

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. CORKER (for himself and Mr. MENENDEZ)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

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

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

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

6 “(5) CONCRETE ACTIONS.—The term ‘concrete
7 actions’ means actions that demonstrate increased
8 efforts by the government of a country to meet the
9 minimum standards for the elimination of traf-
10 ficking, including any of the following:

11 “(A) Enforcement actions taken.

12 “(B) Investigations actively underway.

13 “(C) Prosecutions conducted.

14 “(D) Convictions attained.

15 “(E) Training provided.

16 “(F) Programs and partnerships actively
17 underway.

18 “(G) Efforts to prevent severe forms of
19 trafficking, including programs to reduce the
20 vulnerability of particularly vulnerable popu-
21 lations, involving survivors of trafficking in
22 community engagement and policy making, en-
23 gagement with foreign migrants, ending unrea-
24 sonable recruitment fees, and other such meas-
25 ures.

1 “(H) Victim services offered, including im-
2 migration services and restitution.

3 “(I) The amount of money the government
4 has committed to the actions described in sub-
5 paragraphs (A) through (H).

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

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

9 “(B) Reports of other Federal agencies, in-
10 cluding the Department of Labor’s List of
11 Goods Produced by Child Labor or Forced
12 Labor and List of Products Produced by
13 Forced Labor or Indentured Child Labor.

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

16 “(i) copies of relevant laws, regula-
17 tions, and policies adopted or modified;
18 and

19 “(ii) an official record of enforcement
20 actions taken, judicial proceedings, train-
21 ing conducted, consultations conducted,
22 programs and partnerships launched, and
23 services provided.

24 “(D) Materials developed by civil society
25 organizations.

1 “(E) Information from survivors of human
2 trafficking, vulnerable persons, and whistle-
3 blowers.

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

7 “(G) Information developed by multilateral
8 institutions.

9 “(H) An assessment of the impact of the
10 actions described in subparagraphs (A) through
11 (I) of paragraph (5) on the prevalence of
12 human trafficking in the country.”.

13 **SEC. 3. SENSE OF CONGRESS.**

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

19 (1) the President should work with the private
20 sector to explore, develop, and use technology that
21 strengthens Federal law enforcement capabilities to
22 combat traffickers and criminal networks; and

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

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

8 **SEC. 4. MINIMUM STANDARDS FOR THE ELIMINATION OF**
9 **TRAFFICKING.**

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

13 **SEC. 5. ACTIONS AGAINST GOVERNMENTS FAILING TO**
14 **MEET MINIMUM STANDARDS.**

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

17 (1) in paragraph (1)—

18 (A) by striking “The report should” and
19 inserting “The report shall, to the extent con-
20 current reporting data is available, cover efforts
21 and activities taking place during the period be-
22 tween April 1 of the year preceding the report
23 and March 31 of the year in which the report
24 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) in subparagraph (F), by striking
12 “and” at the end;

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

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

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

25 (2) in paragraph (2)—

1 (A) in subparagraph (A)(iii)—

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

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

6 (iii) by striking subclause (III);

7 (B) in subparagraph (B), by striking “the
8 last annual report” and inserting “April 1 of
9 the previous year”;

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

12 (D) in subparagraph (E)—

13 (i) in the subparagraph heading, by
14 striking “PUBLIC” and inserting “CON-
15 GRESSIONAL”; and

16 (ii) by striking “shall provide” and all
17 that follows and inserting the following:
18 “shall—

19 “(i) provide a detailed description of
20 the credible evidence supporting such de-
21 termination on a publicly available website
22 maintained by the Department of State;
23 and

24 “(ii) offer to brief the Committee on
25 Foreign Relations of the Senate and the

1 Committee on Foreign Affairs of the
2 House of Representatives on any written
3 plan submitted by the country under sub-
4 paragraph (D)(ii)(I), with an opportunity
5 to review the written plan.”;

6 (3) in paragraph (3)—

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

9 (B) in subparagraph (C), by striking the
10 semicolon at the end and inserting a period;
11 and

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

13 “(D) the extent to which the government
14 of the country is devoting sufficient budgetary
15 resources—

16 “(i) to investigate and prosecute acts
17 of severe trafficking in persons;

18 “(ii) to convict and sentence persons
19 responsible for such acts; and

20 “(iii) to obtain restitution for victims
21 of human trafficking;

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

1 “(i) to protect and support victims of
2 trafficking in persons; and

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

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

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

12 “(4) ACTION PLANS FOR COUNTRIES UPGRADED
13 TO TIER 2 WATCHLIST.—

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

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

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

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

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

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

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

1 representatives on the implementation of each ac-
2 tion plan prepared under this paragraph.

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

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

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

13 **SEC. 6. COMMUNICATION WITH GOVERNMENTS OF COUN-**
14 **TRIES DESIGNATED AS TIER 2 WATCH LIST**
15 **COUNTRIES ON THE TRAFFICKING IN PER-**
16 **SONS REPORT.**

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

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

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

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

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

8 (C) the factors that contributed to the
9 downgrade; and

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

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

19 **SEC. 7. UNITED STATES SUPPORT FOR INTEGRATION OF**
20 **ANTI-TRAFFICKING INTERVENTIONS IN MUL-**
21 **TILATERAL DEVELOPMENT BANKS.**

22 (a) REQUIREMENTS.—The Secretary of the Treasury,
23 in consultation with the Secretary of State, acting through
24 the Ambassador at Large for Monitoring and Combating
25 Trafficking in Persons, shall instruct the United States

1 Executive Director of each multilateral development bank
2 to initiate discussions with the other executive directors
3 and management of the respective multilateral develop-
4 ment bank to—

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

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

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

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

23 (5) increase the capacity of multilateral devel-
24 opment banks and of recipient governments to con-

1 duct human trafficking risk assessments and inte-
2 grate anti-trafficking interventions into projects;

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

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

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