

**Calendar No. 600**

117TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
117-236

IMPACTT HUMAN TRAFFICKING ACT

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R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

S. 4611

TO IMPROVE SERVICES FOR TRAFFICKING VICTIMS  
BY ESTABLISHING, IN HOMELAND SECURITY  
INVESTIGATIONS, THE INVESTIGATORS MAINTAIN  
PURPOSEFUL AWARENESS TO COMBAT TRAFFICKING  
TRAUMA PROGRAM AND THE VICTIM ASSISTANCE PROGRAM



DECEMBER 7, 2022.—Ordered to be printed

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**IMPACTT HUMAN TRAFFICKING ACT**

DECEMBER 7, 2022.—Ordered to be printed

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

**R E P O R T**

[To accompany S. 4611]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 4611), to improve services for trafficking victims by establishing, in Homeland Security Investigations, the Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma Program and the Victim Assistance Program, 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.

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**I. PURPOSE AND SUMMARY**

S. 4611, the *IMPACTT Human Trafficking Act*, will enhance the Department of Homeland Security’s (DHS) Homeland Security Investigations (HSI) efforts to combat human trafficking by codifying and expanding the HSI Victim Assistance Program to provide services for trafficking victims. The bill would also establish a program to safeguard HSI employees and partners who are exposed to repeated stress and associated trauma in working with victims of human trafficking.

## II. BACKGROUND AND THE NEED FOR LEGISLATION

Human trafficking is the second largest criminal industry in the world, falling shortly behind the drug trade.<sup>1</sup> This crime is a violation of human rights and involves either commercial sexual exploitation or forced labor. Unlike drugs, a person can be sold over and over again for continual profit. According to the U.S. National Human Trafficking Hotline, there were 16,658 victims of human trafficking identified through the hotline in 2020 alone.<sup>2</sup> Human trafficking victims can be of any gender, age, race, ethnicity, nationality, religion, and socio-economic class. Likewise, this is also true of human traffickers, who may be strangers but are often acquaintances or family members known to the victim. This increasingly prevalent crime is estimated to yield global profits of \$150 billion every year.<sup>3</sup>

Since the creation of DHS in 2003, HSI has played a leading role in identifying victims of human trafficking and child exploitation, as well as bringing violators to justice. HSI pursues a victim-centered approach to human trafficking, seeking to minimize additional trauma, mitigate undue penalization, and stabilize and support victims.<sup>4</sup> This approach encourages survivors to participate actively in investigations, enabling law enforcement to better detect, investigate, and prosecute perpetrators. It also requires significant efforts from the agents and assistance specialists involved, who work tirelessly to bring perpetrators to justice in a way that ensures victims have sufficient support.

This bill codifies and enhances the Victim Assistance Program, which provides HSI with victim assistance specialists to serve victims identified through HSI investigations. This bill will create additional Victim Assistance Specialist (VAS) positions to ensure every office participating in a human trafficking or child exploitation task force will have a dedicated VAS. Currently, there are only enough VASs to serve the largest field offices within HSI, leaving the majority of offices to rely on agents who provide victim assistance as a secondary responsibility. These agents are not professional VASs and conduct this duty alongside their criminal investigations work. The Victim Assistance Program and its expansion is essential to carrying out HSI's victim-centered approach. VASs provide victim support and referral to services throughout the investigative and prosecutorial process. Through this program, VASs also provide training and outreach to HSI employees, law enforcement and victim service partners, private sector stakeholders, and community organizations in an effort to increase identification of victims and referrals for human trafficking investigations. This bill would ensure that the required training provided by VASs regarding victims' rights, victim-related policies, roles of forensic

<sup>1</sup>United States Agency for International Development, *Countering Trafficking in Persons* (<https://www.usaid.gov/trafficking>) (accessed 11/30/2022).

<sup>2</sup>Polaris Project, *Human Trafficking Trends in 2020, An analysis of data from the U.S. National Human Trafficking Hotline* (<https://polarisproject.org/wp-content/uploads/2022/01/Human-Trafficking-Trends-in-2020-by-Polaris.pdf>) (accessed Oct. 14, 2022).

<sup>3</sup>U.S. Department of Homeland Security, *Countering Human Trafficking: Year in Review (October 2020 to September 2021)*, (<https://www.dhs.gov/sites/default/files/2022-02/CCHT%20Annual%20Report.pdf>) (accessed Oct. 14, 2022).

<sup>4</sup>U.S. Department of Homeland Security, DHS Center for Countering Human Trafficking ([www.dhs.gov/dhs-center-countering-human-trafficking](http://www.dhs.gov/dhs-center-countering-human-trafficking)) (accessed Aug. 18, 2022).

interviewers and VASs, is conducted through an approach that is victim-centered, trauma informed, and linguistically appropriate.

The Victim Assistance Program provides forensic interview support that is crucial for successful investigations and ensures the least amount of retraumatization of victims. It also provides training and technical assistance to agents and other law enforcement partners to ensure victims have access to the rights and services to which they are entitled. This bill allows, through the Victim Assistance Program, funds to be available for emergency expenditures for items related to basic needs upon recovery of a victim, such as food, clothing, hygiene products, transportation, and temporary shelter. These emergency expenditures are often taken on by agents and VASs who are first in contact with victims, often without reimbursement. By making these funds immediately accessible, victims receive these items in a more expeditious manner.

Trauma experienced by human trafficking victims can be devastating and often involves extreme psychological and physical abuse at the hands of traffickers. Vicarious and other secondary trauma exposure occurs when those working with victims, including law enforcement officers, witness the initial recovery and observe first-hand the cruelty and violence the victim has endured; listen to victims recount vivid details of their victimization; are exposed to videos and images of severe exploitation; and witness the long road to recovery, which often includes regressive setbacks. This trauma can significantly affect the physical and emotional well-being of the law enforcement, forensic interviewers, service providers and other professionals who are working with victims. According to the Department of Justice's Office of Victims of Crime, some of the common negative reactions of vicarious and other associated trauma include: difficulty managing emotions; physical problems or complaints, including decreased resistance to illness; loss of a sense of meaning in life; relationship problems; aggressive or violent outbursts and behavior; destructive coping or addictive behaviors; and a combination of symptoms that comprise a diagnosis of Posttraumatic Stress Disorder (PTSD), among other reactions.<sup>5</sup>

This bill would codify a program initiated at HSI in 2022 to provide support to address such secondary trauma. The Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma Program (IMPACTT program) was developed after agents working in the field and at the HSI Center for Countering Human Trafficking (CCHT) identified a significant need to address these issues. The IMPACTT Program provides outreach and training to HSI employees and partners who have been exposed to vicarious trauma in working with victims of human trafficking. The bill requires the IMPACTT program to provide self-awareness training to those working with victims on recognizing the signs of burnout, stress, and vicarious trauma. This training must provide tools and resources for self-care and resilience. Additionally, training must be provided to first line supervisors of relevant employees specific to recognizing the aforementioned signs and how to provide the appropriate response.

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<sup>5</sup> U.S. Department of Justice, Office of Victims of Crime, *What is Vicarious Trauma?* (<https://ovc.ojp.gov/program/vtt/what-is-vicarious-trauma>) (accessed Aug. 11, 2022).

### III. LEGISLATIVE HISTORY

Senator Peters (D–MI), along with Senator Portman (R–OH), introduced S. 4611 on July 26, 2022. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 4611 at a business meeting on August 3, 2022. During the business meeting, Senators Peters and Portman filed a substitute amendment to provide for the short title of *IMPACTT Human Trafficking Act*. The bill, as amended, was ordered reported favorably by voice vote *en bloc*, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley present.

### IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

#### *Section 1. Short title*

This section cites the short title as the “IMPACTT Human Trafficking Act.”

#### *Section 2. Investigators Maintain Purposeful Awareness to Combat Trafficking Trauma Program*

This section establishes the IMPACTT Program within HSI. The IMPACTT Program will provide outreach and training to HSI employees and partners who have been exposed to vicarious trauma in working with victims of human trafficking. This section requires, through the IMPACTT program, that self-awareness training be provided to the relevant employees and partners on recognizing the signs of burnout, compassion fatigue, critical incident stress, traumatic stress, posttraumatic stress, secondary traumatic stress, and vicarious trauma. This training must include mechanisms of self-care, resilience, and resources available through the employee assistance program. Additionally, training must be provided to first line supervisors of relevant employees specific to recognizing the aforementioned signs and how to provide the appropriate response.

This section requires training modules to be carried out by licensed and accredited clinicians or other subject matter experts who have been trained on the exposure of various forms of trauma and other stressors experienced in working with victims.

This section also charges the HSI Center for Countering Human Trafficking with overseeing the IMPACTT program to ensure that training is offered to all relevant employees, appropriate program materials are distributed, and any needed travel and equipment is provided.

This section also authorizes \$800,000 to be appropriated for each fiscal year for the Secretary to carry out the IMPACTT program.

#### *Section 3. Homeland Security Investigations Victim Assistance Program*

This section defines “Forensic Interview Specialist” as an interviewer who has specialized experience and training in conducting trauma-informed forensic interviews with victims of crime. It also defines “Victim Assistance Specialist” as a victim assistance professional who has experience working with victims of crime in a service capacity and has been trained on the exposure of various forms of trauma and other stressors experienced in working with victims.

This section establishes the HSI Victim Assistance Program and provides HSI with VAS to serve victims identified through HSI investigations in every Special Agent in Charge Office, Regional Attach Office, and every office that participates in a human trafficking or child exploitation task force. The Victim Assistance Program is authorized to provide oversight, guidance, training, travel, equipment, and coordination to victim assistance personnel throughout the United States. VASs will provide training regarding victims' rights, victim-related policies, roles of forensic interviewers and VASs, through an approach that is victim-centered, trauma informed, and linguistically appropriate. Through this program, HSI VASs will also provide training in an effort to increase identification of victims and referrals for investigation.

This section allows funds to be available for emergency expenditures for items related to basic needs upon recovery of a victim; such as food, clothing, hygiene products, transportation, and temporary shelter.

This section authorizes there to be appropriated \$25,000,000 for each fiscal year to carry out this program.

This section also includes a technical amendment that amends Subtitle D of title IV of the Homeland Security Act of 2002 to replace "Bureau of Border Security" with "U.S. Immigration and Customs Enforcement."

#### *Section 4. Annual Report*

This section requires that not later than one year after the date of the enactment, and annually thereafter, the Secretary to submit a report to Congress that identifies, with respect to the reporting period, the number of trainings that were provided through the IMPACTT Program and the number of personnel who received such training and the number of potential human trafficking victims who were assisted by the Homeland Security Investigations Victim Assistance Program.

### 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 bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill 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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 9, 2022.*

Hon. GARY C. PETERS,  
*Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects

and mandates information for some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

SUMMARY ESTIMATES OF LEGISLATION ORDERED REPORTED

Senate Committee on Homeland Security and Governmental Affairs The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.



**ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION**

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023-2032	Revenues, 2023-2032	Spending Subject to Appropriation, 2023-2027	Pay-As-You-Go Procedures Apply?	Increase On-Budget Deficits Beginning in 2033?	Mandates	Contact
S. 4611	IMPACT: Human Trafficking Act	Ordered reported	08/03/22	750	0	0	Not estimated	No	No	No	Jeremy Crimm

S. 4611 would authorize the appropriation of \$800,000 annually to provide outreach and training for Immigration and Customs Enforcement (ICE) staff who have been exposed to trauma from working with victims of human trafficking. The bill also would authorize the appropriation of \$25 million annually for a victim assistance program within ICE. CBO estimates that enacting S. 4611 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill because based on information from the agency, we are not sure how much of the authorized amounts would be spent. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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

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 brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

## HOMELAND SECURITY ACT OF 2002

\* \* \* \* \*

### TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY

\* \* \* \* \*

#### Subtitle D—U.S. Immigration and Customs

\* \* \* \* \*

**SEC. 442. [ESTABLISHMENT OF BUREAU OF BORDER SECURITY] *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.***

(a) **ESTABLISHMENT [OF BUREAU].—**

(1) **IN GENERAL.**—There shall be in the Department of Homeland Security a [bureau] *agency* to be known as the [“Bureau of Border Security”] “*U.S. Immigration and Customs Enforcement*”.

(2) **ASSISTANT SECRETARY.**—The head of the [Bureau of Border Security] *U.S. Immigration and Customs Enforcement* shall be the Assistant Secretary of [the Bureau of Border Security] *U.S. Immigration and Customs Enforcement*, who—

(A) shall report directly to the Under Secretary for Border and Transportation Security; and

(B) shall have a minimum of 5 years professional experience in law enforcement, and a minimum of 5 years of management experience.

(3) **FUNCTIONS.**—The Assistant Secretary of the [Bureau of Border Security] *U.S. Immigration and Customs Enforcement*—

(A) shall establish the policies for performing such functions as are—

(i) transferred to the Under Secretary for Border and Transportation Security by section 441 and delegated to the Assistant Secretary by the Under Secretary for Border and Transportation Security; or

(ii) otherwise vested in the Assistant Secretary by law;

(B) shall oversee the administration of such policies; and

(C) shall advise the Under Secretary for Border and Transportation Security with respect to any policy or operation of the [Bureau of Border Security] *U.S. Immigration and Customs Enforcement* that may [affect the Bureau of] *affecting U.S. Citizenship and Immigration Services* estab-

lished under subtitle E, including potentially conflicting policies or operations.

(4) PROGRAM TO COLLECT INFORMATION RELATING TO FOREIGN STUDENTS.—The Assistant Secretary of the [Bureau of Border Security] *U.S. Immigration and Customs Enforcement* shall be responsible for administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and shall use such information to carry out the enforcement functions of [the Bureau] *the agency*.

(5) MANAGERIAL ROTATION PROGRAM.—

(A) IN GENERAL.—Not later than 1 year after the date on which the transfer of functions specified under section 441 takes effect, the Assistant Secretary of the [Bureau of Border Security] *U.S. Immigration and Customs Enforcement* shall design and implement a managerial rotation program under which employees of such [bureau] *agency* holding positions involving supervisory or managerial responsibility and classified, in accordance with chapter 51 of title 5, United States Code, as a GS-14 or above, shall—

(i) gain some experience in all the major functions performed by such [bureau] *agency*; and

(ii) work in at least one local office of such [bureau] *agency*.

(B) REPORT.—Not later than 2 years after the date on which the transfer of functions specified under section 441 takes effect, the Secretary shall submit a report to the Congress on the implementation of such program.

(b) CHIEF OF POLICY AND STRATEGY.—

(1) IN GENERAL.—There shall be a position of Chief of Policy and Strategy for the [Bureau of Border Security] *U.S. Immigration and Customs Enforcement*.

(2) FUNCTIONS.—In consultation with [Bureau of Border Security] *U.S. Immigration and Customs Enforcement* personnel in local offices, the Chief of Policy and Strategy shall be responsible for—

(A) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

(B) coordinating immigration policy issues with the Chief of Policy and Strategy for [the Bureau of] *U.S. Citizenship and Immigration Services* (established under subtitle E), as appropriate.

(c) LEGAL ADVISOR.—There shall be a principal legal advisor to the Assistant Secretary of [the Bureau of Border Security] *U.S. Immigration and Customs Enforcement*. The legal advisor shall provide specialized legal advice to the Assistant Secretary of [the Bureau of Border Security] *U.S. Immigration and Customs Enforcement* and shall represent the [bureau] *agency* in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.

**SEC. 443. PROFESSIONAL RESPONSIBILITY AND QUALITY REVIEW.**

The Secretary shall be responsible for—

(1) \* \* \*

(2) inspecting the operations of U.S. Immigration and Customs Enforcement and providing assessments of the quality of the operations of [such bureau] *such agency* as a whole and each of its components; and

\* \* \* \* \*

**SEC. 447. HOMELAND SECURITY INVESTIGATIONS VICTIM ASSISTANCE PROGRAM.**

(a) *DEFINITIONS.—In this section:*

(1) *FORENSIC INTERVIEW SPECIALIST.—The term ‘forensic interview specialist’ is an interview professional who has specialized experience and training in conducting trauma-informed forensic interviews with victims of crime.*

(2) *VICTIM ASSISTANCE SPECIALIST.—The term ‘victim assistance specialist’ is a victim assistance professional who—*

*(A) has experience working with victims of crime in a service capacity; and*

*(B) has been trained on the exposure of various forms of trauma and other stressors experienced in working with victims.*

(b) *IN GENERAL.—There is established, in Homeland Security Investigations of U.S. Immigration and Customs Enforcement, the Victim Assistance Program.*

(c) *FUNCTIONS.—The Victim Assistance Program shall—*

*(1) provide oversight, guidance, training, travel, equipment, and coordination to victim assistance personnel throughout the United States;*

*(2) recruit not fewer than—*

*(A) 1 forensic interview specialist and 1 victim assistance specialist for each Homeland Security Investigations Special Agent in Charge office;*

*“(B) 1 victim assistance specialist for—*

*“(i) every Homeland Security Investigations office participating in a human trafficking task force;*

*“(ii) every Homeland Security Investigations regional attache1 office; and*

*“(iii) every Homeland Security Investigations office participating in a child sexual exploitation task force;*

*(3) provide training regarding victims’ rights, victim-related policies, roles of forensic interviewers and victim assistance specialists, and an approach that is—*

*“(A) victim-centered;*

*“(B) trauma-informed; and*

*“(C) linguistically appropriate; and*

*(4) provide sufficient funding for emergency expenditures to purchase items needed to assist identified victims, including food, clothing, hygiene products, transportation, and temporary shelter that is not otherwise provided by a nongovernmental organization.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$25,000,000 for each fiscal year to carry out this section.*

\* \* \* \* \*

○