

Calendar No. 82

114TH CONGRESS }
1st Session }

SENATE

{ REPORT
114-46

HUMAN TRAFFICKING DETECTION
ACT OF 2015

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 460

TO DIRECT THE SECRETARY OF HOMELAND SECURITY TO TRAIN
DEPARTMENT OF HOMELAND SECURITY PERSONNEL HOW TO
EFFECTIVELY DETER, DETECT, DISRUPT, AND PREVENT HUMAN
TRAFFICKING DURING THE COURSE OF THEIR PRIMARY ROLES
AND RESPONSIBILITIES, AND FOR OTHER PURPOSES



MAY 14, 2015.—Ordered to be printed

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HUMAN TRAFFICKING DETECTION ACT OF 2015

MAY 14, 2015.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 460]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 460) to direct the Secretary of Homeland Security to train Department of Homeland Security personnel how to effectively deter, detect, disrupt, and prevent human trafficking during the course of their primary roles and responsibilities, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

I. PURPOSE AND SUMMARY

H.R. 460, the Human Trafficking Detection Act of 2015, requires the Secretary of Homeland Security (the Secretary) to train and periodically retrain relevant Department of Homeland Security (DHS) personnel on methods for deterring, detecting, and disrupting human trafficking and would authorize the Secretary to provide training curricula to state, local, and tribal governments, and private organizations upon request. The act reflects DHS's important role in combating human trafficking, through the Blue Campaign and public-facing operational components like the Transportation Security Administration (TSA), U.S. Coast Guard, and U.S. Customs and Border Protection (CBP).

II. BACKGROUND AND THE NEED FOR LEGISLATION

Today, human trafficking is one of the most prolific areas of criminal activity around the world.¹ It is a \$32 billion global industry, ranking second only to drug trafficking among the most profitable transnational crimes.² Human traffickers operate nationwide, exploiting victims of any age, race, gender, nationality, or socioeconomic background.³

Human trafficking presents U.S. law enforcement with a multifaceted challenge.⁴ Often, victims are forced to work in various legitimate and illegitimate agriculture, manufacturing, hospitality, and foodservice industries, but only a few are identified or seek assistance because of the difficulty in detection and perpetrators' control over their victims.⁵ The United States also acts as a source, transit, and final destination country for the trafficking of both U.S. and foreign nationals.⁶ During Fiscal Year (FY) 2013, federal agencies identified men, women, and children—mostly from the U.S., Mexico, the Philippines, Thailand, Honduras, Guatemala, India, and El Salvador—as victims of forced labor or sexual exploitation.⁷ To combat domestic human trafficking and disrupt supply chains, DHS focuses its domestic response on increasing public awareness and reporting, providing assistance to victims and survivors, and training law enforcement officers to arrest and prosecute perpetrators.⁸

Recognizing the complexity of combating human trafficking and the need for better coordination, in 2010, DHS established a unified victim-centered program to coordinate its human trafficking response and awareness campaign, the Blue Campaign.⁹ The Blue Campaign raises public awareness about human trafficking taking place within U.S. national borders by educating the public, law enforcement, and public and private organizations on how to recognize and report possible human trafficking.¹⁰ Specifically, the Blue Campaign provides formal training on the indicators of human trafficking to those most likely to encounter a victim or a trafficker, including first responders, healthcare providers, social workers, community volunteers, and law enforcement officers.¹¹

¹See generally *Combating Human Trafficking: Federal, State, and Local Perspectives: Hearing Before the Comm. on Homeland Security & Governmental Affairs*, 113th Cong. 13 (2013) [hereinafter *Combating Human Trafficking*].

²See Director-General, International Labour Office, *A Global Alliance Against Forced Labour* 55 (2005); see also U.S. Department of Homeland Security, *Definition of Human Trafficking*, Dec. 22, 2014, <http://www.dhs.gov/definition-human-trafficking>.

³U.S. Department of Homeland Security, *Myths and Misconceptions*, <http://www.dhs.gov/blue-campaign/myths-and-misconceptions> (last visited March 25, 2015).

⁴*E.g.*, *Combating Human Trafficking*, *supra* note 1 at 36 (statement of John J. Farmer, Jr., Senior Vice President and University Counsel, Rutgers, the State University of New Jersey).

⁵See *id.* at 20 (joint statement of Anne C. Gannon, National Coordinator for Child Exploitation Prevention and Interdiction, Office of the Deputy Att'y Gen., U.S. Department of Justice, and Joseph S. Campbell, Deputy Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, U.S. Department of Justice); U.S. Department of State, *Trafficking in Persons Report* 397 (2014); Heather J. Clawson and Nicole Dutch, U.S. Department of Health and Human Services, *Identifying Victims of Human Trafficking* 2 (2008).

⁶Trafficking in Persons Report, *supra* note 5, at 397.

⁷*Id.*

⁸*Combating Human Trafficking*, *supra* note 1 at 89 (joint statement of Alice Hill, Chair, Blue Campaign, U.S. Department of Homeland Security, and James Dinkins, Executive Associate Director, Homeland Security Investigations, Immigration and Customs Enforcement, U.S. Department of Homeland Security).

⁹*Id.* at 9.

¹⁰*Id.*

¹¹*Id.*

In recent years, Blue Campaign partnerships have significantly increased human trafficking reporting to the U.S. Immigration and Customs Enforcement's (ICE) investigative tip line (1-866-347-2423). Compared to the 231 tips received in FY 2010, DHS law enforcement components reported 384 tips in FY 2011 and 588 in FY 2012.¹² In FY 2014, ICE Homeland Security Investigations initiated 987 investigations related to human trafficking and recorded 1,770 arrests, 1,028 indictments, and 828 convictions.¹³ These efforts resulted in identification of more than 440 human trafficking victims to receive victim assistance and medical services.¹⁴

However, challenges remain in combating domestic human trafficking. In its 2014 *Trafficking in Persons* report, the U.S. Department of State recommended the United States strengthen inter-agency coordination on survivor engagement and training, and enhance human trafficking training for law enforcement and prosecutors.¹⁵ The report also noted non-governmental organizations have called for increased transparency in reporting results of federal criminal trafficking investigations that do not result in criminal prosecutions.¹⁶

This act seeks to address those concerns by requiring human trafficking training for DHS personnel and improving reporting of suspected and confirmed human trafficking cases. H.R. 460 requires the Secretary to ensure that TSA, CBP, and other DHS personnel who interact with the public periodically receive training on the most current methods to identify suspected victims and perpetrators while performing their primary responsibilities. It also requires the Secretary to submit an annual report describing the overall effectiveness of the training program required by the Act. Specifically, the report will require DHS to provide the number of suspected and confirmed cases of human trafficking reported by DHS personnel. Finally, the act authorizes the Secretary to provide training curricula to state and local governments and public and private organizations who request assistance in establishing a training program to contribute to the efforts to combat human trafficking in the United States.

III. LEGISLATIVE HISTORY

In the 113th Congress, on September 23, 2013, the Committee held a hearing titled "Combating Human Trafficking: Federal, State and Local Perspectives."¹⁷ The purpose of the hearing was to raise awareness about domestic human trafficking and examine efforts to coordinate federal, state, tribal and local efforts to combat human trafficking within the U.S. Witnesses at the hearing were two senior DHS officials, including the Chair of the Blue Campaign; the National Coordinator for Child Exploitation Prevention and Interdiction at the Department of Justice; two representatives from human trafficking victims resource centers; a representative from a non-profit anti-human trafficking advocacy organization; and the Senior Vice President and Professor of Law at Rutgers

¹²DHS Briefing to Committee Staff (March 23, 2015).

¹³*Id.*

¹⁴*Id.*

¹⁵Trafficking in Persons Report, *supra* note 5, at 398.

¹⁶*Id.* at 399.

¹⁷*Combating Human Trafficking*, *supra* note 1.

University. The witnesses discussed the incidence of human trafficking in the U.S. and their respective communities, causes of human trafficking, and existing federal, state, and local strategies to combat it. The witnesses also offered strategies for increasing national awareness of human trafficking, and opportunities for increased collaboration between federal, state, tribal and local authorities.

On July 15, 2014, Representative Meadows introduced H.R. 5116, the Human Trafficking Detection Act of 2014. The act passed the House by voice vote on July 23, 2014, but the Senate did not take up the bill during the 113th Congress.

In the 114th Congress, on January 21, 2015, Representative Walker introduced the Human Trafficking Detection Act of 2015. Upon being discharged by the House Committee on Homeland Security, the act passed the House by voice vote on January 27, 2015. The measure was received in the Senate and referred to the Committee on Homeland Security and Governmental Affairs on January 28, 2015. Chairman Johnson introduced S. 623, a companion bill to H.R. 460, in the Senate on March 3, 2015, which was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered H.R. 460 at a business meeting on March 4, 2015. The Committee ordered the act, without amendment, reported favorably by voice vote on March 4, 2015. Senators present for the vote were: Johnson, Portman, Lankford, Ayotte, Ernst, Carper, McCaskill, Baldwin, Heitkamp, and Peters.

IV. SECTION-BY-SECTION ANALYSIS OF THE ACT, AS REPORTED

Section 1. Short title

This section provides the act's short title, the "Human Trafficking Detection Act of 2015."

Section 2. Definitions

This section defines several terms, including "human trafficking."

Section 3. Training for department personnel to identify human trafficking

Subsection (a) requires that within 180 days of enactment, the Secretary implement a program to train relevant TSA, CBP, and other DHS personnel to effectively deter, detect, and disrupt human trafficking during the course of their primary responsibilities; and, where appropriate, how to interdict a perpetrator during the course of their primary responsibilities.

Subsection (b) allows the Secretary to achieve the training required by subsection (a) via in-person or online training, and requires the training modules to include: methods to identify suspected victims and perpetrators; methods to safely approach a suspected victim; location and environment specific information; other topics that the Secretary deems appropriate to combat human trafficking; and an evaluation of the personnel after completing the assigned training.

Subsection (c) requires the Secretary to reassess annually the training program established under subsection (a) to ensure the training modules are kept current.

Section 4. Certification and report to Congress

Subsection (a) directs the Secretary to certify to the appropriate congressional committees, which the Committee intends to include the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security, that all relevant DHS personnel have successfully completed the required training under section 3.

Subsection (b) requires the Secretary to report annually to the appropriate congressional committees, which the Committee intends to include the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security, on the overall effectiveness of the training program and on the number of suspected cases reported by DHS personnel as well as the number of confirmed cases of human trafficking. The Committee recognizes the number of confirmed cases reported by the Secretary may be lower than the number of cases suspected and investigated, due to the inherent challenges in identifying and prosecuting human traffickers. Accordingly, the Committee instructs the Secretary to include with the report such caveats as necessary to explain these data and their limitations, as well as any additional information that may be necessary to provide a complete picture of the Department's efforts to combat human trafficking.

Section 5. Assistance to non-Federal entities

This section authorizes the Secretary to provide training curricula to any state, local, or tribal government, or private organization seeking to establish its own training program to identify human trafficking.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this act and determined that the act will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MARCH 18, 2015.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 460, the Human Trafficking Detection Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 460—Human Trafficking Detection Act of 2015

H.R. 460 would require the Department of Homeland Security (DHS) to train certain employees in techniques for detecting and deterring human trafficking. DHS also would have to prepare an annual report to the Congress on the effectiveness of the training program. There are ongoing activities within the department to provide the training required by the act, so CBO estimates that implementing H.R. 460 would not significantly affect DHS spending. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

H.R. 460 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE ACT, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would make no changes in existing law within the meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

