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# Trafficking in Persons and U.S. Foreign Policy Responses in the 114<sup>th</sup> Congress

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## Summary

Trafficking in persons, or human trafficking, refers to the subjection of men, women, and children to exploitative conditions that may be tantamount to slavery. Reports suggest that human trafficking is a global phenomenon, victimizing millions of people each year and contributing to a multi-billion dollar criminal industry. Common forms of human trafficking include trafficking for commercial sexual exploitation, forced labor, and debt bondage. Other forms of human trafficking include trafficking for domestic servitude and the use of children in armed conflict (e.g., child soldiers).

Human trafficking is a centuries-old problem that, despite international and U.S. efforts to eliminate it, continues to occur in virtually every country in the world. The modern manifestation of the human trafficking problem is driven by gaps in the enforcement of anti-trafficking laws and regulations and the willingness of some labor and service providers to violate such laws in order to fulfill international demand. Such demand is particularly concentrated among industries and economic sectors that are low-skill and labor-intensive. Human trafficking is an international and cross-cutting policy problem that affects a range of major national security, human rights, criminal justice, social, economic, migration, gender, public health, and labor issues.

The U.S. government and successive Congresses have long played a leading role in international efforts to combat human trafficking. The Trafficking Victims Protection Act (TVPA, Division A of P.L. 106-386, as amended) and its reauthorizations are the cornerstone legislative vehicles for current U.S. policy to combat international human trafficking. Since enactment of the TVPA in 2000, Congress has remained active on international human trafficking issues, particularly with appropriations identified for anti-trafficking assistance purposes, proposed legislation related to the TVPA, and other anti-trafficking initiatives. Periodic oversight hearings have focused in particular on the State Department's annual *Trafficking in Persons (TIP) Report*, a detailed country-by-country ranking and analysis of government efforts to achieve congressionally established minimum standards for the elimination of human trafficking.

Although there is widespread support among policy makers for U.S. anti-trafficking goals, ongoing reports of continued trafficking worldwide raise questions regarding whether sufficient progress has been made to deter and ultimately eliminate the problem. This report provides an overview of recent global trends and U.S. foreign policy responses to address human trafficking. The report focuses in particular on efforts conducted by the State Department's Office to Monitor and Combat Trafficking in Persons (J/TIP) and the President's Interagency Task Force (PITF) on human trafficking, as well as discussion of the 2016 *TIP Report*. An **Appendix** includes the status of legislation introduced in the 114<sup>th</sup> Congress on international dimensions of human trafficking.

Drawing on CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, this report reflects policy activity in the 114<sup>th</sup> Congress and will be updated to reflect international trafficking developments through the end of the second session.

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## Global Trends

Trafficking in persons, or human trafficking, refers to the subjection of men, women, and children to compelled service for the purposes of exploitation.<sup>1</sup> Examples of human trafficking include trafficking for commercial sexual exploitation, including child sexual exploitation; forced labor, including bonded labor, involuntary domestic servitude, and forced child labor; and the unlawful recruitment and use of child soldiers. Reports suggest that human trafficking is a global phenomenon, victimizing millions of people and contributing to a multi-billion dollar criminal industry. It is a centuries-old problem that, despite international efforts, continues to occur in virtually every country in the world.

On June 30, 2016, the State Department released its latest edition of the flagship annual U.S. publication on international human trafficking, the *Trafficking in Persons (TIP) Report*, discussed further in the “State Department Reporting Requirements” section below. Briefly, the TIP Report categorized 185 countries, including the United States, into four tiers, based on their respective governments’ level of effort to address human trafficking: Tier 1 (best), Tier 2, Tier 2 Watch List, and Tier 3 (worst). An additional three countries were designated as “Special Cases” without a tier ranking because of political instability and the inability to obtain relevant government information.

Only Tier 1 countries, approximately 19.5% of the countries assessed, were fully compliant with U.S.-established minimum standards to eliminate severe forms of human trafficking; the rest were considered noncompliant and varied in terms of their level of effort to improve. Among the least compliant were the 27 countries identified as Tier 3 in the 2016 *TIP Report*, including 8 that had previously been Tier 2 Watch List: Burma, Djibouti, Haiti, Papua New Guinea, Sudan, Suriname, Turkmenistan, and Uzbekistan. As required by law, Tier 3 countries are subjected to selected foreign assistance restrictions, unless the President determines that continuing to provide aid is in the U.S. national interest.

The nongovernmental organization Walk Free Foundation also provided a global evaluation of human trafficking trends in its 2016 *Global Slavery Index* report.<sup>2</sup> The 2016 *Global Slavery Index* report estimated that some 45.8 million (up from 35.8 million estimated in 2014) individuals worldwide were exploited through human trafficking, forced labor, debt bondage, forced or servile marriage, or commercial sexual exploitation. In contrast to the *TIP Report*, which categorizes countries solely on the basis of government efforts, the *Global Slavery Index* also seeks to provide country-by-country estimates of people experiencing conditions tantamount to modern slavery. For example, the 2016 *Global Slavery Index* reported the following:

- Countries with the greatest prevalence of their population subjected to “modern slavery” included North Korea (for comparison, the State Department listed North Korea as Tier 3 in the 2016 *TIP Report*), Uzbekistan (Tier 3), Cambodia (Tier 2), India (Tier 2), and Qatar (Tier 2 Watch List).
- Countries with the highest absolute numbers of people subjected to modern slavery, according to the 2016 *Global Slavery Index*, included India (Tier 2 in the 2016 *TIP Report*), China (Tier 2 Watch List), Pakistan (Tier 2 Watch List), Bangladesh (Tier 2), and Uzbekistan (Tier 3).

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<sup>1</sup> See also CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*.

<sup>2</sup> Walk Free Foundation, *2016 Global Slavery Index*, 2016.

- Countries taking the least action to address human trafficking included North Korea (Tier 3 in the 2016 *TIP Report*), Iran (Tier 3), Eritrea (Tier 3), Equatorial Guinea (Tier 3), Papua New Guinea (Tier 3), Guinea (Tier 2 Watch List), the Democratic Republic of the Congo (DRC, Tier 2 Watch List), and South Sudan (Tier 3).

Several other older, but nevertheless widely referenced global reports on human trafficking include a 2014 report prepared by the United Nations Office on Drugs and Crime (UNODC) and two reports prepared by the International Labor Organization (ILO). Surveying U.N. member countries, UNODC reported in 2014 that, between 2010 and 2012, 124 countries had identified trafficking victims representing 152 nationalities.<sup>3</sup> The UNODC report cautioned that its estimates were minimum figures, as it is generally recognized that the actual scope and prevalence of human trafficking is far higher than officially reported. The UNODC report also revealed that trafficking operations were seemingly as diverse as they were widespread, ranging from individuals exploiting their partners or employees to highly sophisticated transnational criminal syndicates involving a large number of victims.

In 2012, the ILO estimated that some 20.9 million men, women, and children were subjected to forced labor, including trafficking, debt bondage, and slavery-like conditions.<sup>4</sup> In 2014, the ILO followed up with an analysis of the financial value of forced labor and related trafficking on the international economy, estimating that it generated \$150 billion in illegal profits annually.<sup>5</sup> According to the ILO, two-thirds of this total amount stemmed from commercial sexual exploitation, while the rest resulted from forced labor. Key forced labor sectors included the construction, manufacturing, and utilities industries (generating some \$34 billion in annual illicit income), followed by agriculture (\$9 billion) and domestic work (\$8 billion).

## U.S. Policy Background

The U.S. government, including Congress, has played a leading role in international efforts to combat human trafficking, particularly through the enactment of the Trafficking Victims Protection Act of 2000 (TVPA, Division A of P.L. 106-386) and its subsequent amendments and reauthorizations (TVPRAs of 2003, 2005, 2008, and 2013). Other related legislation has included the Child Soldiers Prevention Act of 2008 (CSPA of 2008, Title IV of P.L. 110-457) and Title XVII of the National Defense Authorization Act, Fiscal Year 2013 (“End Trafficking in Government Contracting,” P.L. 112-239).

In the 114<sup>th</sup> Congress, trade and customs legislation addressed human trafficking, including the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Title I of P.L. 114-26) and the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125). Other legislation on international aspects of human trafficking have also been enacted, including appropriations, the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (P.L. 114-119); and other country-specific statutes. See **Appendix** for further review of legislation in the 114<sup>th</sup> Congress.

In addition, recent Administrations have taken several steps to enhance U.S. responses to international human trafficking. Prior to enactment of the TVPA, in 1999, President Bill Clinton

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<sup>3</sup> United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons*, 2014.

<sup>4</sup> International Labor Organization (ILO), *ILO Global Estimate of Forced Labour: Results and Methodology*, 2012. ILO estimates the range of victims to be between 19.5 million and 22.3 million, with a 68% level of confidence.

<sup>5</sup> ILO, *Profits and Poverty: The Economics of Forced Labour*, 2014.

issued Executive Order 13126 on the “Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.” In 2002, President George W. Bush issued National Security Presidential Directive 22 on “Combating Trafficking in Persons.” In 2012, President Barack Obama issued Executive Order 13627 on “Strengthening Protections Against Trafficking in Persons in Federal Contracts.” In remarks at the Clinton Global Initiative in September 2012, President Obama described the fight against human trafficking as “one of the great human rights causes of our time” and emphasized the importance of the U.S. government in leading such efforts.<sup>6</sup>

### Recent Legislation Regarding Slavery on Fishing Boats

Numerous reports have documented labor exploitation in the global fishing industry for more than a decade, though the phenomenon is widely considered to be underreported. Reports document underpayment or nonpayment of wages and breaches of contract, as well as instances of debt bondage and involuntary servitude. In December 2015, 114<sup>th</sup> Congress’s enacted the Illegal, Unreported, and Unregulated (IUU) Fishing Enforcement Act of 2015 (P.L. 114-81), which may have implications for anti-human trafficking policy in cases where IUU fishing is tied with exploitation of labor on fishing boats. The act includes a provision that authorizes the Secretary of Commerce to deny port entry to maritime vessels known or suspected to have engaged in IUU fishing. Consistent with this recent legislation, Secretary Kerry signed on February 11, 2016, the instrument that would allow the United States to join the UN Food and Agriculture Organization’s Port State Measures Agreement of 2009.

Some have additionally speculated that a provision in the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125) could have implications for the U.S. response to widespread allegations of slavery and forced labor on fishing vessels in Southeast Asia. Specifically, P.L. 114-125 eliminated the so-called *consumptive demand exception* to a longstanding, though infrequently used, prohibition on the import of goods made with convict labor, forced labor, or indentured labor pursuant to the Tariff Act of 1930. Some observers had previously described the consumptive demand exception as a loophole that allowed forced labor goods into the United States if they were in short supply domestically. For further reading, see CRS In Focus IF10368, *Forced Labor Trafficking in the International Fishing Sector* and CRS Insight IN10541, *Human Trafficking and Forced Labor: Trends in Import Restrictions*.

## Agency Roles and Responsibilities

The U.S. Department of State leads federal efforts to combat human trafficking. The Secretary of State chairs the President’s Interagency Task Force (PITF) on Trafficking in Persons, and the Director of the State Department’s Office to Monitor and Combat Trafficking in Persons (J/TIP) chairs the Senior Policy Operating Group (SPOG), a working-level interagency entity that coordinates the U.S. government’s response to human trafficking. J/TIP also administers an international anti-trafficking grants program and annually prepares, with department-wide input, the congressionally mandated *TIP Report*.

### The State Department’s Office to Monitor and Combat Trafficking in Persons

The State Department’s J/TIP Office is one of seven organizational units with functional policy responsibilities that report to the Under Secretary of State for Civilian Security, Democracy, and Human Rights. Congress mandated the establishment of the J/TIP Office in the TVPA of 2000 and it is currently headed by Susan Coppedge, confirmed by the Senate in October 2015. Pursuant to the TVPA, the J/TIP director is responsible for advising the Secretary of State on human trafficking matters, coordinating foreign assistance programs across the State Department and U.S. Agency for International Development (USAID), and serving as chair of the SPOG.

<sup>6</sup> Obama Administration, *Remarks by the President to the Clinton Global Initiative*, New York, September 25, 2012.

In addition, the J/TIP director oversees the annual publication of the *TIP Report*, required by the TVPA, as well as the administration of an international grants program for projects seeking to combat human trafficking.<sup>7</sup> For FY2015, J/TIP awarded more than \$18 million in grants and cooperative agreements to nongovernmental and international organizations under this program. Moreover, J/TIP supports the Secretary of State in his role as chair of the PITF, liaises with the legislative branch on human trafficking matters, and addresses human trafficking priorities in multilateral fora.

## The President's Interagency Task Force

In early January 2016, Secretary of State John Kerry convened the statutorily mandated PITF, where senior officials representing 17 federal departments, agencies, and offices provided status updates on their organization's anti-trafficking activities. Secretary Kerry committed to raising human trafficking issues at every bilateral meeting and personally calling all foreign ministers whose countries were at risk of a downgrade in the 2016 *TIP Report*. Other key international human trafficking issues addressed at this meeting included ongoing efforts to address supply chain transparency and implement requirements to prevent human trafficking in U.S. federal procurement supply chains. The Director of National Intelligence James Clapper reported that human trafficking has been among the intelligence community's national intelligence collection priorities since 2012 and that the National Intelligence Council intends on issuing its first-ever national intelligence estimate on human trafficking during the summer of 2016.<sup>8</sup>

### Preventing Human Trafficking in Federal Contracts and the Definition of Recruitment Fees

Following several congressional and agency Inspectors General inquiries into press allegations of foreign worker abuses by U.S. federal contractors and subcontractors, policymakers have dedicated increased attention to preventing human trafficking in federal contracts. In January 2015, the civilian and defense acquisition councils announced completion of a final rule to implement Executive Order (E.O.) 13627 ("Strengthening Protections Against Trafficking in Persons in Federal Contracts") and Title XVII of the National Defense Authorization Act (NDAA) for Fiscal Year 2013 on "Ending Trafficking in Government Contracting" (P.L. 112-239).<sup>9</sup> The new rule builds on existing regulations required by the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA of 2003; P.L. 108-193), which prohibited federal contractors and subcontractors from engaging in severe forms of human trafficking and procuring commercial sex acts during the time period of performance of a contract, as well as using forced labor in the performance of a contract.<sup>10</sup> Despite recent actions, some continue to question whether U.S. agencies and contractors are capable of enforcing the new requirements.<sup>11</sup>

<sup>7</sup> See U.S. Department of State, *International Grant Programs*, <http://www.state.gov/j/tip/intprog/index.htm>.

<sup>8</sup> See transcript at U.S. Department of State, Annual Meeting of President's Interagency Task Force to Monitor and Combat Trafficking in Persons, webpage, January 5, 2016, <http://www.state.gov/j/tip/rls/rm/2016/251006.htm>.

<sup>9</sup> 80 *Federal Register* 4967, 80 *Federal Register* 6908.

<sup>10</sup> The January 2015 final rule additionally prohibits: destroying, concealing, confiscating, or otherwise denying access to identity documents; engaging in misleading or fraudulent recruitment practices; charging employees recruitment fees; failing to provide or pay for the cost of return transportation home for third-country nationals upon the end of employment; providing housing arrangements that do not meet local housing and safety standards; and failing to provide work documentation, as variously required, in writing, in a language understood by the employee, and, if applicable, prior to the employee's relocation to perform the work.

<sup>11</sup> In November 2014, the GAO released a report detailing ongoing concerns regarding the payment of recruitment fees and mixed efforts by U.S. agencies to monitor contractor labor practices. The GAO report also confirms conclusions in an August 2014 inspection report by the State Department's Inspector General, which found that contract administration officials at U.S. Embassy Kabul were unaware of their responsibilities for monitoring grants and contracts for human trafficking violations. GAO, *Human Trafficking: Oversight of Contractors' Use of Foreign Workers in High-Risk Environments Needs to Be Strengthened*, GAO-15-102, November 18, 2014.

On May 11, 2016, a proposed rule and request for public comment on the definition of “recruitment fees” in the Federal Acquisition Regulation (FAR) was published in the *Federal Register*. Both E.O. 13627 and Title XVII of the NDAA for FY2013 prohibit contractors from charging employees recruitment fees in an effort to prevent human trafficking. The *Federal Register* notice, however, notes that there are “tensions between providing a comprehensive definition of the term to maximize worker protections, and of ensuring that the definition does not elicit unintended consequences that interfere with contractor business operations,” suggesting that some are seeking a policy balance to be struck between efforts to prevent human trafficking and regulatory costs of compliance borne by the private sector.<sup>12</sup>

In addition to the regional bureaus, other offices within the State Department address issues related to human trafficking: the Bureau of Democracy, Human Rights and Labor Affairs (DRL); the Bureau of Population, Refugees and Migration Affairs (PRM); the Bureau of International Narcotics and Law Enforcement Affairs (INL); and the Office of Global Women’s Issues. DRL, for example, leads the State Department’s efforts to address child soldiers and, more generally, human rights issues, including through its annual publication *Country Reports on Human Rights Practices*. PRM addresses trafficking issues in the context of protecting vulnerable refugee and migrant populations from exploitation. INL supports justice sector and law enforcement capacity building, including human trafficking-related training.

## Other U.S. Agencies

Other U.S. agencies involved in international efforts to combat human trafficking include USAID and the U.S. Departments of Labor (DOL), Justice (DOJ), Defense (DOD), and the Treasury (described below). The U.S. Government Accountability Office (GAO) and various agency inspectors general offices have also issued evaluations over the years on human trafficking-related international programming.

- **USAID:** Led by USAID’s Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID administers foreign assistance for regional and bilateral anti-trafficking projects. In 2012, USAID released a *Counter-Trafficking in Persons Policy* and followed up in 2013 with a *Counter-Trafficking in Persons Field Guide*.
- **DOL:** DOL supports international projects to address exploitative child labor, which includes child trafficking, and sponsors research on forced labor. In December 2014, DOL released an updated list of products produced by forced or indentured child labor, pursuant to Executive Order 13126, as well as an updated list of goods produced by child labor or forced labor in 74 countries, pursuant to the TVPRA of 2005.<sup>13</sup> In September 2015, DOL issued its most recent annual report on *Findings on the Worst Forms of Child Labor*.
- **DOJ:** With funding from the State Department and USAID, DOJ’s Office of Overseas Prosecutorial Development, Assistance and Training and International Criminal Investigative Assistance Program teams provide international technical assistance and training on human trafficking-related themes, among other topics. The Attorney General is mandated to report to Congress on U.S. government

<sup>12</sup> 81 *Federal Register* 29244.

<sup>13</sup> Child labor is not necessarily indicative of human trafficking.



activities to combat trafficking in persons for each fiscal year; the most recent report covers FY2015.<sup>14</sup>

- **DOD:** Following allegations in the media regarding exploitative labor conditions in U.S. overseas contingency operations, DOD has enhanced efforts to raise awareness about human trafficking among its cadre of direct hires and contractors. DOD workforce awareness of slavery and human trafficking issues has reportedly increased from 72% in 2008 to nearly 90% in 2015.<sup>15</sup>
- **Treasury:** The Treasury Department's Office of Foreign Assets Control administers country-specific sanctions programs that authorize the freezing and blocking of assets of specially designated individuals associated with the recruitment and use of child soldiers, among other concerns, in Burundi, Central African Republic, the Democratic Republic of Congo, and Somalia.<sup>16</sup>

## United Nations Role

Internationally, the U.S. government is party to multiple treaties related to human trafficking that variously require participating countries to criminalize all forms of human trafficking, support international efforts to protect victims, prosecute traffickers, and prevent opportunities for traffickers to exploit.<sup>17</sup> In 2000, the United Nations (U.N.) adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter U.N. Trafficking Protocol), a supplement to the U.N. Convention Against Transnational Organized Crime. Since the U.N. Trafficking Protocol entered into force in 2003, the international community has seen an uptick in the number of countries enacting laws that prohibit and criminally punish human trafficking. The State Department reported that 30 countries passed new or amended legislation in 2015 to combat human trafficking.

In September 2015, U.N. member states agreed on an updated set of Sustainable Development Goals (SDGs) that included goals to combat trafficking of women and children and to end modern slavery, forced labor, and all other forms of human trafficking.<sup>18</sup> In December 2015, the

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<sup>14</sup> U.S. Department of Justice, Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2015, undated, <https://www.justice.gov/ag/file/870826/download>.

<sup>15</sup> Terri Moon Cronk, "Official Reports Progress in Awareness of Human Trafficking," *DOD News*, January 5, 2015.

<sup>16</sup> See Executive Order (EO) 13712 of November 22, 2015 (on Burundi); EO 13667 of May 12, 2014 (on Central African Republic); EO 13413 of October 27, 2006 and EO 13671 of July 8, 2014 (on the Democratic Republic of Congo); and EO 13620 of July 20, 2012 (on Somalia).

<sup>17</sup> Such treaties include the following: 1956 U.N. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; 2000 U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the U.N. Convention Against Transnational Organized Crime; 2000 U.N. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; 2000 U.N. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; 1957 ILO Convention No. 105 on the Abolition of Forced Labor; and 1999 ILO Convention No. 182 on the Worst Forms of Child Labor. The United States is not party to the 1930 ILO Convention No. 29 on *Forced Labor*, including a recent *Protocol* and new *Recommendation*, adopted in 2014, which supplements Convention No. 29 and updates the treaty to address commitments to combat human trafficking in the context of forced labor, among other provisions. The U.S. Department of Labor expressed in a blog post that the U.S. government actively supports the adoption of the new *Protocol* and *Recommendation* and advocated for strong provisions to be included in both. See <http://social.dol.gov/blog/a-powerful-new-tool-in-the-fight-against-forced-labor/>.

<sup>18</sup> See targets 5.2, 8.7, and 16.2 at United Nations, *Sustainable Development Goals*, webpage, <https://sustainabledevelopment.un.org/sdgs>.

U.N. Security Council held an unprecedented debate on human trafficking in armed conflict. The debate addressed sexual exploitation in the context of U.N. peacekeeping missions, possible risks in the U.N. procurement and supply chain that may contribute to TIP, and the enslavement of women by the terrorist group known as the Islamic State, ISIS, ISIL, or Daesh.<sup>19</sup> Human trafficking victim identification and support was also featured in the context of the current international refugee crisis at the May 2016 World Humanitarian Summit.<sup>20</sup>

## State Department Reporting Requirements

Pursuant to the TVPA, as amended, the State Department has annually reported on government responses to human trafficking in its *TIP Report* since 2001. As briefly outlined in the introduction, countries covered in the *TIP Report*, including the United States, receive one of four possible ranking designations: Tier 1 (best), Tier 2, Tier 2 Watch List, and Tier 3 (worst). Only Tier 1 countries are fully compliant with the TVPA's minimum standards (see Text Box below), while the rest are noncompliant and vary in terms of the level of effort their governments have exhibited to improve. Also published in conjunction with the annual *TIP Report* is a list of countries involved in recruiting and using child soldiers. Countries designated as Tier 3 or identified as recruiting or using child soldiers may, in turn, be subject to restrictions on certain types of U.S. foreign assistance. The annual *TIP Report* is due each year to Congress on June 1. To assess anti-trafficking progress among a subset of higher risk countries, known as the special watch list, the TVPA requires the State Department to issue each February an *Interim Assessment*. A discussion of the 2016 *Interim Assessment* and *TIP Report* follows.

### The TVPA's Four Minimum Standards

The TVPA, as amended (22 U.S.C. 7106), specifies the four minimum standards for the elimination of severe forms of human trafficking as follows:

- (1) Governments should prohibit and punish acts of severe forms of trafficking in persons;
- (2) Acts of sex trafficking, trafficking involving rape or kidnapping, or trafficking which causes a death should be punished commensurate with that of punishments for grave crimes, such as forcible sexual assault;
- (3) Governments should prescribe punishments for severe forms of human trafficking that are sufficiently stringent to deter future traffickers appropriate for the nature of such crimes; and
- (4) Governments should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

In considering what constitutes "serious and sustained efforts" under the fourth minimum standard listed above, 22 U.S.C. 7106 identifies 12 criteria covering the prosecution of traffickers, the prevention of trafficking, the protection of victims, and participation in a variety of international, civil society, and private sector partnerships to address human trafficking. The level of vigorous investigation, prosecution, conviction, and sentencing of traffickers, including public officials, is also considered, as well as the sharing of such information with U.S. officials, law enforcement cooperation on cases with other countries, and the record of extradition of traffickers.

## 2016 TIP Interim Assessment

On March 2, the Department of State submitted to Congress the 2016 *TIP Interim Assessment* report.<sup>21</sup> The report is required to be prepared by the Secretary of State no later than February 1

<sup>19</sup> United Nations, "Security Council Presidential Statement Says Human Trafficking Might Constitute War Crimes, as Members Consider Issue for First Time," press release, December 16, 2015.

<sup>20</sup> See for example, UNODC, "At World Humanitarian Summit, UNODC Shines Spotlight on Trafficking in Persons in Humanitarian Situations," press release, May 23, 2016.

<sup>21</sup> U.S. Department of State, *2016 Trafficking in Persons Interim Assessment*, March 2, 2016.

each year. It is to include “an assessment of the progress that each country on the special watch list... has made since the last annual report.”<sup>22</sup> The *TIP Interim Assessment* describes each country’s recent efforts to combat human trafficking, with roughly equal amount of discussion of the country’s accomplishments and remaining challenges. Based only on the descriptions in the *Interim Assessment* reports, it would be difficult to predict what tier ranking the countries would receive in the subsequent annual *TIP Report*.

## 2016 TIP Report

On June 30, the Department of State released its 2016 *TIP Report*. It reviewed 185 countries, and an additional three “special cases” (i.e., Libya, Somalia, and Yemen) based on their respective governments’ level of effort to address human trafficking.

### Tier 1 Countries

The 36 countries identified as Tier 1 represent the only countries in the world deemed to be fully compliant with U.S.-established minimum standards to eliminate severe forms of human trafficking; the rest are noncompliant and vary in terms of their level of effort to improve (see **Table 1**). Ranked in the *TIP Report* since the 2010 edition, the United States is among the Tier 1 countries. New or returned to the Tier 1 list in the 2016 *TIP Report* are Colombia, Cyprus, Georgia, Lithuania, Philippines, Slovenia, and St. Maarten.

**Table 1. Tier 1 Countries in the 2016 TIP Report**  
compared to rankings in the 2015 TIP Report

Countries Upgraded from Tier 2 in the 2015 TIP Report	Countries with No Ranking Change Since the 2015 TIP Report		
Colombia	Armenia	France	Portugal
Cyprus	Australia	Germany	Slovakia
Georgia	Austria	Iceland	Spain
Lithuania	The Bahamas	Israel	Sweden
Philippines	Belgium	Italy	Switzerland
Slovenia	Canada	Korea, South	Taiwan
St. Maarten	Chile	Netherlands	United Kingdom
	Czech Republic	New Zealand	United States of America
	Denmark	Norway	
	Finland	Poland	

**Source:** U.S. Department of State, *Trafficking in Persons Report*, 2015 and 2016 editions.

### Tier 2 Countries

Seventy-eight countries, or some 42.2% of all countries listed in the 2016 *TIP Report*, are ranked as Tier 2 (see **Table 2**)—a category that includes countries that are not fully compliant with the

<sup>22</sup> Section 110(b)(3)(B) of the Trafficking Victims Protect Act of 2000, as amended (22 U.S.C. 7107(b)(2)(B)).

minimum standards but are “making significant efforts to bring themselves into compliance.”<sup>23</sup> Thirteen countries are new to the Tier 2 list in 2016, while two—Luxembourg and Macedonia—were downgraded from Tier 1 in 2015 to Tier 2 in this year’s report.

**Table 2. Tier 2 Countries in the 2016 TIP Report**  
 compared to rankings in the 2015 TIP Report

Countries Downgraded from Tier 1 in the 2015 TIP Report	Countries Upgraded from Tier 2 Watch List in the 2015 TIP Report	Countries with No Ranking Change Since the 2015 TIP Report			
Luxembourg	Botswana	Albania	El Salvador	Latvia	Paraguay
Macedonia	Burkina Faso	Angola	Estonia	Liberia	Peru
	Cambodia	Argentina	Ethiopia	Macau	Romania
	Egypt	Aruba	Fiji	Madagascar	Sierra Leone
	Guyana	Azerbaijan	Greece	Malawi	Singapore
	Jamaica	Bahrain	Guatemala	Malta	South Africa
	Lebanon	Bangladesh	Honduras	Mexico	Tajikistan
	Lesotho	Barbados	Hungary	Micronesia	Togo
	Mauritius	Bhutan	India	Moldova	Turkey
	Namibia	Bosnia & Herzegovina	Indonesia	Mongolia	Uganda
	Timor-Leste	Brazil	Iraq	Montenegro	United Arab Emirates
		Brunei	Japan	Morocco	Uruguay
		Chad	Jordan	Nepal	Vietnam
		Croatia	Kazakhstan	Nicaragua	Zambia
		Curaçao	Kenya	Nigeria	
		Dominican Republic	Kosovo	Palau	
		Ecuador	Kyrgyzstan	Panama	

Source: U.S. Department of State, *Trafficking in Persons Report*, 2015 and 2016 editions.

### Tier 2 Watch List Countries

The Tier 2 Watch List countries comprise those not in compliance with the minimum standards for the elimination of human trafficking—and those at risk of sliding down to Tier 3, the worst category (see **Table 3**). Countries on the Tier 2 Watch List include those that have failed to provide evidence of increasing efforts to combat human trafficking compared to the previous year, or those in which evidence of significant efforts to combat human trafficking is based on the country’s commitments to take additional steps in the coming year. In 2015, two countries were

<sup>23</sup> 22 U.S.C. 7107.

upgraded from Tier 3 to Tier 2 Watch List (Kuwait and Thailand). The majority of countries on Tier 2 Watch List (25 of 44) are not new to the list in 2016.

As required in law (22 U.S.C. 7107), countries are to be demoted to Tier 3 after two years on the Tier 2 Watch List. The President may waive the automatic downgrade to Tier 3 for up to two more years if the country has a written plan to achieve Tier 2 status, including allocation of sufficient resources to implement such a plan. After four consecutive years on the Tier 2 Watch List, however, the State Department must determine whether an upgrade to Tier 2 is warranted or whether a downgrade to Tier 3 is required. Seven countries in the 2016 *TIP Report* have reached the maximum of four consecutive years on Tier 2 Watch List: Guinea, Mali, Solomon Islands, Sri Lanka, Tanzania, Tunisia, and Ukraine.

**Table 3. Tier 2 Watch List Countries in the 2016 TIP Report**  
 compared to rankings in the 2015 TIP Report

Countries Downgraded from Tier 2 in the 2015 TIP Report		Countries Upgraded from Tier 3 in the 2015 TIP Report	Countries on Tier 2 Watch List for Two or Three Consecutive Years		Countries on Tier 2 Watch List for Four Consecutive Years (Max)
Afghanistan	Oman	Kuwait	Antigua & Barbuda	Ghana	Guinea
Benin	Rwanda	Thailand	Bolivia	Laos	Mali
Cabo Verde	Senegal		Bulgaria	Malaysia	Solomon Islands
Cameroon	Serbia		China	Maldives	Sri Lanka
Cote D'Ivoire	Seychelles		Congo, Democratic Rep. of	Pakistan	Tanzania
Hong Kong	St. Lucia		Cong. Rep. of	Qatar	Tunisia
Kiribati	Swaziland		Costa Rica	Saudi Arabia	Ukraine
Mozambique	Tonga		Cuba	St. Vincent & the Grenadines	
Niger			Gabon	Trinidad & Tobago	

**Source:** U.S. Department of State, *Trafficking in Persons Report*, 2015 and 2016 editions.

### Tier 3 Countries

Countries deemed to be the least compliant with the minimum standards for the elimination of human trafficking—those that do not comply with such standards and are not making significant efforts to bring themselves into compliance—are designated in the *TIP Report* as Tier 3. In 2016, 27 such countries were so identified (see **Table 4**), including 8 that had previously been Tier 2 Watch List (Burma, Djibouti, Haiti, Papua New Guinea, Sudan, Suriname, Turkmenistan, and Uzbekistan). As required by law, Tier 3 countries are subjected to selected foreign assistance restrictions, unless the President determines that continuing to provide such aid is in the U.S. national interest. For FY2016, based on last year’s report, the President in October 2015 fully waived these restrictions to 13 countries and partially waived them to 8 countries; aid to 2

countries was restricted pursuant to U.S. anti-trafficking requirements.<sup>24</sup> Presidential determinations for FY2017 are expected to be announced in the fall of 2016.

**Table 4. Tier 3 Countries in the 2016 TIP Report**  
compared to rankings in the 2015 TIP Report

Countries Downgraded after Four Consecutive Years on Tier 2 Watch List	Other Countries Downgraded from Tier 2 Watch List in the 2015 TIP Report	Countries with no Ranking Change Since the 2015 TIP Report		Countries Ranked Tier 3 in Every TIP Report
Burma	Papua New Guinea	Algeria	Guinea-Bissau	North Korea
Djibouti	Sudan	Belarus	Iran	
Haiti	Uzbekistan	Belize	Marshall Islands	
Suriname		Burundi	Mauritania	
Turkmenistan		Central African Republic	Russia	
		Comoros	South Sudan	
		Equatorial Guinea	Syria	
		Eritrea	Venezuela	
		The Gambia	Zimbabwe	

**Source:** U.S. Department of State, *Trafficking in Persons Report*, 2015 and 2016 editions.

**Notes:** North Korea has been ranked since 2003 in *Trafficking in Persons Reports*.

### Annual List of Countries Involved in Recruiting and Using Child Soldiers

Pursuant to the Child Soldiers Prevention Act of 2008 (CSPA of 2008, Title IV of P.L. 110-457), the State Department has since 2010 annually published in the *TIP Report* a list of countries that recruit or use child soldiers in their armed forces, or that harbor nongovernment armed forces that recruit or use child soldiers. The State Department identified 10 such countries in 2016, up from 8 in 2015: Burma (Tier 3 in the 2016 *TIP Report*), the Democratic Republic of Congo (DRC, Tier 2 Watch List), Iraq (Tier 2 and one of the two new countries on the list), Nigeria (Tier 2), Rwanda (Tier 2 Watch List and also new to the list), Somalia (unranked), South Sudan (Tier 3), Sudan (Tier 3), Syria (Tier 3), and Yemen (unranked). As required by law, listed countries are subjected to selected security assistance restrictions, unless the President determines that continuing to provide such aid is in the U.S. national interest. For FY2016, based on last year’s report, the President in September 2015 fully waived these restrictions to three countries (DRC, Nigeria, and Somalia) and partially waived them to one (South Sudan).<sup>25</sup> Presidential determinations for FY2017 are expected to be announced in the fall of 2016.

<sup>24</sup> President Obama issued full waivers to Algeria, Belarus, Belize, Burundi, CAR, Comoros, Gambia, Guinea-Bissau, Kuwait, Libya, Marshall Islands, Mauritania, and Thailand; he issued partial waivers to Equatorial Guinea, South Sudan, Venezuela, Yemen, Zimbabwe, Eritrea, Russia, and Syria. The two countries receiving full aid restrictions in FY2016 are North Korea and Iran. See 80 FR 62435.

<sup>25</sup> 80 *Federal Register* 62431. Separately, the President also delegated authority to the Secretary of State to determine whether a waiver for Yemen should be issued. See 80 *Federal Register* 62429.

## Report Methodology and Credibility

The 2016 *TIP Report* covers actions taken by governments from April 1, 2015, to March 31, 2016. According to the State Department, information used to prepare the report is based on various sources.<sup>26</sup> Tier ranking designations are not based on a concrete formula, but rather country-specific considerations that leave State Department officials with considerable discretion.

The report is produced by the State Department's J/TIP Office. According to a 2012 report on J/TIP by the State Department Inspectors General (OIG), the *TIP Report* is unusual for the central role that Washington plays in the drafting of the report.<sup>27</sup> As described by the State Department's OIG, the typical report drafting cycle is as follows: J/TIP sends a request to all U.S. overseas posts each December for information to use in the *TIP Report*. At the same time, J/TIP staff contact nongovernmental organizations (NGOs) to request similar information. Between mid-February and the end of March, J/TIP drafts the country summaries and proposed tier rankings for the *TIP Report*.<sup>28</sup> A draft of the report is cleared by the Office of the Legal Adviser and J/TIP's Director in early to mid-April and is shared with regional bureaus and offices. Disagreements over facts and tier rankings occasionally arise and require resolution before the *TIP Report* is published; ultimately, resolution may be made by the Secretary of State. According to the 2012 OIG report, "the number of tier-ranking disputes between regional bureaus and J/TIP declined from 46 percent of all countries ranked in 2006 to 22 percent of those ranked in 2011."<sup>29</sup>

On August 3, 2015, a *Reuters* news article reported that tier-ranking disputes for the 2015 *Trafficking in Persons Report* involved 17 countries and that the J/TIP Office "won only three of those disputes, the worst ratio in the 15-year history of the unit."<sup>30</sup> The article indicated that countries whose rankings were disputed included Malaysia, Cuba, China, India, Uzbekistan, and Mexico—all of which reportedly received better rankings than the J/TIP Office had recommended. In recent testimony to the Senate Foreign Relations Committee, J/TIP Director Coppedge acknowledged that some tier rankings were also disputed for the 2016 *TIP Report*, but she would not divulge publicly which countries were the subject of such disputes and whether the J/TIP Office's ranking recommendations had prevailed.<sup>31</sup>

## Early Reactions to the 2016 *TIP Report*

Although many observers view the annual *TIP Report* as a credible reflection of global efforts to combat human trafficking, some have criticized the methodology used to evaluate foreign country efforts and assign tier rankings.<sup>32</sup> As is often the case with the annual release of the *TIP Report*,

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<sup>26</sup> Sources include U.S. embassies, government officials, nongovernmental and international organizations, published reports, news articles, academic studies, and research trips. U.S. diplomatic posts and domestic agencies reported on human trafficking issues and responses based on meetings with government officials, local and international NGO representatives, officials of international organizations, journalists, academics, and survivors.

<sup>27</sup> The implication is that many other State Department reports are instead drafted at U.S. embassies in the field. U.S. Department of State and the Broadcasting Board of Governors, Office of Inspector General, *Inspection of the Office to Monitor and Combat Trafficking in Persons*, ISP-I-12-37, June 2012.

<sup>28</sup> Internal drafts of the *TIP Report* reportedly contain footnotes. *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> Jason Szep and Matt Spetalnick, "Special Report: State Department Watered Down Human Trafficking Report," *Reuters*, August 3, 2015. The article reports that J/TIP typically "wins more than half" of the tier-ranking disputes.

<sup>31</sup> J/TIP Director Coppedge further noted that the Secretary of State followed all recommendations made by staff consensus between the regional bureaus and the J/TIP Office. CQ transcript of a Senate Foreign Relations Committee hearing on the *Trafficking in Persons Report*, July 12, 2016.

<sup>32</sup> In a 2012 OIG report, the *TIP Report* was praised as having "gained wide credibility for its thoroughness" and (continued...)

several countries whose rankings declined were critical of the State Department's ranking decisions and methodology. Among those critical, dismissive, or disappointed this year were Belarus, Burma, Hong Kong, Macau, North Korea, and Rwanda. In contrast, those governments that received improved ratings were more likely to point toward the report as a credible indicator of international commitments to combat human trafficking. Others noted that the *TIP Report* ranking methodology, dependent on accurate and fulsome data on combating human trafficking, contains an inherent bias toward wealthier countries that can afford such investments.

In 2015, the debate focused in particular over Malaysia's tier ranking. After four consecutive years on the Tier 2 Watch List from 2010 through 2013, it was downgraded, as required by law, to Tier 3 for lack of significant progress to combat human trafficking. In 2015 and 2016, however, the State Department ranked Malaysia as a Tier 2 Watch List country. The timing of the State Department's upgrade in 2015 was criticized by outside advocacy groups and many Members of Congress as politically motivated, despite Administration denials, to the Trans-Pacific Partnership (TPP) trade deal negotiations. Pursuant to the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Title I of P.L. 114-26), the authorities for fast-tracking the deal would not be applicable to Tier 3 countries.<sup>33</sup> Following the June 30 release of the 2016 *TIP Report*, several Members of Congress continued to express incredulity over Malaysia's ranking, which remained on the Tier 2 Watch List for a second consecutive year.<sup>34</sup> Others cited Malaysia's ranking to claim that the State Department's rankings remained swayed by political considerations.

On the whole, however, many observers recognized the State Department's attempts to mend its reputation, following last year's groundswell of criticism over Malaysia's rating in the *TIP Report*. The State Department was widely praised by observers for what they viewed as an accurate portrayal of human trafficking problems in Burma and Uzbekistan, both rated Tier 3 in the 2016 *TIP Report*.<sup>35</sup> In congressional testimony on the 2016 *TIP Report*, a civil society organization witness additionally praised the State Department for keeping Qatar on the Tier 2 Watch List.<sup>36</sup>

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"recognized as the definitive work by the antitrafficking community on the status of antitrafficking efforts." The OIG report, however, also noted that some view the *Trafficking in Persons Report* as subjective and influenced by political pressures. U.S. Department of State (DOS) and the Broadcasting Board of Governors (BBG), Office of Inspector General (OIG), Office of Inspections, *Inspection of the Office to Monitor and Combat Trafficking in Persons*, ISP-I-12-37, June 2012.

<sup>33</sup> The Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125) includes several provisions that pertain to human trafficking, including authority for the President to invoke an exception that would effectively permit trade negotiations to proceed with Tier 3 countries. The act further requires enhanced documentation to be submitted to selected congressional committees when Tier 3 countries are intended to be upgraded to Tier 2 Watch List.

<sup>34</sup> See for example, Office of Sen. Menendez, "Menendez Reacts to State Department 2016 Trafficking in Persons Report," press release, June 30, 2016; Office of Sen. Levin, "Malaysia's Ranking in Annual Human Trafficking Report 'Profoundly Disappointing,'" press release, June 30, 2016; Office of Sen. Cardin, "Cardin Statement on State Dept. Trafficking in Persons Report," press release, June 30, 2016; Office of Rep. Slaughter, "Slaughter Statement on the State Department's Trafficking in Persons Report; Malaysia Once Again Given a Pass Despite its Troubling Record on Human Trafficking," press release, June 30, 2016; Office of Rep. Smith, "Smith Criticizes Obama Admin.'s Trafficking Report on Malaysia, Cuba," press release, June 30, 2016.

<sup>35</sup> See for example, "An Annual Demand to End Human Trafficking Around the World," editorial, *Washington Post*, July 5, 2016; "U.S. Downgrades Myanmar, Raises Thailand in Human Trafficking Report," Reuters, July 1, 2016; "Thailand's Upgrade in Human Trafficking Report Slammed as 'Premature,'" Reuters, July 1, 2016; Emmarie Huetteman, "Myanmar is Among Worst Traffickers, U.S. Says," *New York Times*, July 1, 2016;

<sup>36</sup> CQ transcript of a House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and (continued...)



The State Department nevertheless received criticism for other rankings, including of Thailand, which some suggested should have been rated Tier 3 instead of Tier 2 Watch List. In the case of Thailand, many acknowledged the military regime's efforts to prioritize anti-human trafficking in the past year; however, others viewed the upgrade as premature.<sup>37</sup> Some also raised suspicions that Thailand's Tier 2 Watch List rating could help the Obama Administration achieve other political objectives, including support from Southeast Asia on disputes with China over its territorial claims in the South China Sea as well as prospects for potentially joining the TPP.<sup>38</sup> Some noted the possibility that the State Department's decision to upgrade Thailand could also affect the European Union's ongoing review of Thailand's illegal fishing and labor practices as well as improve Thai fish exports.<sup>39</sup> In the case of other countries, such as Cuba, China, and India, some have challenged the State Department's assessments and called for reform of the ranking system.<sup>40</sup>

Some observers also criticized the State Department for the absence of Afghanistan on its list of countries using child soldiers, a category also published in the *TIP Report*. Although the list grew in 2016 to include two additions (Iraq and Rwanda) to the 10-country list, Afghanistan was not among them.<sup>41</sup> Although the State Department acknowledged reports that the Afghanistan Local Police (ALP) is a government security force and that media outlets reported on their recruiting and sexually abusing children under the age of 18, the *TIP Report* noted that the ALP "falls outside of the armed forces of the country as defined by the CSPA [Child Soldiers Prevention Act of 2008]."<sup>42</sup>

## Funding and Assistance Issues

As Congress continues to evaluate U.S. efforts to address human trafficking internationally, foreign assistance funding will remain a central focus. As required by the TVPA, as amended, countries that receive a Tier 3 ranking in the *TIP Report* are ineligible to receive nonhumanitarian, nontrade-related aid in the following fiscal year. In addition, pursuant to the CSPA, countries identified in the *TIP Report* as having recruited or used child soldiers are additionally restricted from receiving certain U.S. security assistance in the following fiscal year. Both provisions authorize the President to waive restrictions on aid in cases where the continuation of aid would promote U.S. national interests that supersede anti-trafficking policy goals. For FY2017, the President is expected to decide in the fall which restrictions will be made.

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International Organizations hearing on the *Trafficking in Persons Report*, testimony of David Abramowitz of Humanity United, July 12, 2016.

<sup>37</sup> See for example, "Thailand's Upgrade in Human Trafficking Report Slammed as 'Premature'," Reuters, July 1, 2016; Kate Hodal and Annie Kelly, "Thailand's Improved Status in U.S. Human Trafficking Report Sparks Fury," *The Guardian*, June 30, 2016.

<sup>38</sup> See for example, Carol Morello, "Trafficking Report Rates Burma Poorly," *Washington Post*, July 1, 2016; "Seafood Sector to Benefit if Thailand Raised to U.S.," *Organization of Asia-Pacific News Agencies*, June 30, 2016.

<sup>39</sup> "NGOs Criticize U.S. Downgrade of Thai Human Trafficking Record, Ahead of Referendum," *EurActiv.com*, July 1, 2016; "Trade-TIP Upgrade to Aid Exports," *Bangkok Post*, July 5, 2016.

<sup>40</sup> See for example CQ transcript of a House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations hearing on the *Trafficking in Persons Report*, July 12, 2016.

<sup>41</sup> Isabela Cocoli, "Rights Group Calls on Obama to Require Prohibition of Child Soldiers," *Voice of America*, June 30, 2016.

<sup>42</sup> U.S. Department of State, *Trafficking in Persons Report*, 2016.

FY2016 funding to address human trafficking internationally is governed by the *Consolidated Appropriations Act, 2016* (P.L. 114-113), in which Congress provided for not less than \$72 million in State Department and foreign assistance efforts to combat human trafficking internationally. This amount included \$12 million to support J/TIP personnel and administrative costs out of the Diplomatic and Consular Programs (D&CP) account. It also allocated \$60 million in foreign assistance funding to address human trafficking out of the Development Assistance (DA) account (\$9.8 million), the Economic Support Fund (ESF) account (\$11.2 million), and the International Narcotics Control and Law Enforcement (INCLE) account (\$39 million).

Among the anti-human trafficking programs funded with U.S. foreign assistance is a J/TIP-administered international grant program, through which J/TIP awarded more than \$18 million in grants and cooperative agreements in FY2015 to NGO and international organizations. In addition, the J/TIP Office manages efforts to establish Child Protection Compact (CPC) Partnerships, the first of which was agreed to with the government of Ghana in June 2015; in October 2015, the J/TIP Office announced grants totaling \$5 million in support of the CPC Partnership with Ghana.<sup>43</sup>

As part of the FY2016 appropriations, P.L. 114-113 also specifically committed funding to address human trafficking in Guatemala (\$5 million) and child trafficking through child protection compacts (\$5 million in INCLE funds). The act further specified that not less than \$4 million (in INCLE funds) may be appropriated for DNA forensic technology programs to combat human trafficking in Central America. If the *End Modern Slavery Initiative Act of 2015* (S. 553, as reported to the Senate) is enacted, P.L. 114-113 would provide, in addition to the \$60 million appropriated in foreign assistance for anti-trafficking purposes, \$25 million, made available out of the DA and INCLE accounts. This additional funding would support grants to reduce the prevalence of modern slavery globally. The grants would be administered by S. 553's newly envisioned independent, nonprofit corporation to be known as the End Modern Slavery Initiative Foundation.<sup>44</sup>

P.L. 114-113 included several additional provisions related to international human trafficking, including reporting requirements on the obligation and expenditure of counter-trafficking funds and a prohibition in Burma on the use of funds for military training and operations involving child soldiers. In addition, the act required that training of foreign security forces and justice-sector officials address issues related to the prevention of response to gender-based violence and human trafficking. It also limited the obligation of some funds for Central America until the Secretary of State certifies and reports that the governments of El Salvador, Guatemala, and Honduras are taking effective steps to combat human smuggling and trafficking.<sup>45</sup>

In February 2016, the State Department released its congressional budget justification for State, Foreign Operations, and Related Programs in FY2017, requesting \$7.4 million to fund J/TIP out of the D&CP account and an additional \$48.7 million in foreign operations programming.<sup>46</sup>

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<sup>43</sup> U.S. Department of State, *Child Protection Compact Partnerships*, webpage, <http://www.state.gov/j/tip/cpc/index.htm>.

<sup>44</sup> If S. 553 is not enacted into law in FY2016, P.L. 114-113 specifies that funds should nevertheless be made available for other programs to combat human trafficking, following consultation with the appropriate congressional committees. Section 1276 of the Senate-passed version of the FY2017 National Defense Authorization Act, S. 2943, includes a provision that would authorize the Secretary of State to make the previously appropriated funds available for awarding grants for programs, subject to specified monitoring and evaluation, which seek to reduce the prevalence of human trafficking in foreign countries.

<sup>45</sup> In the latter case, the State Department met the funding requirements for Central America in March 2016.

<sup>46</sup> U.S. Department of State, *Congressional Budget Justification*, FY2017, Foreign Operations, Appendix 2, February (continued...)

## **Appendix. International Human Trafficking Legislation in the 114<sup>th</sup> Congress**

The following list provides an overview of bills in the 114<sup>th</sup> Congress that pertain, at least in part, to international dimensions of trafficking in persons.

### **Enacted Legislation**

**H.R. 515.** International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders—became P.L. 114-119.

**H.R. 644.** Trade Facilitation and Trade Enforcement Act of 2015—became P.L. 114-125. See in particular provisions amending the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 and the Tariff Act of 1930 and the Conference report (H.Rept. 114-376).

**H.R. 757.** North Korea Sanctions and Policy Enhancement Act of 2016—became P.L. 114-122. See in particular provisions on forced labor and trafficking of North Korean citizens and House Foreign Affairs Committee report (H.Rept. 114-392).

**H.R. 2029.** Consolidated Appropriations Act, 2016—became P.L. 114-113. See Division K, the Department of State, Foreign Operations, and Related Appropriations Act, 2016; see also S. 1725 and H.R. 2772, both entitled Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016, and respectively reported out of committee (S.Rept. 114-79 and H.Rept. 114-154).

**H.R. 2146.** Defending Public Safety Employees’ Retirement Act—became P.L. 114-26. See Title I, the Bipartisan Congressional Trade Priorities and Accountability Act of 2015; see also S. 995, the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, which was reported out of the Senate Committee on Finance (S.Rept. 114-42).

### **Passed Either the House or Senate**

**H.R. 350.** Human Trafficking Prevention, Intervention, and Recovery Act of 2015—passed the House; pertaining to the activities of the President’s Interagency Task Force to Monitor and Combat Trafficking as they relate to child trafficking in the United States.

**H.R. 357.** Human Trafficking Prevention Act—passed the House; pertaining to federal government training on human trafficking.

**H.R. 400.** Trafficking Prevention in Foreign Affairs Contracting Act—passed the House; pertaining to anti-human trafficking requirements for federal contractors.

**H.R. 514.** Human Trafficking Prioritization Act—passed the House; pertaining to the bureaucratic status of the J/TIP Office within the State Department.

**H.R. 3694.** Strategy to Oppose Predatory Organ Trafficking Act—passed the House; pertaining to U.S. policy responses to the trafficking in human organs.

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23, 2016.

**S. 1635.** Department of State Operations Authorization and Embassy Security Act, Fiscal Year 2016—passed the Senate; pertaining to State Department responsibilities to combat human trafficking.

**S. 2943.** National Defense Authorization Act for Fiscal Year 2017—passed the Senate; pertaining to, among other provisions, authority for the Secretary of State to award grants seeking to reduce the prevalence of human trafficking in foreign countries.

## **Other Pending Bills**

**H.R. 57.** Equal Rights and Access for the Women of South Sudan Act—pertaining to the scope of foreign assistance provided to South Sudan, including trafficking prevention and trafficker prosecution.

**H.R. 191.** Repeal Executive Amnesty Act of 2015—pertaining to, among other issues, unaccompanied alien children (with bearing on the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008).

**H.R. 500.** Survivors of Human Trafficking Empowerment Act—pertaining to the establishment of a U.S. Advisory Council on Human Trafficking.

**H.R. 611.** Sex Trafficking Demand Reduction Act—pertaining to the minimum standards for the elimination of severe forms of trafficking in persons and government policies on the purchase of commercial sex.

**H.R. 1149.** Protection of Children Act of 2015—pertaining to unaccompanied alien children that has bearing on the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

**H.R. 1340.** International Violence Against Women Act of 2015—pertaining generally to foreign policy on violence against women, which has bearing on human trafficking policy.

**H.R. 1782.** Cuba Human Rights Act of 2015—pertaining to U.S. policy with respect to Cuba, including as related to combating human trafficking.

**H.R. 2140.** Vietnam Human Rights Act of 2015—pertaining to conditions, including some related to human trafficking, on foreign assistance to Vietnam.

**H.R. 2621.** China Human Rights Protection Act of 2015—pertaining to, among other issues, human trafficking in China.

**H.R. 2772.** Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016—pertaining to State Department foreign assistance provisions to combat human trafficking.

**H.R. 2798.** Strengthening Refugee Resettlement Act—pertaining generally to refugee policies that has bearing on some trafficking victims with T-visas.

**H.R. 3226.** Business Supply Chain Transparency on Trafficking and Slavery Act of 2015—pertaining to the disclosure of company efforts to prevent trafficking in their global supply chains.

**H.R. 4720.** Expedited Family Reunification Act of 2016—pertaining to unaccompanied alien children (with bearing on the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008).

**H.R. 5332.** Women, Peace, and Security Act of 2016—pertaining to, among other issues, State Department training requirements on human trafficking.

**H.R. 5912.** Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017—pertaining to State Department foreign assistance provisions to combat human trafficking.

**S. 224.** Women, Peace and Security Act of 2015—pertaining to, among other issues, State Department training requirements on human trafficking.

**S. 553.** End Modern Slavery Initiative Act of 2015—pertaining to the establishment of an End Modern Slavery Initiative Foundation to support international efforts to address human trafficking.

**S. 713.** International Violence Against Women Act of 2015—pertaining generally to foreign policy on violence against women, which has bearing on human trafficking policy.

**S. 1627.** Human Rights Accountability Act of 2015—pertaining to State Department reporting requirement responsibilities on human rights, including human trafficking.

**S. 1876.** A bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes—pertaining to the bureaucratic status of the J/TIP Office within the State Department.

**S. 1968.** Business Supply Chain Transparency on Trafficking and Slavery Act of 2015—pertaining to the disclosure of company efforts to prevent trafficking in their global supply chains.

**S. 2144.** North Korea Sanctions and Policy Enhancement Act of 2015—pertaining to U.S. policy with respect to North Korea, including as related to forced labor and trafficking of North Korean citizens.

**S. 2632.** Vietnam Human Rights Act of 2016—pertaining to conditions, including some related to human trafficking, on foreign assistance to Vietnam.

**S. 2937.** Department of State Authorization Act, Fiscal Year 2017—pertaining to State Department responsibilities to combat human trafficking.

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