

Calendar No. 634

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-250 }

DHS BLUE CAMPAIGN ENHANCEMENT ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2989

TO AMEND THE HOMELAND SECURITY ACT OF 2002 TO ENHANCE
THE BLUE CAMPAIGN OF THE DEPARTMENT OF HOMELAND
SECURITY, AND FOR OTHER PURPOSES



DECEMBER 13, 2022.—Ordered to be printed

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DHS BLUE CAMPAIGN ENHANCEMENT ACT

DECEMBER 13, 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. 2989]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2989), to amend the Homeland Security Act of 2002 to enhance the Blue Campaign of the Department of Homeland Security, 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.

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I. PURPOSE AND SUMMARY

S. 2989, the *DHS Blue Campaign Enhancement Act*, aims to increase awareness of human trafficking indicators and prevent such cases from being overlooked by law enforcement and the public. This legislation would also increase cooperation among the various agencies within the Department of Homeland Security (DHS) that work on issues related to human trafficking.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Human trafficking is a form of modern-day slavery “whereby traffickers exploit and profit at the expense of adults or children by compelling them to perform labor” or sexual acts.¹ Human trafficking is a pressing issue to the United States because it encompasses violations of human rights, labor protections, criminal law, and public health standards, as well as homeland security.² Victims are generally held captive and kept silent through debt bondage, social isolation, the fear of reprisal against them or their loved ones, or the confiscation of identification cards and travel documents.³ These methods of control discourage trafficked persons from seeking help or even testifying against their captor in a criminal trial.⁴ For example, a domestic worker’s employer may control their access to food, transportation, and housing, weaponizing these conditions for “coercive schemes to compel the labor of domestic workers with little risk of detection.”⁵

Because of the tactics used by traffickers to keep trafficked persons from coming forward, it is all that more important that law enforcement and civilian observers proactively identify and reach out to victims.⁶ The Blue Campaign is a national public awareness campaign designed to educate the public, law enforcement, and other industry partners on how to recognize indicators of human trafficking and how to respond appropriately to possible cases.⁷ Human trafficking cases are often underreported, but increasing the public’s ability to spot the signs helps to prevent indicators from being overlooked and saves lives.⁸ While the Blue Campaign works closely with the DHS components and other federal partners to combat human trafficking, often state and local law enforcement officers encounter victims and their traffickers firsthand. Individuals employed in industries outside law enforcement, from medical professionals to airline employees, are also more likely to encounter victims and need to know how to identify and respond to them. Increasing widespread public awareness is critical to expanding these efforts.

Moreover, the invisible and pervasive nature of human trafficking implicates the work of many component agencies within DHS. To increase coordination across this work, the bill establishes

¹Department of State, *Trafficking in Persons Report* at 24 (June 2021); See Department of Homeland Security, *Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation* at 2, n.1 (Jan. 2020).

²Congressional Research Service, *Trafficking in Persons: U.S. Policy and Issues for Congress* (May 1, 2014); See Senate Committee on Homeland Security and Governmental Affairs, Testimony for the Record of Secretary Alejandro N. Mayorkas, Homeland Security Department, *Hearing on Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11* (Sept. 21, 2021).

³Congressional Research Service, *Trafficking in Persons: U.S. Policy and Issues for Congress* (May 1, 2014).

⁴Congressional Research Service, *Trafficking in Persons: U.S. Policy and Issues for Congress* at 16 (May 1, 2014).

⁵Department of State, *Trafficking in Persons Report* at 26 (June 2021). “What happens in a private residence is hidden from the world—including from law enforcement and labor inspectors—resulting in barriers to identification.”; See Department of Homeland Security, Indicators of Human Trafficking (www.dhs.gov/blue-campaign/indicators-human-trafficking) (accessed June 25, 2022).

⁶Department of State, *Trafficking in Persons Report* at 594 (June 2021); See Department of Homeland Security, *Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation* at 2 (Jan. 2020).

⁷Department of Homeland Security, Blue Campaign (www.dhs.gov/blue-campaign) (accessed July 25, 2022).

⁸Department of Homeland Security, Human Trafficking General Awareness (www.dhs.gov/media/library/collections/23516) (accessed July 25, 2022).

a Blue Campaign Advisory Board within DHS to consult regularly with the Director of the Blue Campaign (Director) on recruitment tactics used by human traffickers, the development of effective awareness tools for distribution to federal and non-federal officials to identify and prevent instances of human trafficking, and identification of additional persons or entities that may be uniquely positioned to recognize signs of human trafficking and the development of materials for such persons. The advisory board includes representatives from four separate offices or components within DHS, as selected by the Secretary.

The *DHS Blue Campaign Enhancement Act* requires the Director to develop web-based interactive training videos and provide online training opportunities for federal, state, local, tribal, and territorial law enforcement officers. By increasing access to online trainings, these resources will be more widely available across the country to raise public awareness about the indicators of human trafficking and provide law enforcement with the expertise required to respond effectively.

III. LEGISLATIVE HISTORY

Senators Peters (D–MI) and Portman (R–OH) introduced S. 2989, the *DHS Blue Campaign Enhancement Act*, on October 18, 2021. The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2989 at a business meeting on November 3, 2021. During the business meeting, Senators Peters and Portman offered a substitute amendment that provided the Secretary the discretion to decide which components or offices are included in the Blue Campaign Advisory Board. The amendment was adopted *en bloc* by voice vote with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley present for the vote.

The Committee ordered the bill, as amended, to be reported favorably by voice vote *en bloc* as amended by the Peters-Portman Substitute Amendment. Senators present for the vote on the bill were: Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley.

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

Section 1. Short title

This section designates the name of the bill as the “DHS Blue Campaign Enhancement Act.”

Section 2. Department of Homeland Security Blue Campaign Enhancement

This section amends the Homeland Security Act of 2002 by requiring the Director of the Blue Campaign to develop and make available, for a 10-year period, web-based training programs for federal, state, local, Tribal, and territorial law enforcement officers; non-federal correction system personnel; and such other individuals as the Director determines appropriate. The new language to be added to the Homeland Security Act also establishes a Blue Campaign Advisory Board, with representatives from no less than four separate components or offices of DHS, as selected by the Sec-

retary. This section instructs the Director to consult with the Blue Campaign Advisory Board regarding a number of topics, including the development of effective awareness tools for distribution to federal and non-federal officials to identify and prevent instances of 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 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, January 14, 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 cost estimate for S. 2989, the DHS Blue Campaign Enhancement Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 2989, DHS Blue Campaign Enhancement Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on November 3, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 2989 would direct the Department of Homeland Security (DHS) to develop Internet-based training programs for federal, state, local, and tribal law enforcement officers and others as part of the department’s Blue Campaign. The Blue Campaign is aimed at combating human trafficking. The bill also would create an advisory board of DHS officials who would provide information and data on human trafficking to the Blue Campaign.

DHS is currently carrying out activities similar to those required by the bill. Using information about those efforts, CBO estimates that any new activities required under S. 2989 would not require substantial action by the department and would cost less than \$500,000 over the 2022–2026 period; any spending would be subject to the availability of appropriated funds.

On June 29, 2021, CBO transmitted a cost estimate for H.R. 2795, the DHS Blue Campaign Enhancement Act, as ordered reported by the House Committee on Homeland Security on May 18, 2021. That bill is similar to S. 2989, as described above, and CBO’s estimates for the bills are the same.

The CBO staff contact for this estimate is Lindsay Wylie. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

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):⁹

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Act of 2002”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

* * * * *

TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY

Subtitle A—Border, Maritime, and Transportation Security Responsibilities and Functions

* * * * *

⁹This bill was enacted into law in the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117–81, Sec. 1547(b)(1)), which became law before this bill was reported out of committee. These changes made by this bill are now moot and are not reflected in Section VII of this report.

Subtitle C—Miscellaneous Provisions

* * * * *

SEC. 434. DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN.

(a) * * *

* * * * *

(e) * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) **[utilizing resources]** *developing and utilizing, in consultation with the Advisory Board established pursuant to subsection (g), resources such as indicator cards, fact sheets, pamphlets, posters, brochures, and radio and television campaigns to—*

(A) educate partners and stakeholders; and

(B) increase public awareness of human trafficking;

(7) * * *

(8) * * *

(f) **WEB-BASED TRAINING PROGRAMS.**—*To enhance training opportunities, the Director of the Blue Campaign shall develop web-based interactive training videos that utilize a learning management system to provide online training opportunities that shall, during the 10-year period beginning on the date that is 90 days after the date of enactment of the DHS Blue Campaign Enhancement Act, be made available to the following individuals:*

(1) *Federal, State, local, Tribal, and territorial law enforcement officers.*

(2) *Non-Federal correction system personnel.*

(3) *Such other individuals as the Director determines appropriate.*

(g) **BLUE CAMPAIGN ADVISORY BOARD.**—

(1) **IN GENERAL.**—*There is established in the Department a Blue Campaign Advisory Board, which shall be comprised of representatives assigned by the Secretary, from not less than 4 separate components or offices of the Department.*

(2) **CHARTER.**—*The Secretary is authorized to issue a charter for the Blue Campaign Advisory Board, and such charter shall specify the following:*

(A) *The Board's mission, goals, and scope of its activities.*

(B) *The duties of the Board's representatives.*

(C) *The frequency of the Board's meetings.*

(3) **CONSULTATION.**—*The Director shall consult the Blue Campaign Advisory Board and, as appropriate, experts from other components and offices of the Center for Countering Human Trafficking of the Department regarding the following:*

(A) *Recruitment tactics used by human traffickers to inform the development of training and materials by the Blue Campaign.*

(B) *The development of effective awareness tools for distribution to Federal and non-Federal officials to identify and prevent instances of human trafficking.*

(C) Identification of additional persons or entities that may be uniquely positioned to recognize signs of human trafficking and the development of materials for such persons.

(4) APPLICABILITY.—The Federal Advisory Committee (5 U.S.C. App.) does not apply to—

(A) the Blue Campaign Advisory Board; or

(B) consultations under paragraph (3).

(h) CONSULTATION.—With regard to development of programs under the Blue Campaign and the implementation of such programs, the Director is authorized to consult with State, local, Tribal, and territorial agencies, non-governmental organizations, private sector organizations, and experts. Such consultation shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

* * * * *

