

116TH CONGRESS
1ST SESSION

H. R. 295

To increase the role of the financial industry in combating human trafficking.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. FITZPATRICK (for himself, Mr. KEATING, Mr. McCAUL, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To increase the role of the financial industry in combating human trafficking.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Banking for
5 Human Traffickers Act of 2019”.

6 **SEC. 2. INCREASING THE ROLE OF THE FINANCIAL INDUS-**
7 **TRY IN COMBATING HUMAN TRAFFICKING.**

8 (a) **TREASURY AS A MEMBER OF THE PRESIDENT’S**
9 **INTERAGENCY TASK FORCE TO MONITOR AND COMBAT**

1 TRAFFICKING.—Section 105(b) of the Victims of Traf-
2 ficking and Violence Protection Act of 2000 (22 U.S.C.
3 7103(b)) is amended by inserting “the Secretary of the
4 Treasury,” after “the Secretary of Education,”.

5 (b) REQUIRED REVIEW OF PROCEDURES.—Not later
6 than 180 days after the date of the enactment of this Act,
7 the Financial Institutions Examination Council, in con-
8 sultation with the Secretary of the Treasury, the private
9 sector, victims of severe forms of trafficking in persons,
10 advocates of persons at risk of becoming victims of severe
11 forms of trafficking in persons, and appropriate law en-
12 forcement agencies, shall—

13 (1) review and enhance training and examina-
14 tions procedures to improve the capabilities of anti-
15 money laundering and countering the financing of
16 terrorism programs to detect financial transactions
17 relating to severe forms of trafficking in persons;

18 (2) review and enhance procedures for referring
19 potential cases relating to severe forms of trafficking
20 in persons to the appropriate law enforcement agen-
21 cy; and

22 (3) determine, as appropriate, whether require-
23 ments for financial institutions are sufficient to de-
24 tect and deter money laundering relating to severe
25 forms of trafficking in persons.

1 (c) INTERAGENCY TASK FORCE RECOMMENDATIONS
2 TARGETING MONEY LAUNDERING RELATED TO HUMAN
3 TRAFFICKING.—

4 (1) IN GENERAL.—Not later than 270 days
5 after the date of the enactment of this Act, the
6 Interagency Task Force To Monitor and Combat
7 Trafficking shall submit to the Committee on Finan-
8 cial Services and the Committee on the Judiciary of
9 the House of Representatives, the Committee on
10 Banking, Housing, and Urban Affairs and the Com-
11 mittee on the Judiciary of the Senate, and the head
12 of each appropriate Federal banking agency—

13 (A) an analysis of anti-money laundering
14 efforts of the United States Government and
15 United States financial institutions relating to
16 severe forms of trafficking in persons; and

17 (B) appropriate legislative, administrative,
18 and other recommendations to strengthen ef-
19 forts against money laundering relating to se-
20 vere forms of trafficking in persons.

21 (2) REQUIRED RECOMMENDATIONS.—The rec-
22 ommendations under paragraph (1) shall include—

23 (A) feedback from financial institutions on
24 best practices of successful programs to combat
25 severe forms of trafficking in persons currently

1 in place that may be suitable for broader adop-
2 tion by similarly situated financial institutions;

3 (B) feedback from stakeholders, including
4 victims of severe forms of trafficking in per-
5 sons, advocates of persons at risk of becoming
6 victims of severe forms of trafficking in per-
7 sons, and financial institutions, on policy pro-
8 posals derived from the analysis conducted by
9 the task force referred to in paragraph (1) that
10 would enhance the efforts and programs of fi-
11 nancial institutions to detect and deter money
12 laundering relating to severe forms of traf-
13 ficking in persons, including any recommended
14 changes to internal policies, procedures, and
15 controls relating to severe forms of trafficking
16 in persons;

17 (C) any recommended changes to training
18 programs at financial institutions to better
19 equip employees to deter and detect money
20 laundering relating to severe forms of traf-
21 ficking in persons;

22 (D) any recommended changes to expand
23 information sharing relating to severe forms of
24 trafficking in persons among financial institu-
25 tions and between such financial institutions,

1 appropriate law enforcement agencies, and ap-
2 propriate Federal agencies; and

3 (E) recommended changes, if necessary, to
4 existing statutory law to more effectively detect
5 and deter money laundering relating to severe
6 forms of trafficking in persons, where such
7 money laundering involves the use of emerging
8 technologies and virtual currencies.

9 (d) LIMITATION.—Nothing in this Act shall be con-
10 strued to—

11 (1) grant rulemaking authority to the Inter-
12 agency Task Force To Monitor and Combat Traf-
13 ficking; or

14 (2) encourage financial institutions to deny
15 services to victims of trafficking, victims of severe
16 forms of trafficking in persons, or individuals not re-
17 sponsible for promoting severe forms of trafficking
18 in persons.

19 (e) DEFINITIONS.—As used in this section—

20 (1) the term “appropriate Federal banking
21 agency” has the meaning given the term in section
22 3(q) of the Federal Deposit Insurance Act (12
23 U.S.C. 1813(q));

24 (2) the term “severe forms of trafficking in per-
25 sons” has the meaning given such term in section

1 103 of the Trafficking Victims Protection Act of
2 2000 (22 U.S.C. 7102);

3 (3) the term “Interagency Task Force To Mon-
4 itor and Combat Trafficking” means the Interagency
5 Task Force To Monitor and Combat Trafficking es-
6 tablished by the President pursuant to section 105
7 of the Victims of Trafficking and Violence Protec-
8 tion Act of 2000 (22 U.S.C. 7103); and

9 (4) the term “law enforcement agency” means
10 an agency of the United States, a State, or a polit-
11 ical subdivision of a State, authorized by law or by
12 a government agency to engage in or supervise the
13 prevention, detection, investigation, or prosecution of
14 any violation of criminal or civil law.

15 **SEC. 3. COORDINATION OF HUMAN TRAFFICKING ISSUES**

16 **BY THE OFFICE OF TERRORISM AND FINAN-**
17 **CIAL INTELLIGENCE.**

18 (a) FUNCTIONS.—Section 312(a)(4) of title 31,
19 United States Code, is amended—

20 (1) by redesignating subparagraphs (E), (F),
21 and (G) as subparagraphs (F), (G), and (H), respec-
22 tively; and

23 (2) by inserting after subparagraph (D) the fol-
24 lowing:

1 “(E) combating illicit financing relating to
2 severe forms of trafficking in persons;”.

3 (b) INTERAGENCY COORDINATION.—Section 312(a)
4 of title 31, United States Code, is amended by adding at
5 the end the following:

6 “(8) INTERAGENCY COORDINATION.—The Sec-
7 retary of the Treasury, after consultation with the
8 Undersecretary for Terrorism and Financial Crimes,
9 shall designate an office within the OTFI that shall
10 coordinate efforts to combat the illicit financing of
11 severe forms of trafficking in persons with—

12 “(A) other offices of the Department of the
13 Treasury;

14 “(B) other Federal agencies, including—

15 “(i) the Office To Monitor and Com-
16 bat Trafficking in Persons of the Depart-
17 ment of State; and

18 “(ii) the Interagency Task Force To
19 Monitor and Combat Trafficking;

20 “(C) State and local law enforcement agen-
21 cies; and

22 “(D) foreign governments.”.

23 (c) DEFINITION.—Section 312(a) of title 31, United
24 States Code, as amended by this section, is further amend-
25 ed by adding at the end the following:

1 “(9) DEFINITION.—In this subsection, the term
2 ‘severe forms of trafficking in persons’ has the
3 meaning given such term in section 103 of the Traf-
4 ficking Victims Protection Act of 2000 (22 U.S.C.
5 7102).”.

6 **SEC. 4. ADDITIONAL REPORTING REQUIREMENT UNDER**
7 **THE TRAFFICKING VICTIMS PROTECTION**
8 **ACT OF 2000.**

9 Section 105(d)(7) of the Trafficking Victims Protec-
10 tion Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

11 (1) in the matter preceding subparagraph (A)—

12 (A) by inserting “the Committee on Finan-
13 cial Services,” after “the Committee on Foreign
14 Affairs,”; and

15 (B) by inserting “the Committee on Bank-
16 ing, Housing, and Urban Affairs,” after “the
17 Committee on Foreign Relations,”;

18 (2) in subparagraph (Q)(vii), by striking “;
19 and” and inserting a semicolon;

20 (3) in subparagraph (R), by striking the period
21 at the end and inserting “; and”; and

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

23 “(S) the efforts of the United States to
24 eliminate money laundering relating to severe
25 forms of trafficking in persons and the number

1 of investigations, arrests, indictments, and con-
2 victions in money laundering cases with a nexus
3 to severe forms of trafficking in persons.”.

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

6 Section 108(b) of the Trafficking Victims Protection
7 Act of 2000 (22 U.S.C. 7106(b)) is amended by adding
8 at the end the following new paragraph:

9 “(13) Whether the government of the country,
10 consistent with the capacity of the country, has in
11 effect a framework to prevent financial transactions
12 involving the proceeds of severe forms of trafficking
13 in persons, and is taking steps to implement such a
14 framework, including by investigating, prosecuting,
15 convicting, and sentencing individuals who attempt
16 or conduct such transactions.”.

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