

CHRISTOPHER H. SMITH
4TH DISTRICT, NEW JERSEY

CONSTITUENT SERVICE CENTERS:

OCEAN

Visit: 33 Washington Street
Toms River, NJ 08754
Mail: PO Box 728
Toms River, NJ 08754
(732) 504-0567

MONMOUTH

1715 Highway 35 North
Suite 303
Middletown, NJ 07748
(732) 780-3035



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SENIOR MEMBER, HOUSE FOREIGN AFFAIRS
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www.chrissmith.house.gov

Implementation of the Trafficking Victims Protection Act

Remarks by Rep. Chris Smith (R-NJ)
May 12, 2023

This hearing of the Subcommittee on Global Health, Global Human Rights and International Organizations will come to order.

Today we will examine the ever-worsening exploitation of vulnerable persons by human traffickers and discuss U.S. efforts to combat this heinous crime.

This is the 41st congressional hearing I have chaired on human trafficking, and I am looking forward to hearing from all of our amazing leaders here today, especially the survivors.

More than twenty years ago, Congress approved and the President signed historic legislation that I authored—the [Trafficking Victims Protection Act of 2000](#). This bipartisan landmark law created a comprehensive whole-of-government initiative to combat sex and labor trafficking in the United States and around the world. It also established many new programs to protect victims, prosecute traffickers, and prevent human trafficking in the first place—the three Ps.

Looking at the progress made over the years, it is hard to believe that the Trafficking Victims Protection Act was met with serious opposition at the time—dismissed by many as a solution in search of a problem.

Most people at the time associated trafficking with drugs and weapons—not human beings. Reports of vulnerable persons—especially women and children—being reduced to commodities for sale were often met with surprise, incredulity, or indifference.

Top administration officials even [testified](#) against major provisions including sanctions and even the need to create the trafficking in persons (TIP) office arguing that exposing and sanctioning countries with egregiously poor records on human trafficking would be “counterproductive”.

As a matter of fact, when our bill was stalled and languishing and presumed dead, I invited victims of sex trafficking to inform and motivate.

Brave victims made the difference. They made clear that delay was denial.

It took over two years to muster the votes for passage and my bill was finally signed into law on [October 28, 2000](#).

Within a year after enactment no-one was arguing anymore that the Trafficking Victims Protection Act’s integrated three P’s strategy—prevention, protection for victims and prosecution of the traffickers—was flawed, unworkable, unnecessary, or counterproductive.

The bill included a number of “sea change” criminal code reforms, including treating as a victim of trafficking—and not a perpetrator of a crime—anyone recruited, harbored, transported, or obtained for the purpose of a commercial sex act or for labor services who had not attained the age of 18 or through the use of force, fraud, or coercion.

The Trafficking Victims Protection Act radically reformed the way the US responded to human trafficking—and it has pushed states and other countries to do the same.

Thanks to this Act, thousands of human traffickers have been prosecuted and jailed. Most countries in the world have responded to this gross violation of human rights and have enacted anti-trafficking legislation. Yet there is more that must be done to strengthen the US and international response to these crimes, as more than 27 million people are still being trafficked today.

That is why I’ve authored four additional laws to combat human trafficking—including TVPA reauthorizations in [2003](#) and [2005](#), International Megan’s Law in [2016](#), and in [2019](#) my good friend Karen Bass and I wrote the Frederick Douglass Trafficking Victims Prevention and Protection Act.

This is a pivotal time for Congress to be focused on human trafficking, as the U.S. faces a crisis at our southern border that has resulted in countless victims—especially women and children, being exploited while traffickers take advantage of the chaos. With the expiration of Title 42 last night, it is more important than ever that we examine what must be done to stop this crime and rescue and tangibly assist the victims.

In [2015, I chaired](#) a congressional hearing to demand accuracy and accountability when designating tier rankings pursuant to the finding of the TIP report. Egregious violators—14 countries—including China, Cuba, Oman and Malaysia were given unearned passing grades under the tier system.

The TIP office got it right only to be overruled by higher ups.

In [2016](#), I chaired another “accountability” hearing entitled—Get It Right This Time: A Victims-Centered Trafficking in Persons Report.

I said then and I reiterate now, the power of the Trafficking in Persons Report, a mainstay of the TVPA rests on its credibility. And the credibility of the report rests on its accuracy. We must get the report right—no fudging, no favors to nations based on other agendas—or we risk losing one of the most effective tools we have. Grade inflation for certain favored countries undermines credibility and demoralizes victims and anti-human trafficking advocates as well as countries. In the coming days, I plan on reintroducing the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act – which has been significantly informed by survivor input and includes a Survivor Empowerment approach to victim services. This bill will strengthen and expand U.S. anti-trafficking programs, including ramping up prevention and protection efforts against trafficking of children, and I look forward to working with my colleagues to ensure it is enacted.

I look forward to hearing from two distinguished panels of leaders including the Trafficking in persons [Ambassador-at-Large Cindy Dyer](#) and Deputy Assistant Administrator Walsh about current State Department and USAID anti-trafficking efforts, including at the southern border.