat  
11      all forms of trafficking in persons internation-  
12      ally, including training activities for law en-  
13      forcement officers, prosecutors, and members of  
14      the judiciary with respect to trafficking in per-  
15      sons at the International Law Enforcement  
16      Academies.

17      “(2) END MODERN SLAVERY INITIATIVE.—

18              “(A) IN GENERAL.—There are authorized  
19      to be appropriated to the Department of State,  
20      for each of the fiscal years 2021 through 2023,  
21      \$37,500,000, which shall be used to reduce the  
22      prevalence of modern slavery globally.

23              “(B) USE OF FUNDS.—The Secretary of  
24      State may obligate amounts appropriated pur-

1           suant to subparagraph (A), on an incremental  
2           basis—

3                   “(i) to carry out the grant program  
4                   authorized under section 1298(b) of the  
5                   National Defense Authorization Act for  
6                   Fiscal Year 2017 (22 U.S.C. 7114 note);  
7                   and

8                   “(ii) to ensure the effective and effi-  
9                   cient implementation of program activi-  
10                  ties.”;

11           (3) by striking subsection (e); and

12           (4) by redesignating subsections (f), (g), (h),  
13           and (i) as subsections (e), (f), (g), and (h), respec-  
14           tively.

15 **SEC. 9. REQUIREMENTS FOR STRATEGIES TO PREVENT**  
16 **TRAFFICKING.**

17           (a) REPORT ON NEW PRACTICES TO COMBAT TRAF-  
18           FICKING.—

19                   (1) IN GENERAL.—Not later than 120 days  
20                   after the date of the enactment of this Act, and an-  
21                   nually thereafter for 7 years, the Secretary of State,  
22                   in consultation with the Administrator of the United  
23                   States Agency for International Development, shall  
24                   submit a report to the Committee on Foreign Rela-

1 tions of the Senate and the Committee on Foreign  
2 Affairs of the House of Representatives that—

3 (A) describes any practices adopted by the  
4 Department or the Agency—

5 (i) to better combat trafficking in per-  
6 sons, in accordance with the results of the  
7 study conducted under section 101(b) of  
8 the Trafficking Victims Protection Reau-  
9 thorization Act of 2005 (Public Law 109–  
10 164); and

11 (ii) to reduce the risk of trafficking in  
12 post-conflict or post-disaster areas; or

13 (B) includes a strategy to reduce the risk  
14 of trafficking in the areas referred to in sub-  
15 paragraph (A)(ii); if none of the practices re-  
16 ferred to in subparagraph (A) have been adopt-  
17 ed.

18 (2) PUBLIC AVAILABILITY.—Each report sub-  
19 mitted under paragraph (1) shall be posted on a  
20 publicly available website of the Department of  
21 State.

22 (b) CHILD PROTECTION STRATEGIES IN WATCH  
23 LIST COUNTRIES.—The Administrator of the United  
24 States Agency for International Development shall incor-  
25 porate into the relevant country development cooperation

1 strategy for each country on the special watch list de-  
 2 scribed in paragraph (2)(A) of section 110(b) of the Traf-  
 3 ficking Victims Protection Act of 2000 (22 U.S.C.  
 4 7107(b)) or on the list described in paragraph (1)(C) of  
 5 such section; strategies for the protection of children and  
 6 the reduction of the risk of trafficking.

7 **SEC. 10. CHILD SOLDIER PREVENTION.**

8 (a) **SHORT TITLE.**—This section may be cited as the  
 9 “Child Soldier Prevention Act of 2017”.

10 (b) **FINDINGS.**—Congress finds the following:

11 (1) The recruitment or use of children in armed  
 12 conflict is unacceptable for any government or gov-  
 13 ernment-supported entity receiving United States as-  
 14 sistance.

15 (2) The recruitment or use of children in armed  
 16 conflict, including direct combat, support roles, and  
 17 sexual slavery, occurred during 2015 and 2016 in  
 18 Afghanistan, South Sudan, Sudan, Burma, the  
 19 Democratic Republic of the Congo, Iraq, Nigeria,  
 20 Rwanda, Somalia, Syria, and Yemen.

21 (3) Entities of the Government of Afghanistan,  
 22 particularly the Afghan Local Police and the Afghan  
 23 National Police, continue to recruit children to serve  
 24 as combatants or as servants, including as sex  
 25 slaves.

1           (4) Police forces of the Government of Afghani-  
 2           stan participate in counterterrorism operations, di-  
 3           rect and indirect combat, and security operations,  
 4           fight alongside regular armies, and are targeted for  
 5           violence by the Taliban and by other opposition  
 6           groups.

7           (5) In February 2016, a 10-year-old boy was  
 8           assassinated by the Taliban after he had been pub-  
 9           lically honored by Afghan local police forces for his  
 10          assistance in combat operations against the Taliban.

11          (6) The recruitment and use of children in  
 12          armed conflict by government forces continued dur-  
 13          ing 2016 in South Sudan with the return to hos-  
 14          tilities.

15          (7) At least 650 children have been recruited  
 16          and used in armed conflict in South Sudan during  
 17          2016, and at least 16,000 children have been re-  
 18          cruited since that country's civil war began in 2013.

19          (c) AMENDMENTS TO THE CHILD SOLDIERS PRE-  
 20          VENTION ACT OF 2008.—

21                 (1) DEFINITIONS.—Section 402 of the Child  
 22          Soldiers Prevention Act of 2008 (22 U.S.C. 2370c)  
 23          is amended—

24                         (A) in paragraph (2)—

1 (i) in subparagraph (A), by inserting  
 2 “, police, or other security forces” after  
 3 “governmental armed forces” each place  
 4 such phrase appears; and

5 (ii) in subparagraph (B), by striking  
 6 “clauses” and inserting “clause”; and  
 7 (B) by adding at the end the following:

8 “(3) NONLETHAL SUPPLIES.—The term ‘non-  
 9 lethal supplies’ means property, other than real  
 10 property, of the Department of Defense that is not  
 11 a weapon, ammunition, or other equipment or mate-  
 12 rial that is designed to inflict serious bodily harm or  
 13 death.”.

14 (2) PROHIBITION.—Section 404 of such Act  
 15 (22 U.S.C. 2370c-1) is amended—

16 (A) in subsection (a)—

17 (i) by inserting “, police, other secu-  
 18 rity forces,” after “governmental armed  
 19 forces”; and

20 (ii) by striking “recruit and use child  
 21 soldiers” and inserting “recruit or use  
 22 child soldiers”;

23 (B) in subsection (b), by amending para-  
 24 graph (2) to read as follows:

25 “(2) NOTIFICATION.—

1           “(A) ~~IN GENERAL.~~—Not later than 45  
2       days after the submission of each report re-  
3       quired under section 110(b) of the Trafficking  
4       Victims Protection Act of 2000 (22 U.S.C.  
5       7107(b)), the Secretary of State shall formally  
6       notify each government included in the list re-  
7       quired under paragraph (1) of its inclusion on  
8       such list.

9           “(B) ~~CONGRESSIONAL NOTIFICATION.~~—As  
10      soon as practicable after making all of the noti-  
11      fications required under subparagraph (A) with  
12      respect to a report, the Secretary of State shall  
13      notify the appropriate congressional committees  
14      that the requirements under subparagraph (A)  
15      have been completed.”; and

16          (C) in subsection (c)(1), in the matter pre-  
17      ceding subparagraph (A), by striking “to a  
18      country” and all that follows through “sub-  
19      section (a)” and inserting “under section 541  
20      of the Foreign Assistance Act of 1961 (22  
21      U.S.C. 2347) through the Defense Institute for  
22      International Legal Studies or the Center for  
23      Civil-Military Relations at the Naval Post-Grad-  
24      uate School, and may provide nonlethal supplies

1 to a country subject to the prohibition under  
 2 subsection (a)''.

3 ~~(3)~~ REPORTS.—Section 405 of such Act ~~(22~~  
 4 ~~U.S.C. 2370c-2)~~ is amended—

5 (A) in subsection (c)—

6 (i) in the matter preceding paragraph  
 7 (1)—

8 (I) by striking “, during any of  
 9 the 5 years following the date of the  
 10 enactment of this Act,”; and

11 (II) by striking “wavier” and in-  
 12 serting “waiver”;

13 (ii) by redesignating paragraphs (2),  
 14 (3), and (4) as paragraphs (3), (4), and  
 15 (5), respectively;

16 (iii) by inserting after paragraph (1)  
 17 the following:

18 “(2) a description and the amount of any as-  
 19 sistance withheld under this title pursuant to the ap-  
 20 plication of the prohibition under section 404(a) to  
 21 those countries;”;

22 (iv) in paragraph (5), as redesignated,  
 23 by inserting “and the amount” after “a de-  
 24 scription”; and

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



1       “(d) INFORMATION TO BE INCLUDED IN ANNUAL  
 2       TRAFFICKING IN PERSONS REPORT.—If a country is noti-  
 3       fied pursuant to section 404(b)(2), or if a waiver is grant-  
 4       ed pursuant to section 404(c)(1), the Secretary of State  
 5       shall include, in each report required under section 110(b)  
 6       of the Trafficking Victims Protection Act of 2000 (22  
 7       U.S.C. 7107(b)), the information required to be included  
 8       in the annual report under subsection (e).”.

9       **SEC. 11. UNITED STATES SUPPORT FOR INTEGRATION OF**  
 10                   **ANTI-TRAFFICKING INTERVENTIONS IN MUL-**  
 11                   **TILATERAL DEVELOPMENT BANKS.**

12       (a) REQUIREMENTS.—The Secretary of the Treasury,  
 13       in consultation with the Department of State’s Ambas-  
 14       sador at Large for Monitoring and Combating Trafficking  
 15       in Persons, shall instruct the United States Executive Di-  
 16       rector of each multilateral development bank to initiate  
 17       discussions with the other executive directors and manage-  
 18       ment of the respective multilateral development bank to—

19               (1) further develop anti-human trafficking pro-  
 20       visions in relevant project development, safeguards,  
 21       procurement, and evaluation policies;

22               (2) employing a risk-based approach, require  
 23       human trafficking risk assessments and integration  
 24       plans as a routine part of developing projects

1 through existing, forthcoming or new mechanisms  
2 and processes;

3 (3) support analyses of the impact of severe  
4 forms of trafficking in persons on key indicators of  
5 economic and social development and of the benefits  
6 of reducing human trafficking on economic and so-  
7 cial development;

8 (4) support the proactive integration of effective  
9 anti-trafficking interventions into projects with the  
10 objectives of enhancing development outcomes and  
11 reducing the incidence of severe forms of trafficking  
12 in project areas;

13 (5) increase the capacity of multilateral devel-  
14 opment banks and of recipient governments to con-  
15 duct human trafficking risk assessments and inte-  
16 grate anti-trafficking interventions into projects;

17 (6) support the development of meaningful risk  
18 mitigation and reduction policies, regulations, and  
19 strategies within the multilateral development banks  
20 to reduce the incidence and prevalence of severe  
21 forms of trafficking in persons and enhance develop-  
22 ment outcomes that may be improved by reducing  
23 the incidence and prevalence of human trafficking;  
24 and

1           (7) support the inclusion of human trafficking  
2           risk analysis in the development of relevant country  
3           strategies by each multilateral development bank.

4           (b) BRIEFINGS.—The Secretary of the Treasury shall  
5           make relevant officials available to brief the Committee  
6           on Foreign Relations and the Committee on Appropria-  
7           tions of the Senate and the Committee on Foreign Affairs  
8           and the Committee on Appropriations of the House of  
9           Representatives on the implementation of this section.

10   **SECTION 1. SHORT TITLE.**

11           *This Act may be cited as the “Trafficking Victims Pro-*  
12           *tection Reauthorization Act of 2017”.*

13   **SEC. 2. DEFINITIONS.**

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

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

18                   (2) *by inserting after paragraph (4) the fol-*  
19                   *lowing:*

20                   “(5) **CONCRETE ACTIONS.**—*The term ‘concrete*  
21                   *actions’ means actions that demonstrate increased ef-*  
22                   *forts by the government of a country to meet the min-*  
23                   *imum standards for the elimination of trafficking, in-*  
24                   *cluding any of the following:*

25                           “(A) *Enforcement actions taken.*

1                   “(B) *Investigations actively underway.*

2                   “(C) *Prosecutions conducted.*

3                   “(D) *Convictions attained.*

4                   “(E) *Training provided.*

5                   “(F) *Programs and partnerships actively*  
6                   *underway.*

7                   “(G) *Efforts to prevent severe forms of traf-*  
8                   *ficking, including programs to reduce the vulner-*  
9                   *ability of particularly vulnerable populations,*  
10                  *involving survivors of trafficking in community*  
11                  *engagement and policy making, engagement with*  
12                  *foreign migrants, ending unreasonable recruit-*  
13                  *ment fees, and other such measures.*

14                  “(H) *Victim services offered, including im-*  
15                  *migration services and restitution.*

16                  “(I) *The amount of money the government*  
17                  *has committed to the actions described in sub-*  
18                  *paragraphs (A) through (H).*

19                  “(6) *CREDIBLE EVIDENCE.—The term ‘credible*  
20                  *evidence’ includes all of the following:*

21                         “(A) *Reports by the Department of State.*

22                         “(B) *Reports of other Federal agencies, in-*  
23                         *cluding the Department of Labor’s List of Goods*  
24                         *Produced by Child Labor or Forced Labor and*

1       *List of Products Produced by Forced Labor or*  
 2       *Indentured Child Labor.*

3               “(C) Documentation provided by a foreign  
 4       country, including—

5                   “(i) copies of relevant laws, regula-  
 6               tions, and policies adopted or modified; and

7                   “(ii) an official record of enforcement  
 8               actions taken, judicial proceedings, training  
 9               conducted, consultations conducted, pro-  
 10              grams and partnerships launched, and serv-  
 11              ices provided.

12               “(D) Materials developed by civil society or-  
 13       ganizations.

14               “(E) Information from survivors of human  
 15       trafficking, vulnerable persons, and whistle-  
 16       blowers.

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

20               “(G) Information developed by multilateral  
 21       institutions.

22               “(H) An assessment of the impact of the ac-  
 23       tions described in subparagraphs (A) through (I)  
 24       of paragraph (5) on the prevalence of human  
 25       trafficking in the country.”.

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

2       (a) *PRIVATE SECTOR SUPPORT TO STRENGTHEN LAW*  
 3 *ENFORCEMENT AGENCIES AND THE ROLE OF PRIVATE*  
 4 *BUSINESSES IN PREVENTING AND COMBATING CHILD SEX*  
 5 *TRAFFICKING.—It is the sense of Congress that—*

6           (1) *the President should work with the private*  
 7 *sector to explore, develop, and use technology that*  
 8 *strengthens Federal law enforcement capabilities to*  
 9 *combat traffickers and criminal networks; and*

10          (2) *private businesses, both domestic and inter-*  
 11 *national, should take every reasonable step to prevent*  
 12 *and combat child sex trafficking.*

13       (b) *EFFORTS TO END MODERN SLAVERY.—It is the*  
 14 *sense of Congress that any future authorization of appro-*  
 15 *priations to carry out the grant program authorized under*  
 16 *section 1298 of the Defense Authorization Act for Fiscal*  
 17 *Year 2017 (22 U.S.C. 7114) should simultaneously extend*  
 18 *the accountability provisions under subsections (c), (d), and*  
 19 *(e) of such section.*

20 **SEC. 4. MINIMUM STANDARDS FOR THE ELIMINATION OF**  
 21 **TRAFFICKING.**

22       *Section 108(b)(7) of the Trafficking Victims Protection*  
 23 *Act of 2000 (22 U.S.C. 7106(b)(7)) is amended by inserting*  
 24 *“or enable” after “condone”.*

1 **SEC. 5. ACTIONS AGAINST GOVERNMENTS FAILING TO**  
 2 **MEET MINIMUM STANDARDS.**

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

5 *(1) in paragraph (1)—*

6 *(A) by striking “The report should” and in-*  
 7 *serting “The report shall, to the extent concu-*  
 8 *rent reporting data is available, cover efforts and*  
 9 *activities taking place during the period between*  
 10 *April 1 of the year preceding the report and*  
 11 *March 31 of the year in which the report is*  
 12 *made, and should”;*

13 *(B) in subparagraph (A), by inserting*  
 14 *“based only on concrete actions taken by the*  
 15 *country that are recorded during the reporting*  
 16 *period” after “such standards”;*

17 *(C) in subparagraph (B) by inserting*  
 18 *“based only on concrete actions taken by the*  
 19 *country (excluding any commitments by the*  
 20 *country to take additional future steps during*  
 21 *the next year) that are recorded during the re-*  
 22 *porting period” after “compliance”;*

23 *(D) in subparagraph (F), by striking “and”*  
 24 *at the end;*

25 *(E) in subparagraph (G), by striking the*  
 26 *period at the end and inserting “; and”; and*

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

2                   “(H) for each country included in a dif-  
 3                   ferent list than the country had been placed in  
 4                   the previous annual report, a detailed expla-  
 5                   nation of how the concrete actions (or lack of  
 6                   such actions) undertaken (or not undertaken) by  
 7                   the country during the previous reporting period  
 8                   contributed to such change, including a clear  
 9                   linkage between such actions and the minimum  
 10                  standards enumerated in section 108.”;

11                  (2) in paragraph (2)—

12                   (A) in subparagraph (A)(iii)—

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

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

17                   (iii) by striking subclause (III);

18                   (B) in subparagraph (B), by striking “the  
 19                   last annual report” and inserting “April 1 of the  
 20                   previous year”;

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

23                   (D) in subparagraph (E)—



1           (i) in the subparagraph heading, by  
 2           striking “PUBLIC” and inserting “CON-  
 3           GRESSIONAL”; and

4           (ii) by striking “shall provide” and all  
 5           that follows and inserting the following:  
 6           “shall—

7           “(i) provide a detailed description of  
 8           the credible evidence supporting such deter-  
 9           mination on a publicly available website  
 10          maintained by the Department of State;  
 11          and

12          “(ii) offer to brief the Committee on  
 13          Foreign Relations of the Senate and the  
 14          Committee on Foreign Affairs of the House  
 15          of Representatives on any written plan sub-  
 16          mitted by the country under subparagraph  
 17          (D)(ii)(I), with an opportunity to review  
 18          the written plan.”;

19          (3) in paragraph (3)—

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

22               (B) in subparagraph (C), by striking the  
 23               semicolon at the end and inserting a period; and

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

1           “(D) the extent to which the government of  
2           the country is devoting sufficient budgetary re-  
3           sources—

4                   “(i) to investigate and prosecute acts of  
5                   severe trafficking in persons;

6                   “(ii) to convict and sentence persons  
7                   responsible for such acts; and

8                   “(iii) to obtain restitution for victims  
9                   of human trafficking;

10           “(E) the extent to which the government of  
11           the country is devoting sufficient budgetary re-  
12           sources—

13                   “(i) to protect and support victims of  
14                   trafficking in persons; and

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

17           “(F) the extent to which the government of  
18           the country has consulted with domestic and  
19           international civil society organizations that re-  
20           sulted in concrete actions to improve the provi-  
21           sion of services to victims of trafficking in per-  
22           sons.”; and

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

24                   “(4) ACTION PLANS FOR COUNTRIES UPGRADED  
25           TO TIER 2 WATCHLIST.—

1           “(A) *IN GENERAL.*—Not later than 180  
 2           *days after the release of the annual Trafficking*  
 3           *in Persons Report, the Secretary of State, acting*  
 4           *through the Ambassador-at-Large of the Office to*  
 5           *Monitor and Combat Trafficking and the Assist-*  
 6           *ant Secretary of the appropriate regional bu-*  
 7           *reau, in consultation with appropriate officials*  
 8           *from the government of each country described in*  
 9           *paragraph (2)(A)(ii), and with the assistance of*  
 10           *the United States Ambassador or Charge d’Af-*  
 11           *fares in each country, shall—*

12                   “(i) *prepare an action plan for each*  
 13                   *country upgraded from Tier 3 to Tier 2*  
 14                   *Watchlist to further improve such country’s*  
 15                   *tier ranking under this subsection; and*

16                   “(ii) *present the relevant action plan*  
 17                   *to the government of each such country.*

18           “(B) *CONTENTS.*—*Each action plan pre-*  
 19           *pared under this paragraph—*

20                   “(i) *shall include specific concrete ac-*  
 21                   *tions to be taken by the country to sub-*  
 22                   *stantively address deficiencies preventing*  
 23                   *the country from meeting Tier 2 standards,*  
 24                   *based on credible evidence; and*

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

3                   “(C) BRIEFINGS.—The Ambassador-at-  
4                   Large of the Office to Monitor and Combat Traf-  
5                   ficking and all appropriate regional Assistant  
6                   Secretaries shall make themselves available to  
7                   brief the Committee on Foreign Relations of the  
8                   Senate, the Committee on Appropriations of the  
9                   Senate, the Committee on Foreign Affairs of the  
10                  House of Representatives, and the Committee on  
11                  Appropriations of the House of Representatives  
12                  on the implementation of each action plan pre-  
13                  pared under this paragraph.

14                  “(D) SAVINGS PROVISION.—Nothing in this  
15                  paragraph may be construed as modifying—

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

18                       “(ii) the actions against governments  
19                       failing to meet minimum standards under  
20                       this section or the criteria for placement on  
21                       the Special Watch List under paragraph  
22                       (2).”.

1 **SEC. 6. COMMUNICATION WITH GOVERNMENTS OF COUN-**  
 2 **TRIES DESIGNATED AS TIER 2 WATCH LIST**  
 3 **COUNTRIES ON THE TRAFFICKING IN PER-**  
 4 **SONS REPORT.**

5 (a) *IN GENERAL.*—Not less than annually, the Sec-  
 6 retary of State shall provide, to the foreign minister of each  
 7 country that has been downgraded to a “Tier 2 Watch List”  
 8 country pursuant to the Trafficking in Persons report sub-  
 9 mitted under section 110(b) of the Trafficking Victims Pro-  
 10 tection Act of 2000 (22 U.S.C. 7107(b))—

11 (1) *a copy of the annual Trafficking in Persons*  
 12 *report; and*

13 (2) *information pertinent to that country’s*  
 14 *downgrade, including—*

15 (A) *confirmation of the country’s designa-*  
 16 *tion to the Tier 2 Watch List;*

17 (B) *the implications associated with such*  
 18 *designation and the consequences for the country*  
 19 *of a downgrade to Tier 3;*

20 (C) *the factors that contributed to the down-*  
 21 *grade; and*

22 (D) *the steps that the country must take to*  
 23 *be considered for an upgrade in status of des-*  
 24 *ignation.*

25 (b) *SENSE OF CONGRESS REGARDING COMMUNICA-*  
 26 *TIONS.*—It is the sense of Congress that, given the gravity

1 *of a Tier 2 Watch List designation, the Secretary of State*  
 2 *should communicate the information described in subsection*  
 3 *(a) to the foreign minister of any country downgraded to*  
 4 *the Tier 2 Watch List.*

5 **SEC. 7. UNITED STATES SUPPORT FOR INTEGRATION OF**  
 6 **ANTI-TRAFFICKING INTERVENTIONS IN MUL-**  
 7 **TILATERAL DEVELOPMENT BANKS.**

8 *(a) REQUIREMENTS.—The Secretary of the Treasury,*  
 9 *in consultation with the Secretary of State, acting through*  
 10 *the Ambassador at Large for Monitoring and Combating*  
 11 *Trafficking in Persons, shall instruct the United States Ex-*  
 12 *ecutive Director of each multilateral development bank to*  
 13 *initiate discussions with the other executive directors and*  
 14 *management of the respective multilateral development*  
 15 *bank to—*

16 *(1) further develop anti-human trafficking provi-*  
 17 *sions in relevant project development, safeguards, pro-*  
 18 *curement, and evaluation policies;*

19 *(2) employing a risk-based approach, require*  
 20 *human trafficking risk assessments and integration*  
 21 *plans as a routine part of developing projects through*  
 22 *existing, forthcoming or new mechanisms and proc-*  
 23 *esses;*

24 *(3) support analyses of the impact of severe*  
 25 *forms of trafficking in persons on key indicators of*

1        *economic and social development and of the benefits*  
 2        *of reducing human trafficking on economic and social*  
 3        *development;*

4            *(4) support the proactive integration of effective*  
 5        *anti-trafficking interventions into projects with the*  
 6        *objectives of enhancing development outcomes and re-*  
 7        *ducing the incidence of severe forms of trafficking in*  
 8        *project areas;*

9            *(5) increase the capacity of multilateral develop-*  
 10       *ment banks and of recipient governments to conduct*  
 11       *human trafficking risk assessments and integrate*  
 12       *anti-trafficking interventions into projects;*

13           *(6) support the development of meaningful risk*  
 14       *mitigation and reduction policies, regulations, and*  
 15       *strategies within the multilateral development banks*  
 16       *to reduce the incidence and prevalence of severe forms*  
 17       *of trafficking in persons and enhance development*  
 18       *outcomes that may be improved by reducing the inci-*  
 19       *dence and prevalence of human trafficking; and*

20           *(7) support the inclusion of human trafficking*  
 21       *risk analysis in the development of relevant country*  
 22       *strategies by each multilateral development bank.*

23        *(b) BRIEFINGS.—The Secretary of the Treasury shall*  
 24       *make relevant officials available to brief the Committee on*  
 25       *Foreign Relations of the Senate, the Committee on Appro-*

1 *priations of the Senate, the Committee on Financial Serv-*  
2 *ices of the House of Representatives, and the Committee on*  
3 *Appropriations of the House of Representatives on the im-*  
4 *plementation of this section.*





**Calendar No. 623**

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

**S. 1862**

**A BILL**

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.

OCTOBER 5, 2018

Reported with an amendment