

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 295  
OFFERED BY MR. ENGEL OF NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

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

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

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

1           (2) review and enhance procedures for referring  
2           potential cases relating to severe forms of trafficking  
3           in persons to the appropriate law enforcement agen-  
4           cy; and

5           (3) determine, as appropriate, whether require-  
6           ments for financial institutions are sufficient to de-  
7           tect and deter money laundering relating to severe  
8           forms of trafficking in persons.

9           (b) INTERAGENCY TASK FORCE RECOMMENDATIONS  
10          TARGETING MONEY LAUNDERING RELATED TO HUMAN  
11          TRAFFICKING.—

12           (1) IN GENERAL.—Not later than 270 days  
13           after the date of the enactment of this Act, the  
14           Interagency Task Force To Monitor and Combat  
15           Trafficking shall submit to the Committee on Finan-  
16           cial Services and the Committee on the Judiciary of  
17           the House of Representatives, the Committee on  
18           Banking, Housing, and Urban Affairs and the Com-  
19           mittee on the Judiciary of the Senate, and the head  
20           of each appropriate Federal banking agency—

21           (A) an analysis of anti-money laundering  
22           efforts of the United States Government and  
23           United States financial institutions relating to  
24           severe forms of trafficking in persons; and

1 (B) appropriate legislative, administrative,  
2 and other recommendations to strengthen ef-  
3 forts against money laundering relating to se-  
4 vere forms of trafficking in persons.

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

7 (A) feedback from financial institutions on  
8 best practices of successful programs to combat  
9 severe forms of trafficking in persons currently  
10 in place that may be suitable for broader adop-  
11 tion by similarly situated financial institutions;

12 (B) feedback from stakeholders, including  
13 victims of severe forms of trafficking in per-  
14 sons, advocates of persons at risk of becoming  
15 victims of severe forms of trafficking in per-  
16 sons, and financial institutions, on policy pro-  
17 posals derived from the analysis conducted by  
18 the task force referred to in paragraph (1) that  
19 would enhance the efforts and programs of fi-  
20 nancial institutions to detect and deter money  
21 laundering relating to severe forms of traf-  
22 ficking in persons, including any recommended  
23 changes to internal policies, procedures, and  
24 controls relating to severe forms of trafficking  
25 in persons;

1 (C) any recommended changes to training  
2 programs at financial institutions to better  
3 equip employees to deter and detect money  
4 laundering relating to severe forms of traf-  
5 ficking in persons;

6 (D) any recommended changes to expand  
7 information sharing relating to severe forms of  
8 trafficking in persons among financial institu-  
9 tions and between such financial institutions,  
10 appropriate law enforcement agencies, and ap-  
11 propriate Federal agencies; and

12 (E) recommended changes, if necessary, to  
13 existing statutory law to more effectively detect  
14 and deter money laundering relating to severe  
15 forms of trafficking in persons, where such  
16 money laundering involves the use of emerging  
17 technologies and virtual currencies.

18 (c) LIMITATION.—Nothing in this Act shall be con-  
19 strued to—

20 (1) grant rulemaking authority to the Inter-  
21 agency Task Force To Monitor and Combat Traf-  
22 ficking; or

23 (2) encourage financial institutions to deny  
24 services to victims of trafficking, victims of severe  
25 forms of trafficking in persons, or individuals not re-

1       sponsible for promoting severe forms of trafficking  
2       in persons.

3       (d) DEFINITIONS.—As used in this section—

4           (1) the term “appropriate Federal banking  
5       agency” has the meaning given the term in section  
6       3(q) of the Federal Deposit Insurance Act (12  
7       U.S.C. 1813(q));

8           (2) the term “severe forms of trafficking in per-  
9       sons” has the meaning given such term in section  
10      103 of the Trafficking Victims Protection Act of  
11      2000 (22 U.S.C. 7102);

12          (3) the term “Interagency Task Force To Mon-  
13      itor and Combat Trafficking” means the Interagency  
14      Task Force To Monitor and Combat Trafficking es-  
15      tablished by the President pursuant to section 105  
16      of the Victims of Trafficking and Violence Protec-  
17      tion Act of 2000 (22 U.S.C. 7103); and

18          (4) the term “law enforcement agency” means  
19      an agency of the United States, a State, or a polit-  
20      ical subdivision of a State, authorized by law or by  
21      a government agency to engage in or supervise the  
22      prevention, detection, investigation, or prosecution of  
23      any violation of criminal or civil law.

1 **SEC. 3. COORDINATION OF HUMAN TRAFFICKING ISSUES**  
2 **BY THE OFFICE OF TERRORISM AND FINAN-**  
3 **CIAL INTELLIGENCE.**

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

6 (1) by redesignating subparagraphs (E), (F),  
7 and (G) as subparagraphs (F), (G), and (H), respec-  
8 tively; and

9 (2) by inserting after subparagraph (D) the fol-  
10 lowing:

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

13 (b) **INTERAGENCY COORDINATION.**—Section 312(a)  
14 of title 31, United States Code, is amended by adding at  
15 the end the following:

16 “(8) **INTERAGENCY COORDINATION.**—The Sec-  
17 retary of the Treasury, after consultation with the  
18 Undersecretary for Terrorism and Financial Crimes,  
19 shall designate an office within the OTFI that shall  
20 coordinate efforts to combat the illicit financing of  
21 severe forms of trafficking in persons with—

22 “(A) other offices of the Department of the  
23 Treasury;

24 “(B) other Federal agencies, including—

1 “(i) the Office To Monitor and Com-  
2 bat Trafficking in Persons of the Depart-  
3 ment of State; and

4 “(ii) the Interagency Task Force To  
5 Monitor and Combat Trafficking;

6 “(C) State and local law enforcement agen-  
7 cies; and

8 “(D) foreign governments.”.

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

12 “(9) DEFINITION.—In this subsection, the term  
13 ‘severe forms of trafficking in persons’ has the  
14 meaning given such term in section 103 of the Traf-  
15 ficking Victims Protection Act of 2000 (22 U.S.C.  
16 7102).”.

17 **SEC. 4. ADDITIONAL REPORTING REQUIREMENT UNDER**  
18 **THE TRAFFICKING VICTIMS PROTECTION**  
19 **ACT OF 2000.**

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

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

23 (A) by inserting “the Committee on Finan-  
24 cial Services,” after “the Committee on Foreign  
25 Affairs,”; and

1 (B) by inserting “the Committee on Bank-  
2 ing, Housing, and Urban Affairs,” after “the  
3 Committee on Foreign Relations,”;

4 (2) in subparagraph (Q)—

5 (A) in clause (vii), by inserting “and” after  
6 the semicolon; and

7 (B) in clause (viii), by striking “and” after  
8 the semicolon;

9 (3) in subparagraph (R), by striking “and”  
10 after the semicolon;

11 (4) in subparagraph (S), by striking the period  
12 and inserting “; and”; and

13 (5) by adding at the end the following:

14 “(T) the efforts of the United States to  
15 eliminate money laundering relating to severe  
16 forms of trafficking in persons and the number  
17 of investigations, arrests, indictments, and con-  
18 victions in money laundering cases with a nexus  
19 to severe forms of trafficking in persons.”.

20 **SEC. 5. MINIMUM STANDARDS FOR THE ELIMINATION OF**  
21 **TRAFFICKING.**

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

1           “(13) Whether the government of the country,  
2           consistent with the capacity of the country, has in  
3           effect a framework to prevent financial transactions  
4           involving the proceeds of severe forms of trafficking  
5           in persons, and is taking steps to implement such a  
6           framework, including by investigating, prosecuting,  
7           convicting, and sentencing individuals who attempt  
8           or conduct such transactions.”.

