

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
115-177

COMBATING HUMAN TRAFFICKING IN
COMMERCIAL VEHICLES ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1536



OCTOBER 23, 2017.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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Mr. THUNE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 1536]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1536) to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purposes of S. 1536, the Combating Human Trafficking in Commercial Vehicles Act, are to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's (FMCSA) outreach and education program to include human trafficking recognition, prevention, and reporting activities.

BACKGROUND AND NEEDS

Human trafficking, particularly sex trafficking, is known to be present at commercially operated truck stops and State-operated rest areas throughout the United States. Given their remoteness and insulation from communities, these locations can be convenient places for sex traffickers to operate with minimal concerns of detection. The frequent movement of these victims aids traffickers both in maintaining control and avoiding law enforcement. Other forms

of human trafficking, such as labor trafficking, have a presence in these locations as well.

Nonprofit organizations like Truckers Against Trafficking (TAT) have made substantial progress in spreading awareness of areas where human trafficking and the trucking industry intersect. Their efforts have resulted in increased reporting of trafficking incidents by truckers who can act as “eyes and ears” on roads nationwide. S. 1536 would provide additional tools to educate truckers and enlist their cooperation in preventing these crimes, while providing greater coordination between modal administrations of the Department of Transportation (DOT) to centralize efforts in combating human trafficking.

SUMMARY OF PROVISIONS

S. 1536 would designate a human trafficking prevention coordinator at the DOT, responsible for managing prevention efforts across the modal administrations within the DOT and with other departments and agencies in the Federal Government, particularly those tailored to the transportation sector. S. 1536 also would expand the scope of activities authorized under the DOT’s FMCSA outreach and education program to include human trafficking prevention activities and provide eligibility under the FMCSA Commercial Driver’s License (CDL) grant program to support the recognition, prevention, and reporting of human trafficking.

Finally, S. 1536 would create an advisory committee on human trafficking within the DOT, responsible for issuing legislative and administrative recommendations to the DOT while serving in an advisory capacity to State and local government agencies on human trafficking prevention strategies in the transportation sector.

LEGISLATIVE HISTORY

S. 1536 was introduced on July 12, 2017, by Senators Klobuchar, Thune, and Nelson. Additional cosponsors include Senators Cornyn, Rubio, Heller, and Blumenthal. The Committee, by voice vote, ordered S. 1536 reported favorably with an amendment (in the nature of a substitute) on August 3, 2017.

In addition, on July 12, 2017, the Committee held a hearing entitled, “Force Multipliers: How Transportation and Supply Chain Stakeholders Are Combating Human Trafficking,” which examined the various interactions between the transportation sector and human trafficking, and served as an opportunity to explore some of the specific solutions and efforts utilized by organizations that work to mitigate the exploitation of individuals.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 1536—Combating Human Trafficking in Commercial Vehicles Act

S. 1536 would require the Department of Transportation (DOT) to designate an official to coordinate agency activities designed to

prevent and address human trafficking, to establish an advisory committee on human trafficking within DOT, and to authorize that certain grant funds administered by the Federal Motor Carrier Safety Administration (FMCSA) be used for activities related to preventing human trafficking. Based on information from DOT, CBO estimates that implementing the provisions of the bill would require an additional one to two employees per year over the 2019–2022 period at a cost of about \$1 million over the 2018–2022 period, assuming availability of appropriated funds.

Enacting S. 1536 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 1536 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Under current law, FMCSA has \$4 million per year in contract authority (a mandatory form of budget authority) to provide education and outreach grants. S. 1536 would make education about preventing and reporting of human trafficking an additional eligible expense for grant recipients. Because states already have flexibility to use their education and outreach grant funds, CBO does not expect the additional authority would have any significant effect on spending over the 2018–2022 period.

S. 1536 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit state and local agencies by authorizing the use of federal assistance to support the prevention of human trafficking. Any costs incurred by those entities would result from voluntary commitments.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 1536 would not make any legislative modifications resulting in a change in the number of persons covered under existing law.

ECONOMIC IMPACT

The legislation is not expected to have a negative impact on the Nation's economy. Rather, the legislation would make changes within the DOT to increase awareness of human trafficking in the supply chain.

PRIVACY

The reported bill is not expected to impact the personal privacy of individuals.

PAPERWORK

This legislation is not expected to result in additional paperwork. While S. 1536 would create a DOT advisory committee on human

trafficking, this and other modifications to existing law are not expected to result in more paperwork.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would provide that the Act may be cited as the “Combating Human Trafficking in Commercial Vehicles Act.”

Section 2. Human trafficking prevention coordinator

This section would establish a human trafficking prevention coordinator, responsible for coordinating human trafficking prevention activities throughout the modal administrations at the DOT and with other departments and agencies of the Federal Government.

Section 3. Expansion of outreach and education program

This section would authorize outreach and education funds for commercial motor vehicle safety also to be used for human trafficking recognition, prevention, and reporting purposes.

Section 4. Expansion of commercial driver’s license financial assistance program

This section would provide eligibility under FMCSA’s CDL grant program to support the recognition, prevention, and reporting of human trafficking.

Section 5. Establishment of the Department of Transportation Advisory Committee on Human Trafficking

This section would establish the Advisory Committee on Human Trafficking (Advisory Committee) within the DOT. The Advisory Committee would consist of 15 external stakeholder members, with lifetime appointments, from trafficking advocacy organizations, law enforcement, and transportation modal sectors (e.g., trucking, maritime, and rail). The Advisory Committee would be charged with the submission of recommendations to the DOT on human trafficking, including prevention strategies and legislative or administrative changes.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 49. TRANSPORTATION

SUBTITLE VI. MOTOR VEHICLE AND DRIVER PROGRAMS

PART B. COMMERCIAL

CHAPTER 311. COMMERCIAL MOTOR VEHICLE SAFETY

SUBCHAPTER I. GENERAL AUTHORITY AND STATE GRANTS

§ 31110. Authorization of appropriations

(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

- (1) \$267,400,000 for fiscal year 2016;
- (2) \$277,200,000 for fiscal year 2017;
- (3) \$283,000,000 for fiscal year 2018;
- (4) \$284,000,000 for fiscal year 2019; and
- (5) \$288,000,000 for fiscal year 2020.

(b) USE OF FUNDS.—The funds authorized by this section shall be used for—

- (1) personnel costs;
- (2) administrative infrastructure;
- (3) rent;
- (4) information technology;
- (5) programs for research and technology, information management, regulatory development, and the administration of performance and registration information systems management under section 31106(b);
- (6) programs for outreach and education under subsection (c);
- (7) other operating expenses;
- (8) conducting safety reviews of new operators; and
- (9) such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

(c) OUTREACH AND EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, and other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration. *The program authorized under this subsection may support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking, while deferring to existing resources, as practicable.*

(2) FEDERAL SHARE.—The Federal share of an outreach and education project for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the project.

(3) FUNDING.—From amounts made available under subsection (a), the Secretary shall make available not more than \$4,000,000 each fiscal year to carry out this subsection.

(d) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the

Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(e) **FUNDING AVAILABILITY.**—Amounts made available under this section shall remain available until expended.

(f) **CONTRACTUAL OBLIGATION.**—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.

CHAPTER 313. COMMERCIAL MOTOR VEHICLE OPERATORS

§ 31313. Commercial driver's license program implementation financial assistance program

(a) **FINANCIAL ASSISTANCE PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (2) and (3).

(2) **STATE COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION GRANTS.**—In carrying out the program, the Secretary may make a grant to a State agency in a fiscal year—

(A) to assist the State in complying with the requirements of section 31311; and

(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve the State's implementation of its commercial driver's license program, including expenses—

(i) for computer hardware and software;

(ii) for publications, testing, personnel, training, and quality control;

(iii) for commercial driver's license program coordinators; and

(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

(3) **PRIORITY ACTIVITIES.**—The Secretary may make a grant to or enter into a cooperative agreement with a State agency, local government, or any person in a fiscal year for research, development and testing, demonstration projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety that—

(A) benefit all jurisdictions of the United States;

(B) address national safety concerns and circumstances;

(C) address emerging issues relating to commercial driver's license improvements;

(D) support innovative ideas and solutions to commercial driver's license program issues; **[or]**

(E) support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking; or

[(E)](F) address other commercial driver's license issues, as determined by the Secretary.

(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a recipient described in subsection (a)(3) according to criteria prescribed by the Secretary.

(e) FUNDING.—For fiscal years beginning after September 30, 2016, this section shall be funded under section 31104.

