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[H.R. 400, Trafficking Prevention in Foreign Affairs Contracting Act](#)

FLOOR SITUATION

On Monday, February 1, 2016, the House will consider [H.R. 400](#), the *Trafficking Prevention in Foreign Affairs Contracting Act*, under suspension of the rules. The bill was introduced on January 16, 2015, by Rep. Ed Royce (R-CA) and was referred to the Committee on Foreign Affairs, which ordered the bill reported, by voice vote, on February 27, 2015.

SUMMARY

H.R. 400 requires the Department of State and U.S. Agency for International Aid (USAID) to provide a report to Congress that defines “recruitment fees” in order to comply with the Trafficking Victims Protection Act of 2000 and includes how they will improve contract monitoring to protect against human trafficking.

BACKGROUND

The Trafficking Victims Protection Act of 2000 is the cornerstone legislative vehicle for current U.S. policy on combating human trafficking. This Act emphasizes “the three Ps” of U.S. anti-trafficking policy: prevention, prosecution, and protection.¹

The Department of State and USAID use contractors at overseas posts to provide services such as construction, security and maintenance. If employing locals is impractical or would pose a security risk, these contractors will recruit individuals from developing countries where they are vulnerable to trafficking-related abuses.

Under current law, contractors are prohibited from charging foreign workers unreasonable recruitment fees. However, neither the Department of State nor the U.S. Agency for International Aid have specifically defined what a prohibited “recruitment fee” is. Consequently, this has resulted in ambiguous and unenforceable guidance to contractors. A 2011 State Department Inspector General

¹ See CRS Report, “[Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress](#),” August 11, 2015.

[report](#) found that a majority of foreign workers in certain Middle East countries had paid fees to recruiters, sometimes more than a year's salary, resulting in "effective debt bondage."²

According to the bill sponsor, H.R. 400 "ensures that United States overseas contracting does not contribute to the problem of human trafficking...With over 20 million human trafficking victims around the world, it is important that we all – including this Committee -- work hard to combat this form of modern-day slavery."³

COST

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would cost less than \$500,000 over the 2016-2020 period, assuming the availability of appropriated amounts. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

STAFF CONTACT

For questions or further information please contact [Molly Newell](#) with the House Republican Policy Committee by email or at 2-1373.

² See Rep. Ed Royce Press Release "[Chairman Royce, Ranking Member Engel Introduce Anti-Trafficking Legislation](#)," January 21, 2015.

³ See Rep. Ed Royce Press Release "[Foreign Affairs Committee Passes Chairman Royce Legislation to Combat Human Trafficking](#)," February 27, 2015.