

wants to fast-track, fast-track. He wants to put this trade agreement on the floor as quickly as possible.

This body should deliberate methodically and carefully before we agree to become a rubberstamp for the White House's trade policy. It has not worked for us in the past; it will not work for us in the future. This body should not be rushing to give up our authority on trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### HUMAN TRAFFICKING AND TRADE

Mr. MENENDEZ. Mr. President, I rise to draw attention to the international plight of human trafficking and its relationship to our Nation's trade agenda.

According to the State Department's Trafficking in Persons Report, "Human trafficking" is about recruiting, harboring, transporting, providing or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud or coercion. It is an unacceptable global scourge that must end and cannot be rewarded by any trade agreement.

Sexual exploitation, forced labor, forced marriage, debt bondage, and the sale and exploitation of children around the world should be a global cry for justice. But as Benjamin Franklin once said: "Justice will not be served until those who are unaffected are as outraged as those who are."

Today, we are all outraged at the violence, the psychological terror, and the greed that drives human trafficking. We are outraged that there are 50 million refugees and displaced people around the world, the largest number since World War II, many of whom are targets of traffickers. We are outraged that 36 million women, children, and men around the world are subjected to involuntary labor or sexual exploitation. We are outraged when we hear that over 5 million of them are children, that forced labor generates about \$150-plus billion in profits annually, the second largest income source for international criminals next to the drug trade.

For the victims of these crimes, the term "modern slavery" more starkly describes what is happening around the world, and it must end.

The Trafficking Victims Protection Act requires that the State Department annually publish a Trafficking in Persons Report, known as the TIP Report, which ranks each country based upon the extent of government action to combat trafficking.

Tier 3 in that listing is the worst of these rankings. It indicates that a government does not comply with the Trafficking Victims Protection Act's minimum standards, and it is not making significant efforts to do so. Tier 3 countries are those that have not even taken the most basic steps to address their human trafficking problem and

have not provided protection for trafficking victims.

In the most recent TIP Report published, the State Department ranked 23 countries as tier 3. Countries such as North Korea, Iran, and Cuba have flaunted international legal norms and threatened to upend global security.

I am most disappointed to say that Malaysia—a middle-income country by most standards, a party to the Trans-Pacific Partnership negotiations—has the resources and the wherewithal to address human trafficking within its borders but has for years failed to take sufficient action to warrant an upgrade on the TIP Report. So it is unfortunate that the scale of the human trafficking problem in Malaysia is vast, and it is in sectors that will directly benefit from increased trade when TPP trade agreement is concluded.

The State Department's 2014 Trafficking in Persons Report states:

Many migrant workers on agricultural plantations, at construction sites, in textile factories, and in homes as domestic workers throughout Malaysia are exploited and subjected to practices indicative of forced labor, such as restrictions on movement, deceit and fraud in wages, passport confiscation, and imposition of significant debts by recruitment agents or employers.

Most disappointingly, the State Department wrote last year that the Malaysian Government was neglecting the problem. The 2014 TIP Report continues:

Malaysian authorities continued to detain trafficking victims in government facilities for periods of time that sometimes exceeded a year; victims had limited freedom of movement and were not allowed to work outside the facilities. The government provided minimal basic services to those staying in its shelters; NGOs—with no financial support from the government—provided the majority of rehabilitation and counseling services. . . . The government identified 650 potential victims in 2013—significantly fewer than the 1,096 potential victims identified in 2012. It reported fewer investigations (89 compared to 190) and fewer convictions (nine compared to 21) compared to the previous year.

Furthermore, in January, 2013, the Malaysian Government implemented a policy that places the burden of paying immigration and employment authorization fees on foreign workers rather than on employers, increasing the risk of workers falling into debt bondage. And, while nearly a year has passed since the State Department issued its 2014 report—as recently as April 17, this past month—the U.S. Ambassador to Malaysia said the Malaysian Government needs to show greater political will in prosecuting human traffickers and protecting their victims if the country hopes to improve on its current lowest ranking in the TIP Report.

It is precisely to combat crimes such as these that Congress has taken action this year to fight modern slavery. Earlier this year, the Foreign Relations Committee, under the leadership of Chairman CORKER, held an important hearing on human trafficking on February 4. On April 22, Congressman

CHRIS SMITH of New Jersey held a House subcommittee hearing examining the State Department's Trafficking in Persons Report, emphasizing the need to maintain the integrity of the tier ranking system.

On that same day, April 22, the Senate voted 99 to 0 for the Justice for Victims of Trafficking Act, authored by Senator CORNYN. Later that day, in the Committee on Finance, a bipartisan group of 16 Senators voted for my amendment to prohibit fast-track procedures from applying to any trade agreement with a country ranked as tier 3—the worst ranking.

Congress has never before approved a free-trade agreement, much less fast-tracked one, with any country while it was ranked tier 3, and I do not believe we should start now.

I want to be clear. The amendment I offered and which was adopted with a bipartisan vote in the Committee on Finance is not meant to single out Malaysia or any other country. My antitrafficking provision to the fast track bill is a simple bipartisan statement of our American values. Contrary to the administration's comments, my amendment is not a poison pill. I don't know when trying to fight human trafficking becomes a poison pill. Nothing could be further from the truth.

Senator CORNYN, perhaps the Senate's strongest advocate for victims of human trafficking, voted for my amendment. Senator PORTMAN, the former U.S. Trade Representative, voted for my amendment. Senator WYDEN, the ranking member of the Committee on Finance and coauthor of the Bipartisan Congressional Trade Priorities and Accountability Act, also voted for my amendment.

In total, 10 members of the Committee on Finance who voted for my amendment also voted for the fast-track bill. I cannot believe we would have seen such a strong bipartisan vote from so many Senators who support fast track if this amendment were truly a poison pill.

Now, the administration has recently said this amendment would remove our ability to use our trade dialogue to encourage countries to take action on human trafficking. But I want the record to reflect the fact that trade negotiations with the United States have not improved most countries' human trafficking performance. It is clear that years of engagement with Malaysia on this issue, even with the carrot of the TPP negotiations hanging before it, have not been enough to generate action from the Malaysian government.

Of the 17 countries the United States has entered into trade agreements with since 2001—the first year of the Trafficking in Persons Report—eight have not improved their trafficking in persons rankings since their trade deals entered into force. So for almost a decade and a half, eight have not improved their rankings since the trade deals entered into force, and three countries

have actually had their trafficking in persons rankings downgraded after their trade deals entered into force.

The facts are abundantly clear. Free trade negotiations have never been a successful tool in encouraging other countries to improve their performance on combating human trafficking.

Now, I understand the administration's concerns over the effect of my amendment on the current TPP negotiations. But I hope that as the State Department finalizes the 2015 report, there is no undue influence to move countries around in order to benefit the administration's trade agenda. The integrity of the TIP report is at stake. And rest assured the Congress will provide the appropriate oversight to ensure that integrity. After all, in the State Department's own words, the TIP Report "is the U.S. Government's principal tool to engage foreign governments on human trafficking."

Furthermore, I now understand the administration is reaching out to human rights groups, seeking compromise language that would address the concerns about human trafficking in our trade partners that I and others have spoken of. So I am pleased the administration recognizes the validity of my position as adopted by the Committee on Finance and agrees that it is appropriate to address human trafficking in this trade bill.

Let me close by saying I want to remind my colleagues that the fast track negotiating authority is precisely the point at which Congress lays down the rules, the conditions, and the principles by which the administration is granted our constitutional prerogative to negotiate international trade deals. Any suggestion that the bipartisan statement of negotiating principles of the Senate Committee on Finance is an interference with the administration's prerogatives gets that constitutional relationship backwards. We set the terms. The administration follows those terms in their negotiations. It is not our job to trim our principles to match the deal they have already negotiated.

This goes to the very heart of our congressional duties and to the heart

of our constitutional power over international trade, and I believe it goes to the heart of the debate over fast-track authority itself that we began in the Committee on Finance and will soon engage on here on the Senate Floor as early as tomorrow. Do we set the terms by which our trade powers are delegated to the administration or do they dictate the terms they will accept?

That brings me to the question of the trade bill we may be considering as early as tomorrow. We do not know whether the hard-fought product of the Committee on Finance will be respected. We do not know if a major trade preference package or long-awaited trade enforcement reforms will be included. When we are asked to vote on cloture tomorrow, at least at this point, will we be voting for a blank piece of paper? How can any Member in their right mind vote to move forward when they do not even know what they are moving forward on?

I have asked to see the text, because I want to see, among other things, whether the amendment that was adopted by the Committee on Finance on human trafficking is in there. I am told we don't have it. It is nearly 7 o'clock the evening before we will vote at 2:30 tomorrow. How do Members of the Senate vote in blank on the most significant trade bill we have had in well over a decade? That is not good enough for me, and it should not be good enough for the Senate.

So I hope as we move forward to consider a fast-track bill, my colleagues will bear in mind the importance of protecting the process of the Senate Committee on Finance, just as we have protected the process of every committee that has a bill brought to the Senate Floor. That is why I am asking my colleagues to keep this amendment in the bill and help fight the scourge of modern slavery in the countries we trade with.

The bill reported by the Committee on Finance puts a strong emphasis on our need to match the actions we take on human trafficking at home to those we take in the international arena. And while we may not agree with the specifics of our trade policy, I hope

when the fast-track bill comes to the floor, the Senate will stand together, reaffirming our commitment to holding our trading partners accountable for their lack of action on combating human trafficking.

With that, I yield the floor.

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#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:53 p.m., adjourned until Tuesday, May 12, 2015, at 10 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF EDUCATION

JULIUS LLOYD HORWICH, OF ILLINOIS, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE GABRIELLA CECILIA GOMEZ.

##### DEPARTMENT OF TRANSPORTATION

GREGORY GUY NADEAU, OF MAINE, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE VICTOR M. MENDEZ, RESIGNED.

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ANN CALVARESI BARR, OF MARYLAND, TO BE INSPECTOR GENERAL, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE DONALD A. GAMBATESA, RESIGNED.

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE SERVING AS THE JUDGE ADVOCATE GENERAL UNDER TITLE 10, U.S.C., SECTION 5148:

*To be vice admiral*

REAR ADM. JAMES W. CRAWFORD III

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#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 11, 2015 withdrawing from further Senate consideration the following nomination:

KATHERINE SIMONDS DHANANI, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF SOMALIA, WHICH WAS SENT TO THE SENATE ON FEBRUARY 25, 2015.