

This is why I support this legislation and I commend Representative SMITH for championing legislative measures dedicated to the safety and protection of our children worldwide.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 515.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TRAFFICKING PREVENTION IN FOREIGN AFFAIRS CONTRACTING ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 400) to require the Secretary of State and the Administrator of the United States Agency for International Development to submit reports on definitions of placement and recruitment fees for purposes of enabling compliance with the Trafficking Victims Protection Act of 2000, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill may be referred to as the "Trafficking Prevention in Foreign Affairs Contracting Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Department of State and the United States Agency for International Development (USAID) rely on contractors to provide various services in foreign countries such as construction, security, and facilities maintenance.

(2) In certain cases, such as where the employment of local labor is impractical or poses security risks, Department of State and USAID contractors sometimes employ foreign workers who are citizens neither of the United States nor of the host country and are recruited from developing countries where low wages and recruitment methods often make them vulnerable to a variety of trafficking-related abuses.

(3) A January 2011 report of the Office of the Inspector General for the Department of State, while it found no evidence of direct coercion by contractors, found that a significant majority of their foreign workers in certain Middle East countries reported paying substantial fees to recruiters that, according to the Inspector General, "effectively resulted in debt bondage at their destinations". Approximately one-half of the workers were charged recruitment fees equaling more than six months' salary. More than a quarter of the workers reported fees greater than one year's salary and, in some of those cases, fees that could not be paid off in two years, the standard length of a contract.

(4) A November 2014 report of the United States Government Accountability Office (GAO-15-102) found that the Department of State, USAID, and the Defense Department

need to strengthen their oversight of contractors' use of foreign workers in high-risk environments in order to better protect against trafficking in persons.

(5) The GAO report recommended that those agencies should develop more precise definitions of recruitment fees, and that they should better ensure that contracting officials include prevention of trafficking in persons in contract monitoring plans and processes, especially in areas where the risk of trafficking in persons is high.

(6) Of the three agencies addressed in the GAO report, only the Department of Defense expressly concurred with GAO's definitional recommendation and committed to defining recruitment fees and to incorporating that definition in its acquisition regulations as necessary.

(7) In formal comments to GAO, the Department of State stated that it forbids the charging of any recruitment fees by contractors, and both the Department of State and USAID noted a proposed Federal Acquisition Regulation (FAR) rule that prohibits charging any recruitment fees to employees.

(8) However, according to GAO, neither the Department of State nor USAID specifically defines what constitutes a prohibited recruitment fee: "Contracting officers and agency officials with monitoring responsibilities currently rely on policy and guidance regarding recruitment fees that are ambiguous. Without an explicit definition of the components of recruitment fees, prohibited fees may be renamed and passed on to foreign workers, increasing the risk of debt bondage and other conditions that contribute to trafficking."

(9) GAO found that, although Department of State and USAID guidance requires their respective contracting officials to monitor compliance with trafficking in persons requirements, they did not consistently have specific processes in place to do so in all of the contracts that GAO sampled.

SEC. 3. REPORTS ON DEFINITION OF PLACEMENT AND RECRUITMENT FEES AND ENHANCEMENT OF CONTRACT MONITORING TO PREVENT TRAFFICKING IN PERSONS.

(a) DEPARTMENT OF STATE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report that includes the matters described in subsection (c) with respect to the Department of State.

(b) USAID REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development (USAID) shall submit to the appropriate committees of Congress a report that includes the matters described in subsection (c) with respect to USAID.

(c) MATTERS TO BE INCLUDED.—The matters described in this subsection are the following:

(1) A proposed definition of placement and recruitment fees for purposes of complying with section 106(g)(iv)(IV) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)(iv)(IV)), including a description of what fee components and amounts are prohibited or are permissible for contractors or their agents to charge workers under such section.

(2) An explanation of how the definition described in paragraph (1) will be incorporated into grants, contracts, cooperative agreements, and contracting practices, so as to apply to the actions of grantees, subgrantees, contractors, subcontractors, labor recruiters, brokers, or other agents, as specified in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).

(3) A description of actions taken during the 180-day period preceding the date of submission of the report and planned to be taken during the one-year period following the date of submission of the report to better ensure that officials responsible for grants, contracts, and cooperative agreements and contracting practices include the prevention of trafficking in persons in plans and processes to monitor such grants, contracts, and cooperative agreements and contracting practices.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 4. DEFINITION.

In this Act, the term "trafficking in persons" has the meaning given the term in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include any extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. I yield myself such time as I may consume.

Mr. Speaker, my coauthor on this bill is the ranking member, ELIOT ENGEL of New York, and I wanted to thank him as well and our 27 bipartisan cosponsors for their support. This is the Trafficking Prevention in Foreign Affairs Contracting Act.

As many of our colleagues are aware, we just observed Human Trafficking Awareness Month, shining a spotlight on what is now tens of millions of victims every year of what is modern-day slavery. One of the goals here was increasing the awareness of these crimes against human dignity.

The scourge of human trafficking now is a worldwide challenge. Although the vulnerability may be greatest in the developing world, these crimes also occur here in our own communities.

I am very proud of the work being done in southern California by members of our Human Trafficking Congressional Advisory Committee where advocates, law enforcement, service providers, faith-based groups, and trafficking survivors themselves meet regularly to converse, coordinate, and plan how to combat human trafficking. Out of that working group come a lot of good ideas. I want to acknowledge Sara Catalan who helps me in leading that task force.

This bill is intended to close a gap that exists in protection. The United States cannot be too careful in ensuring that our overseas employment

practices do not inadvertently support debt bondage, because that debt bondage is one of the tools of human traffickers.

At some overseas posts, the State Department and USAID rely on contractors to provide construction, security, maintenance, and other services, and these contractors sometimes employ foreign workers recruited from far away, far-away developing countries where they are vulnerable to abuses. In particular, the middlemen those contractors rely on often charge recruitment fees to prospective employees—in other words, payments for the right to work.

Current law prohibits U.S. contractors from charging foreign workers unreasonable recruitment fees, and the State Department claims to prohibit any recruitment fees at all. However, neither State nor USAID have defined what constitutes a “recruitment fee,” and this ambiguity allows for a loophole that has been exploited. Recruiters simply rename these fees and continue charging them.

This is a serious problem. We had a report by the State Department Inspector General in 2011. He found that a majority of the Department’s foreign contract workers in certain Middle East countries were paying substantial fees to recruiters—and this is what caught our attention—sometimes more than a year’s salary resulting in, in the words of our Inspector General—in his words—“effective debt bondage.”

A worker from the Philippines performing janitorial services for our Embassy in Saudi Arabia should not be at risk of shakedowns from unscrupulous or violent operators.

To ensure that our overseas contracting does not feed such problems, this bill requires State and USAID to define what prohibited “recruitment fees” are and to report to Congress on their plans to improve contract monitoring, to protect against human trafficking. A prohibition is only forceful if people understand what is prohibited. Clarifying these matters will give our contractors the guidance they need to ensure that our laws and policies are followed by those they use to recruit foreign workers.

I again want to thank Mr. ENGEL and all of our cosponsors for their support of this strongly bipartisan bill which deserves our unanimous support.

Mr. Speaker, I reserve the balance of my time.

Mr. BRENDAN F. BOYLE of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this measure.

Mr. Speaker, I want to thank Chairman ROYCE and also Ranking Member ENGEL for their leadership and for their hard work on this bill.

It seems that every day we see another report about the way modern slavery touches our lives. Fish caught by an enslaved sailor in Southeast Asia ends up in our grocery stores. Rare

metals that are needed to power our smartphones are mined through forced labor in Central Africa. Oranges and tomatoes grown right here in the United States are picked by migrants who end up trapped and isolated.

Human trafficking is a crime that affects every nation on Earth. It undermines stability, fuels criminal networks, and robs tens of millions of people of their basic freedom. It touches all of our lives.

United States Government has long been a leader in the fight against trafficking. Republican and Democratic administrations alike have focused hard on the best way to prevent modern slavery, protect its victims, and prosecute those responsible. The State Department’s Annual Trafficking in Persons Report is the global gold standard for assessing how well governments are doing to combat this problem.

As we learn more and more about this crime, how it has worked its way into the global supply chain and labor market, we find new ways of disrupting trafficking networks. Part of American leadership on this issue must be to make sure, first and foremost, that we are not making this problem worse.

Our foreign affairs agencies employ thousands of foreign contract workers overseas. These men and women work in construction, food service, and security projects abroad.

In 2011, inspectors interviewing some of these workers found that 77 percent of them had paid recruiting fees to the company arranging the work. What that means is before workers are able to get these jobs, they need to pay a recruiter a hefty sum. Sometimes these fees are 6 months’ or even a year’s wages. These fees can include the high costs of housing or transportation to a worksite in a foreign country. So often, a worker arrives at a new job saddled with debt and is forced to work until he or she can pay the so-called recruiter back.

This sort of treatment is unacceptable under any circumstances. The fact that this is happening to individuals working for the United States Government is absolutely intolerable.

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We cannot be the world’s leader in the fight against modern slavery if taxpayer dollars are flowing into the hands of traffickers.

The Obama administration saw this problem and took steps to deal with it. An executive order forbids any U.S. Government contractors from charging unreasonable recruitment fees. But so far the State Department and USAID have been unable to enforce this requirement. The reason why—neither agency has defined recruitment fees, so their guidelines for fair treatment of workers by contractors are unenforceable.

Mr. Speaker, this is simply not acceptable. This bill requires that the

State Department and USAID adopt a legally binding definition of recruitment fees. In addition, the agencies must improve how they monitor contractors to detect and prevent human trafficking.

This legislation represents a commonsense step to resolve this problem and to make sure we have a clean House as we lead global antitrafficking efforts. Mr. Speaker, I urge my colleagues to support this important piece of legislation.

I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the chairman of the Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, and he is the author of the original Trafficking Victims Protection Act.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my good friend and colleague, the distinguished chairman, ED ROYCE, for his persistence and creativity in finding new ways to hold the administration accountable for preventing human trafficking, especially in government contracting, as is required by the Trafficking Victims Protection Reauthorization Act of 2005 and the National Defense Authorization Act of 2013.

It seems to me, Mr. Speaker, that U.S. Government procurement should be the quintessential example of how to buy goods and services from reputable vendors. The TVPA ensures that contracts are lost if there is complicity in trafficking and that responsible parties are prosecuted if they, in like manner, are complicit in human trafficking.

H.R. 400 targets a key piece of the law for practical implementation and brings our government one step closer to ensuring that U.S. tax dollars are not going to companies that look askance at human trafficking by their contractors and subcontractors.

Again, this is a very important bill. I want to thank the distinguished chairman for his leadership on this.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would simply congratulate the gentleman who does a wonderful job chairing our Foreign Affairs Committee. As I said on a radio show in Philadelphia last week, I really wish those who say that there is no bipartisanship in Washington, D.C., could see the way the ranking member, Mr. ENGEL, and our chairman, Mr. ROYCE, conduct our foreign affairs business. I think they would have a different view.

I am proud to support this piece of legislation, and I urge all my colleagues to do so.

I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Mr. BRENDAN BOYLE of Pennsylvania for his work on this.

On the heels of Human Trafficking Awareness Month, I think it is important that we as an institution take this