

Calendar No. 272

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-73 }

COUNTERING HUMAN TRAFFICKING
ACT OF 2021

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2991

TO ESTABLISH A DEPARTMENT OF HOMELAND SECURITY CENTER
FOR COUNTERING HUMAN TRAFFICKING, AND FOR OTHER
PURPOSES



FEBRUARY 14, 2022.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

29-010

WASHINGTON : 2022

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COUNTERING HUMAN TRAFFICKING ACT OF 2021

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

R E P O R T

[To accompany S. 2991]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2991) to establish a Department of Homeland Security Center for Countering Human Trafficking, 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.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	3
IV. Section-by-Section Analysis of the Bill, as Reported	3
V. Evaluation of Regulatory Impact	5
VI. Congressional Budget Office Cost Estimate	5
VII. Changes in Existing Law Made by the Bill, as Reported	7

I. PURPOSE AND SUMMARY

S. 2991, the Countering Human Trafficking Act of 2021, codifies the Center for Countering Human Trafficking (CCHT), the inter-component operations center within the Department of Homeland Security (DHS) for countering human trafficking and importation of goods produced with forced labor. The bill also authorizes DHS to transfer the Blue Campaign and other functions and resources within the Department relating to combatting human trafficking to CCHT.

II. BACKGROUND AND THE NEED FOR LEGISLATION

Human trafficking is a grave crime and a human rights abuse that is a national and economic security threat, undermines the rule of law, and harms the well-being of individuals and communities everywhere.¹ The State Department estimates 24.9 million victims of human trafficking worldwide, including adults and children of all ages, backgrounds, and nationalities that are intentionally exploited through forced labor or commercial sex.² In the United States specifically, the Polaris Project found that in 2019, there were over 22,326 trafficking victims and survivors.³ The actual number is likely much larger, however, as these crimes often go unreported.⁴

The COVID-19 pandemic has further increased the number of people at risk of human trafficking.⁵ According to the 2021 State Department Trafficking in Persons Report, traffickers took advantage of individuals and communities in crisis due to the pandemic.⁶ Governments were forced to divert resources away from anti-trafficking efforts, resulting in “decreased protection measures and service provision for victims, reduction of preventative efforts, and hindrances to investigations and prosecutions of traffickers”.⁷ Eradicating this crime requires careful collaboration to not only disrupt and dismantle human trafficking organizations, but also provide support and protection to victims.

The previous two presidential administrations have taken steps to improve intergovernmental collaboration on combatting human trafficking. Under the Obama Administration, the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons focused on collaboration across the federal government, supporting prosecutorial capacity to charge traffickers, and improving victim-identification and assistance efforts. In 2015, President Obama signed into law the Trade Facilitation and Trade Enforcement Act, which gives Customs and Border Protection broad authority to prevent entry of imported goods that are suspected to be made with forced labor.⁸

In October 2020, DHS launched the CCHT, creating a centralized location for subject matter experts to coordinate and expand efforts to fight human trafficking.⁹ Since its establishment, CCHT has made significant progress, providing much-needed support and analysis to criminal investigators in the field, delivering comprehensive trainings to both domestic and international audiences,

¹ See U.S. Department of State, About Human Trafficking (www.state.gov/humantrafficking-about-human-trafficking) (accessed Jan. 10, 2022).

² *Id.*

³ Polaris Project, 2019 U.S. National Human Trafficking Hotline Statistics (<https://polarisproject.org/2019-us-national-human-trafficking-hotline-statistics>) (accessed Jan. 10, 2022).

⁴ National Institute of Justice, *Gaps in Reporting Human Trafficking Incidents Result in Significant Undercounting* (Aug. 4, 2020) (<https://nij.ojp.gov/topics/articles/gaps-reporting-human-trafficking-incidents-result-significant-undercounting>).

⁵ *Covid-19 pandemic increased number of people at risk of human trafficking*, CNN (July 1, 2021) (www.cnn.com/2021/07/01/politics/2021-trafficking-in-persons-report-covid/index.html).

⁶ Department of State, *Trafficking in Persons Report* (June 2021) (www.state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf).

⁷ *Id.*

⁸ White House, *Obama Administration Efforts to Combat Human Trafficking* (Jan. 13, 2017) (<https://obamawhitehouse.archives.gov/blog/2017/01/13/obama-administration-efforts-combat-human-trafficking-0>).

⁹ White House, *The Trump Administration is Committed to Combating Human Trafficking and Protecting The Innocent* (Oct. 20, 2020) (<https://trumpwhitehouse.archives.gov/briefings-statements/trump-administration-committed-combating-human-trafficking-protecting-innocent>).

and focusing on promoting a victim-centered approach.¹⁰ However, CCHT is not formally codified as it currently exists, and therefore lacks the permanency and long-term funding necessary to bolster its efforts.

The Countering Human Trafficking Act makes CCHT permanent within DHS to ensure the gains seen over the last few years can be maintained and expanded upon. This legislation will also increase coordination between DHS components to combat human trafficking and the importation of products that are made with forced labor. It allows CCHT to build out permanent staff with special agents, criminal analysts, and other subject-matter experts. This legislation allows CCHT to modernize its information systems and operations to support worldwide investigations on human trafficking and forced labor in supply chains. The bill also transfers the Blue Campaign, a national public awareness effort designed to educate law enforcement and the public to recognize human trafficking, to CCHT.

III. LEGISLATIVE HISTORY

Chairman Gary Peters (D–MI) introduced S. 2991, the Countering Human Trafficking Act of 2021, on October 18, 2021, with Senator Rob Portman (R–OH). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2991 at a business meeting on November 3, 2021. During the business meeting, a substitute amendment that transferred the Blue Campaign and other functions and resources within the Department relating to combatting human trafficking to CCHT was offered by Chairman Peters and Ranking Member Portman and accepted by unanimous consent. Senator Johnson offered an amendment to prohibit the cancellation of certain contracts for physical barriers or other border security measures, which was not adopted by roll call vote of 7 yeas to 7 nays. Senator Lankford also offered an amendment to terminate the interagency taskforce on the reunification of families, which was not adopted by roll call vote of 7 yeas to 7 nays. The bill, as amended by the Peters-Portman Substitute Amendment, was ordered reported favorably by voice vote. 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

Sec. 1. Short title

This section designates the short name of the bill as the “Countering Human Trafficking Act of 2021”.

Sec. 2. Sense of Congress

This section establishes the sense of Congress that (1) the victim-centered approach must become universally understood, adopted, and practiced; (2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases; (3) corporations must eradicate forced labor from their sup-

¹⁰ U.S. Department of Homeland Security, *DHS Takes Victim-Centered Approach on First Anniversary of Center for Countering Human Trafficking* (Oct. 20, 2021) (www.dhs.gov/news/2021/10/20/dhs-takes-victim-centered-approach-first-anniversary-center-countering-human).

ply chains; (4) DHS must lead by example by ensuring its government supply chains are not tainted by forced labor and leveraging its authorities against the importation of goods produced with forced labor; and (5) human trafficking training, awareness, identification, and screening efforts are a necessary first step and should be evidence-based to be most effective.

Sec. 3. Department of Homeland Security Center for Countering Human Trafficking

Subsection (a) places CCHT within Immigration and Customs Enforcement's Homeland Security Investigations (HSI) Office, makes HSI the administrator of CCHT, and requires HSI to maintain and update a concept of operations that outlines participants, funding, core functions, and personnel to accommodate the mission and threat. This subsection also establishes the minimum core personnel requirements, requiring DHS to ensure that CCHT is staffed with at least 45 employees across different areas of responsibility and expertise.

Subsection (b) creates an Operations Unit within CCHT that will support criminal investigations of human trafficking, augment the enforcement of the prohibition on the importation of goods produced with forced labor, coordinate a DHS-wide effort to conduct procurement audits and enforcement actions to mitigate the risk of human trafficking through DHS acquisitions and contracts, and support all CCHT enforcement efforts with intelligence.

Subsection (c) creates a Protection and Awareness Programs Unit within CCHT that will do the following: incorporate a victim-centered approach throughout DHS policies, training, and practices; operate a comprehensive Continued Presence program to process applications for temporary immigration protection for potential witnesses; conduct and assist with DHS human trafficking training, screening, and identification efforts; operate the Blue Campaign's nationwide public awareness effort, among other efforts; and coordinate external engagement on human trafficking with critical partners.

Sec. 4. Specialized Initiatives

This section creates the DHS Human Trafficking Information Modernization Initiative, a specialized initiative within CCHT. Under this initiative, CCHT, with the assistance of the DHS Science and Technology Directorate's Office of Science and Engineering Social Science and the Digital Forensics Technology Centers, will develop a strategy and proposal to modify systems and processes and apply analytics throughout DHS that are related to the CCHT mission. CCHT will then submit the completed strategy and proposal to Congress.

Sec. 5. Reports

This section directs DHS components to share information with CCHT for a more robust understanding of human trafficking. This section also directs CCHT to report to Congress on any legislative gaps within one year from enactment.

Sec. 6. Transfer of Other Functions Related to Human Trafficking

This section transfers the DHS Blue Campaign from the Office of Partnership and Engagement to CCHT and authorizes the DHS Secretary to transfer other functions and resources related to combatting human trafficking to CCHT, so long as the Secretary first notifies the appropriate committees.

Sec. 7. Authorization of Appropriations

This section authorizes \$14,000,000 to be appropriated to the DHS Secretary to carry out the Act.

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 19, 2022.

Hon. GARY 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. 2991, the Countering Human Trafficking Act of 2021.

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. 2991, Countering Human Trafficking Act of 2021			
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)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	1	18	not estimated
Statutory pay-as-you-go procedures apply?	Yes	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. 2991 would codify and expand the Department of Homeland Security's (DHS) Center for Countering Human Trafficking (CCHT) within Immigration and Customs Enforcement (ICE). CCHT is responsible for coordinating DHS efforts to combat human trafficking through law enforcement efforts and victim assistance programs. The bill would require DHS to ensure CCHT is staffed with at least 45 employees in various positions, subject to the availability of appropriated funds.

S. 2991 also would require that the director of CCHT develop a strategy to improve the effectiveness of its programs and to report to the Congress within one year of enactment about legislation that would be needed to facilitate an end to human trafficking. Finally, the bill would allow DHS to transfer any other department resources dedicated to combatting human trafficking to CCHT.

S. 2991 would authorize \$14 million to carry out the bill's requirements. CCHT currently has 21 full-time employees funded by ICE. Furthermore, DHS has seven additional employees dedicated to combatting human trafficking, for a total of 28 full-time department employees that would be allocated to the expanded CCHT under the bill. Using information from ICE about the cost of similar programs, and assuming S. 2991 is enacted in mid-fiscal year 2022, CBO estimates it would cost approximately \$1 million in 2022 and between \$4 million and \$5 million each year thereafter above current funding amounts for DHS activities to counter human trafficking to hire the remaining 17 employees and implement the other requirements of the bill. In total, CBO estimates the agency would require \$18 million over the 2022–2026 period to implement S. 2991, or \$4 million more than the authorized amount. Such spending would be subject to the availability of appropriated funds.

To develop the strategy under S. 2991, the bill would require each subagency of DHS to share information and data with CCHT. U.S. Citizenship and Immigration Services (USCIS), a subagency of DHS, is allowed to use fees to cover its operating costs that can be spent without further appropriations action, which is classified as direct spending. CBO estimates that any net changes in direct

spending by USCIS would be negligible because the agency could adjust amounts collected to reflect changes in operating costs.

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

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

