

**HIDDEN IN PLAIN SIGHT: UNDERSTANDING  
FEDERAL EFFORTS TO STOP HUMAN TRAFFICKING**

---

---

**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
BORDER AND  
MARITIME SECURITY  
OF THE  
COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

SEPTEMBER 26, 2018

**Serial No. 115-76**

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

34-447 PDF

WASHINGTON : 2019

COMMITTEE ON HOMELAND SECURITY

MICHAEL T. MCCAUL, Texas, *Chairman*

LAMAR SMITH, Texas	BENNIE G. THOMPSON, Mississippi
PETER T. KING, New York	SHEILA JACKSON LEE, Texas
MIKE ROGERS, Alabama	JAMES R. LANGEVIN, Rhode Island
LOU BARLETTA, Pennsylvania	CEDRIC L. RICHMOND, Louisiana
SCOTT PERRY, Pennsylvania	WILLIAM R. KEATING, Massachusetts
JOHN KATKO, New York	DONALD M. PAYNE, JR., New Jersey
WILL HURD, Texas	FILEMON VELA, Texas
MARTHA MCSALLY, Arizona	BONNIE WATSON COLEMAN, New Jersey
JOHN RATCLIFFE, Texas	KATHLEEN M. RICE, New York
DANIEL M. DONOVAN, JR., New York	J. LUIS CORREA, California
MIKE GALLAGHER, Wisconsin	VAL BUTLER DEMINGS, Florida
CLAY HIGGINS, Louisiana	NANETTE DIAZ BARRAGÁN, California
THOMAS A. GARRETT, JR., Virginia	
BRIAN K. FITZPATRICK, Pennsylvania	
RON ESTES, Kansas	
DON BACON, Nebraska	
DEBBIE LESKO, Arizona	

BRENDAN P. SHIELDS, *Staff Director*  
HOPE GOINS, *Minority Staff Director*

---

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

MARTHA MCSALLY, Arizona, *Chairwoman*

LAMAR SMITH, Texas	FILEMON VELA, Texas
MIKE ROGERS, Alabama	CEDRIC L. RICHMOND, Louisiana
LOU BARLETTA, Pennsylvania	J. LUIS CORREA, California
WILL HURD, Texas	VAL BUTLER DEMINGS, Florida
CLAY HIGGINS, Louisiana	NANETTE DIAZ BARRAGÁN, California
DON BACON, Nebraska	BENNIE G. THOMPSON, Mississippi ( <i>ex officio</i> )
MICHAEL T. MCCAUL, Texas ( <i>ex officio</i> )	

PAUL L. ANSTINE, *Subcommittee Staff Director*  
ALISON B. NORTHPROP, *Minority Subcommittee Staff Director/Counsel*

# CONTENTS

	Page
STATEMENTS	
The Honorable Martha McSally, a Representative in Congress From the State of Arizona, and Chairwoman, Subcommittee on Border and Maritime Security:	
Oral Statement .....	1
Prepared Statement .....	2
The Honorable Filemon Vela, a Representative in Congress From the State of Texas, and Ranking Member, Subcommittee on Border and Maritime Security:	
Oral Statement .....	4
Prepared Statement .....	6
The Honorable Michael T. McCaul, a Representative in Congress From the State of Texas, and Chairman, Committee on Homeland Security:	
Oral Statement .....	7
Prepared Statement .....	8
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:	
Prepared Statement .....	9
WITNESSES	
Mr. John H. Hill, Assistant Secretary, Office of Partnership and Engagement, U.S. Department of Homeland Security:	
Oral Statement .....	10
Prepared Statement .....	12
Mr. Steven W. Cagen, Special Agent in Charge, Denver Field Office, Homeland Security Investigations, U.S. Department of Homeland Security:	
Oral Statement .....	15
Prepared Statement .....	17
Mr. John Gore, Acting Assistant Attorney General, Civil Rights Division, U.S. Department of Justice:	
Oral Statement .....	21
Prepared Statement .....	23
Ms. Michelle Demmert, Chief Justice, Central Council, Tlingit and Haida Indian Tribes of Alaska:	
Oral Statement .....	26
Prepared Statement .....	27
FOR THE RECORD	
The Honorable Val Butler Demings, a Representative in Congress From the State of Florida:	
Statement of Elisabeth Barna, Chief Operating Officer & Executive Vice President, Industry Affairs, American Trucking Associations .....	43



## **HIDDEN IN PLAIN SIGHT: UNDERSTANDING FEDERAL EFFORTS TO STOP HUMAN TRAF- FICKING**

**Wednesday, September 26, 2018**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 11:05 a.m., in room HVC-210, Capitol Visitor Center, Hon. Martha McSally (Chairman of the subcommittee) presiding.

Present: Representatives McSally, Hurd, Higgins, Bacon, Vela, and Demings.

Also present: Representative McCaul.

Ms. MCSALLY. The Committee on Homeland Security, Subcommittee on Border and Maritime Security will come to order.

The subcommittee is meeting today to assess Federal and Tribal efforts to combat human trafficking in the United States.

I now recognize myself for an opening statement.

Human trafficking is a multi-billion-dollar industry, it enslaves approximately 25 million men, women, and children world-wide, through sexual exploitation, domestic servitude, and forced labor. It is important to understand there is no one face of human trafficking. Truth is that traffickers do not discriminate when it comes to their victims, victims can come from any background, of any age, like a teenage girl who ran away from home only to be beaten, drugged, and forced to walk the streets; the migrant worker who paid a smuggler to help him cross the border only to be forced into manual labor; or an elderly woman lured by the promise of work in America and forced to spend endless hours cleaning the mansion of her captors.

These examples are all too common. To many Americans human trafficking may seem like a problem happening far away from home but sadly that is not the case. During a human trafficking roundtable I led in my district back in 2015 we heard from a sex trafficking survivor named Beth Jacobs.

She explained to us just how easy it was to become a victim. She was drugged at a party at the age of 16 and then kidnapped and forced into prostitution. Over the course of 6 years she was subjected to rapes, beatings, and forced commercial sex acts. I worked with Beth when I was serving on the Pima County Women's Commission and I have been inspired by her courage as a survivor of these unconscionable crimes.

Beth is not alone unfortunately. Just last year the Human Trafficking Institute reported there were 783 active human trafficking cases in the U.S. Federal court system involving thousands of victims. Even more alarming is the fact that more than 55 percent of those cases involves sex trafficking of children. Yet as these horrific cases are uncovered in communities across the United States many people are still surprised at how close to home they actually are.

Earlier this month 24 people were arrested in a human trafficking sting in the Phoenix area of my home State in Arizona. Some of the defendants ranging from age 21 to 80 are facing serious charges including aggravated luring, child sex trafficking, and money laundering.

We all need to wake up because human trafficking is happening right here in our back yards and the victims of the tragic crimes are often hidden in plain sight.

I call this hearing to shine a light on the heinous crime of human trafficking and highlight the work being done by our Federal agencies who partner with State, local, and Tribal governments, and law enforcement agencies to eradicate human trafficking from our streets, our local businesses, and our neighborhoods.

I am proud of the steps the Department of Homeland Security and the Department of Justice and their Interagency Task Force partners are taking to combat all forms of human trafficking. At the Federal level the Human Smuggling and Trafficking Center serves as a clearinghouse for intelligence related to human trafficking, representatives from DHS, DOJ, State Department, side-by-side, providing law enforcement partners with timely information on the trends and pushing out actionable case intelligence to jump start and bolster criminal investigations.

Homeland Security Investigations or HSI within ICE leads the Department of Homeland Security's effort on Human Trafficking Investigations and has accounted for 1,932 criminal arrests and 812 convictions in human trafficking cases in 2017 alone.

The DHS Blue Campaign which was formally authorized, signed into law, in February of this year, I was at the signing, thanks to the leadership of our Chairman McCaul, is a unified effort by the Department to conduct outreach and enhance awareness of trafficking and provide training and materials to those in the best position to identify the victims.

The Blue Campaign works in collaboration with law enforcement, NGO's, and the private-sector stakeholders, to identify victims and train organizations on the indicators to look out for. DOJ plays a vital role in combating human trafficking and prosecuting those involved to the fullest extent of the law.

Under the leadership of DOJ and in partnership with DHS and the State Department, the U.S. Government works closely with our Mexican counterparts to develop high-impact bilateral trafficking investigations. These multi-faceted prosecutions are aimed at dismantling international human trafficking networks that operate across the U.S.-Mexico border and are conducted through the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative. I look forward to hearing about that today.

Congress has made it a priority in a bipartisan way to pass legislation that would enable law enforcement, prosecutors, and other

stakeholders to fight human trafficking. To name a few over the last few years we have reallocated existing grants for human trafficking deterrence and victim support, made it a Federal crime to knowingly advertise for the commercial sex exploitation of minors and trafficking victims, enhance the ability of health care professionals to identify victims, and provided the financial industry more tools to detect and deter money laundering attached to human trafficking.

Criminals engaged in trafficking range from amateur family-run organizations to sophisticated transnational organized crime syndicates. It is critical that we prosecute trafficking offenders who victimize vulnerable populations. We must support efforts to raise awareness and educate those who work in law enforcement, at ports of entry, in health care, in child protective services, and elsewhere, to identify trafficking. We must also ensure that victims receive the care they need after they have been rescued.

This is a complex and multifaceted problem. There are no quick or easy solutions but I do take comfort in knowing that the brave men and women within the Department of Homeland Security and DOJ are tracking these criminals down and saving these victims.

I look forward to hearing from our Federal and Tribal witnesses today on their experiences in combating human trafficking and what more we have to do.

So my hope with the help of your testimony, we will raise awareness on this issue and identify solutions that would have an impact on human trafficking throughout the Nation.

[The statement of Chairwoman McSally follows:]

STATEMENT OF CHAIRWOMAN MARTHA MCSALLY

SEPTEMBER 26, 2018

Human trafficking is a multi-billion dollar industry that enslaves approximately 25 million men, women, and children world-wide through sexual exploitation, domestic servitude, and forced labor.

It is important to understand that there is “no one face” of human trafficking.

The truth is that traffickers do not discriminate when it comes to their victims. Victims can come from any background or be of any age, like a teenage girl who ran away from home, only to be beaten, drugged, and forced to walk the streets. The migrant worker, who paid a smuggler to help him cross the border, only to be forced into manual labor. Or an elderly woman, lured by the promise of work in America, and forced to spend endless hours cleaning the mansion of her captors.

These examples are all too common.

To many Americans, human trafficking may seem like a problem happening far away from home. Sadly, that is not the case.

During a human trafficking roundtable I led back in 2015, we heard from sex trafficking survivor Beth Jacobs. She explained to us just how easy it was to fall victim to sex trafficking. She was drugged at a party at age 16, then kidnapped and forced into prostitution. Over the course of 6 years, she was subjected to rapes, beatings, and forced commercial sex acts. And just last year, the Human Trafficking Institute reported that there were 783 active human trafficking cases in the U.S. Federal court system, involving thousands of victims. Even more alarming, is the fact that more than 55 percent of those cases involved sex trafficking of children.

Yet, as these horrific cases are uncovered in communities across the United States, many people are still surprised on how close to home they actually are.

Earlier this month, 24 people were arrested in a human trafficking sting in the Phoenix area of my home State of Arizona. Some of the defendants, ranging in age from 21 to 80 years old, are facing serious charges including aggravated luring, child sex trafficking, and money laundering.

Let me be very clear, human trafficking is happening right here in our backyards, and the victims of this tragic crime are often hidden in plain sight.

I called this hearing today to shine a light on the heinous crime of human trafficking, and highlight the work being done by our Federal agencies who partner with State, local, and Tribal governments and law enforcement agencies to eradicate human trafficking from our streets, our local business, and our neighborhoods.

I am proud of the steps that the Department of Homeland Security, the Department of Justice, and their interagency task force partners are taking to combat all forms of human trafficking.

At the Federal level, the Human Smuggling and Trafficking Center serves as a clearinghouse for intelligence related to human trafficking. Representatives from DHS, DOJ, and the State Department sit side-by-side providing law enforcement partners with timely information on human trafficking trends, and pushing out actionable case intelligence to jumpstart and bolster on-going criminal investigations.

Homeland Security Investigations (or HSI), within ICE, leads the Department of Homeland Security's effort on human trafficking investigations, and has accounted for 1,932 criminal arrests and 812 convictions in human trafficking cases in 2017 alone.

The DHS Blue Campaign, which was formally authorized in February of this year—thanks to the leadership of Chairman McCaul—is a unified effort by the Department to conduct outreach to enhance awareness of trafficking and provide training and materials to those in the best position to identify trafficking victims.

The Blue Campaign works in collaboration with law enforcement, NGO, and the private-sector stakeholders to identify victims, and trains organizations of indicators to look out for.

The Department of Justice plays a vital role in combating human trafficking by prosecuting those involved to the fullest extent of the law.

Under the leadership of the Department of Justice, and in partnership with DHS, and the State Department, the U.S. Government works closely with our Mexican counterparts to develop high-impact bilateral trafficking investigations.

These multifaceted prosecutions are aimed at dismantling international human trafficking networks that operate across the U.S.-Mexico border and are conducted through the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative.

Congress has made it a priority to pass legislation that would enable law enforcement, prosecutors, and other stakeholders to fight human trafficking. To name a few, over the last few years we have reallocated existing grants for human trafficking deterrence and victims' support; made it a Federal crime to knowingly advertise for the commercial sex exploitation of minors and trafficking victims; enhanced the ability of health-care professionals to identify victims; and provided the financial industry more tools to detect and deter money laundering attached to human trafficking.

Criminals engaged in human trafficking range from amateur family-run organizations to sophisticated transnational organized crime syndicates.

It's critical that we prosecute human trafficking offenders who victimize vulnerable populations. We must support efforts to raise awareness and educate those who work in law enforcement, at ports of entry, in health care, in child protective services, and elsewhere to identify trafficking. We must also ensure that victims receive the care they need after they've been rescued.

This is a complex, and multifaceted problem. There are no quick or easy solutions, but I take comfort in knowing that the brave men and women within the Department of Homeland Security and the Department of Justice are tracking these criminals down, and saving these victims.

I look forward to hearing from our Federal and Tribal witnesses on their experiences in combating human trafficking.

It is my hope that with the help of your testimony, we will raise awareness of this issue and identify solutions that will have an impact on human trafficking throughout the Nation.

Ms. MCSALLY. The Chair now recognizes the Ranking Member of the subcommittee, the gentleman from Texas, Mr. Vela, for a statement he may have.

Mr. VELA. Thank you, Chairwoman McSally and Chairman McCaul for holding this hearing today.

Thank you to all of our witnesses for taking the time to be here with us.

Human trafficking is one of the most profitable forms of transnational crime. The International Labor Organization estimates that forced labor generates annual profits of \$150 billion per



year and claims more than 20 million victims world-wide. Trafficking victims can be of any age, race, gender, or nationality, and are largely found in workplaces within the manufacturing, agriculture, hospitality, and domestic service industries.

The Federal Government has a significant role to play in building capacity, resources, and synchronization among communities, local government, and international partners, however one area that I believe we are overlooking are Tribal lands. Last year the Government Accountability Office issued 2 related reports about the number of investigated and prosecuted human trafficking cases that involved American Indians and Alaskan Native victims and that occurred on Tribal lands.

The Departments of Justice, Interior, and Homeland Security each have some form of responsibility for investigating and prosecuting human trafficking crimes on Tribal lands. Forty-nine of the 94 U.S. Attorneys' offices include Indian country within their jurisdiction, however 3 out of 4 of these Federal entities do not require their agents or attorneys to consistently collect or record the race or ethnicity, including Native American status, of victims in their cases. As a result, the total number of Federal human trafficking investigations and prosecutions that involve Native American victims is unknown.

We also do not know how many Native American victims receive services under Federal grant programs intended to assist human trafficking victims for much the same reason. Grantees are not required to capture this information. This seems like a major gap and makes it difficult for us to understand the full scope of the problem.

Despite our best efforts to encourage more interagency coordination, improve law enforcement training and resources for victims, and push out more awareness campaigns, we do not know how effective or helpful they may be if we don't fully understand the full scope of people affected by human trafficking or why they may be vulnerable. For this reason, I thank Judge Michelle Demmert for accepting our invitation to testify. She serves as the chief justice of the Supreme Court for the Tlingit and Haida Tribes of Alaska and she also serves as the co-chair of the National Congress of American Indians Task Force on Violence Against Women.

I found the statistics you shared in your written testimony sobering and I am pleased that the committee will get the benefit of your views on this issue given your long experience fighting on behalf of American Indian and Alaska Native women and children who have been subjected to this and other forms of violence. I would like to hear from you and what more needs to be done to improve services to victims and to help bring traffickers to justice.

As the Ranking Member of this subcommittee, I was glad to co-sponsor and support passage of the Department of Homeland Security's Blue Campaign Authorization Act of 2017. The Blue Campaign brings DHS components together with Federal, State, local law enforcement agencies, and private industry, to dismantle human trafficking networks across the country.

I would like to hear from our DHS and DOJ witnesses today about how this and other Federal efforts under way assist Tribal law enforcement in addressing human trafficking on their lands.

Federal programs and coordination are crucial in this fight but there is clearly work left to do to ensure that vulnerable people across this country and around the globe are protected.

My hope is that we all walk away today with a more meaningful understanding of how else we need to partner to end human trafficking and incorporate it into the National conversation.

Thank you again to our witnesses for joining us today. I yield back.

[The statement of Ranking Member Vela follows:]

STATEMENT OF RANKING MEMBER FILEMON VELA

SEPTEMBER 26, 2018

Human trafficking is one of the most profitable forms of transnational crime. The International Labour Organization estimates that forced labor generates annual profits of \$150 billion per year and claims more than 20 million victims world-wide.

Trafficking victims can be of any age, race, gender, or nationality and are largely found in workplaces within the manufacturing, agriculture, hospitality, and domestic service industries.

The Federal Government has a significant role to play in building capacity, resources, and synchronization among communities, local government, and international partners.

However, one area that I believe we are overlooking are Tribal lands. Last year, the Government Accountability Office issued two related reports about the number of investigated and prosecuted human trafficking cases that involved American Indians and Alaska Natives victims and that occurred on Tribal lands. The findings left me puzzled.

The Departments of Justice, Interior, and Homeland Security each have some form of responsibility for investigating and prosecuting human trafficking crimes on Tribal lands. Forty-nine of the 94 U.S. Attorney's Offices include Indian country within their jurisdiction. However, 3 out of 4 of these Federal entities do not require their agents or attorneys to consistently collect or record the race or ethnicity, including Native American status, of victims in their cases.

As a result, the total number of Federal human trafficking investigations and prosecutions that involved Native American victims is unknown. We also don't know how many Native American victims received services under Federal grant programs intended to assist human trafficking victims for much the same reason—grantees are not required to capture this information.

This seems like a major gap and makes it difficult for us to understand the full scope of the problem.

Despite our best efforts to encourage more interagency coordination, improve law enforcement training and resources for victims, and push out more awareness campaigns, we won't know how effective or helpful they may be if we don't fully understand the full scope of people affected by human trafficking or why they may be vulnerable.

For this reason, I thank Judge Michelle Demmert for accepting my invitation to testify today. She serves as the chief justice of the Supreme Court for the Tlingit and Haida Tribes of Alaska, and she also serves as the co-chair of the National Congress of American Indians Task Force on Violence Against Women.

I found the statistics you shared in your written testimony sobering, and I am pleased that the committee will get the benefit of your views on this issue given your long experience fight on behalf of American Indian and Alaska Native women and children who have been subjected to this and other forms of violence. I would like to hear from you on what more needs to be done by Federal agencies to improve services to victims and to help bring traffickers to justice.

As the Ranking Member of this subcommittee, I was glad to cosponsor and support passage of the Department of Homeland Security's Blue Campaign Authorization Act of 2017 late last year. The Blue Campaign brings DHS components together with Federal, State, local law enforcement agencies, private industry to dismantle human trafficking networks across the country.

I would like to hear from our DHS and DOJ witnesses today about how this and other Federal efforts underway assist Tribal law enforcement in addressing human trafficking on their lands. Federal programs and coordination are crucial in this fight, but there is clearly a lot of work left to do to ensure that vulnerable people across the country and around the globe are protected.

We also should be mindful of policies put in place by the administration that may end up increasing the likelihood of human trafficking and undermining our best efforts. I would note persistent reports of “metering” or the practice of wait-listing people seeking asylum who were turned away at land ports of entry due to capacity issues.

By these accounts, people would rather risk spending several nights in a row on these bridges than to lose their opportunity to claim asylum. This leaves them incredibly vulnerable to traffickers who are more than willing to exploit them.

DHS must be sure they are not creating a whole new set of problems because the administration wishes to carry out an inhumane policy that can deliberately interfere with people’s right to claim asylum.

My hope is that we all walk away today with a more meaningful understanding of how else we need to partner to end human trafficking and incorporate it into the National conversation.

Ms. MCSALLY. The gentleman yields back.

The Chair now recognizes the Chairman of the full committee, the gentleman from Texas, Mr. McCaul and the sponsor of the Blue Campaign legislation for any statement you may have.

Mr. MCCAUL. Thank you, Madam Chairwoman and Ranking Member Vela.

Human trafficking is a despicable multi-billion-dollar industry. It enslaves an estimated 25 million people world-wide including more than 300,000 people in my home State of Texas, 80,000 of whom are minors. Many of these victims are sexually exploited or forced into slave labor and to some Americans trafficking may seem like an industry that only exists in poverty-stricken dictatorships or other poor parts of the world but sadly that is not the case, trafficking is an epidemic and it grows by the day.

The Polaris Project reports that 1 in 20 men in the United States have purchased sex on-line. Traffickers are targeting our schools, and preying on our kids through social media and apps on their phones. This evil industry is a global enterprise and we must do more to fight it.

I believe like every issue it starts with awareness. As a father of 5 children I continue to be personally struck by the horrifying stories of trafficking victims. Last month I visited Hope Rising, a rehabilitation program in Texas that matches trafficking victims with a foster family while they complete recovery therapy. It was a reminder that we need a proactive, not reactive approach to end this kind of exploitation and that is why many years ago I created the Internet Crimes against Children Unit when I was Deputy Attorney General for the State of Texas, under then-Attorney General John Cornyn. This has since led to the prosecution of hundreds—hundreds of on-line child predators.

I have also worked closely with the National Center for Missing and Exploited Children which serves as a central source in the United States for information of child victims depicted in sexually exploitive images and videos.

And earlier this year I stood in the Oval Office and watched the President signed the Blue Campaign Authorization Act into law. This was bipartisan legislation that I introduced. It provides resources to DHS to help deter, detect, and mitigate instances of human trafficking around the United States. It also protects victims and helps to raise public awareness of human trafficking threats throughout our communities.

While I am proud of what we have accomplished I believe there is much more to be done. I am eager to continue this fight with anyone who wants to stop human trafficking and I think today's hearing will give us a chance to discuss innovative ways to continue our efforts.

I want to thank the witnesses for being here and your work on this very important issue that is becoming as I said an epidemic. I have to say I have heard countless stories and not just inner-city stories but suburban, parents whose daughters and sons have been swept up into this industry and they can't get them back. Some people they don't know that exists in suburban America but it does and we want to do something about it on this committee.

I want to thank the Chairwoman for holding this hearing. Thank you.

I yield back.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL MCCAUL

SEPTEMBER 26, 2018

Human trafficking is a despicable multi-billion dollar industry. It enslaves an estimated 25 million people world-wide, including more than 300,000 people in my home State of Texas—80,000 of whom are minors.

Many of these victims are sexually exploited or forced into slave labor. To some Americans, trafficking may seem like an industry that only exists in poverty-stricken dictatorships or other poor parts of the world. Sadly, that is not the case.

Trafficking is an epidemic and it grows by the day. The Polaris Project reports that 1 in 20 men in the United States have purchased sex on-line.

Traffickers are targeting our schools and preying on our kids through social media and apps on their phones. This evil industry is a global enterprise and we must do more to fight it.

I believe, like every issue, it starts with awareness. As a father of five, I continue to be personally struck by the horrifying stories of trafficking victims.

Last month I visited Hope Rising, a rehabilitation program in Texas that matches trafficking victims with a foster family while they complete recovery therapy. It was a reminder that we need a proactive, not a reactive approach to end this kind of exploitation.

That is why I created the Internet Crimes Against Children Task Force when I was deputy attorney general for criminal justice in Texas under then-State attorney general, John Cornyn. This led to the prosecution of hundreds of on-line child predators.

I have also worked closely with the National Center for Missing & Exploited Children (NCMEC), which serves as the central source in the United States for information of child victims depicted in sexually exploitative images and videos.

And earlier this year, I stood in the Oval Office and watched President Trump sign the Blue Campaign Authorization Act into law.

This was bipartisan legislation I introduced that provides resources to DHS to help deter, detect, and mitigate instances of human trafficking around the United States.

It also protects victims and helps raise public awareness of human trafficking threats throughout our communities.

While I am proud of what we have accomplished, there is more work to be done. And I am eager to continue this fight with anyone who wants to stop human trafficking.

Today's hearing will give us a chance to discuss innovative ways to continue our efforts.

I'd like to thank the witnesses for being here today. Your hard work and expertise will help us put the trafficking industry out of business once and for all.

Ms. MCSALLY. Thank you, Mr. Chairman.

The gentleman yields back.

Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

SEPTEMBER 26, 2018

According to U.S. Federal estimates, at any given moment there are 25 million people around the world being trafficked, and Polaris estimates this number could be as high as 40 million people.

These victims have been stripped of their freedom and are being forced or coerced into performing labor or commercial sex acts. And these victims could be anyone, all ages, all races, socioeconomic backgrounds, male, female, foreigners, or U.S. citizens.

A victim could be from any country, State, or city, because human trafficking exists everywhere. It exists throughout the United States, in both cities and rural areas, in our own communities and Congressional districts, even though it may not be visible to those who are not trained to detect it.

One thing everyone seems to agree on is that certain factors can make people more susceptible to being victimized by a trafficker.

Being a youth, recent migration or relocation, substance abuse, mental health issues, being a runaway or homeless, or involvement with the child welfare system—these risk factors are often associated with people who are or have been trafficked.

Traffickers take advantage of these vulnerabilities to control and exploit their victims.

I was interested to read the testimony of one of our witnesses today, Chief Justice Demmert, because it pointed to an extremely high incidence of trafficking among the American Indian and Alaska Native populations. She cites a 2016 report from The National Institute for Justice that found that 84 percent of American Indian and Alaska Native women will experience intimate partner violence, sexual violence, or stalking in their lifetime, and 1 in 3 have experienced it in the past year.

This is an extraordinarily high rate of violence focused on a specific population.

Knowing this, particularly as Members of Congress, we have a duty to ask ourselves what we are going to do to address this problem. While statistics are part of the story, it does nothing to convey the impact of this violence.

I look forward to hearing from Chief Justice Demmert today, to better understand the totality of circumstances facing our native peoples and to hear her comments and recommendations on how we can begin to tackle this problem.

Many of our Federal departments work together to around the world to combat human trafficking, some of whom are represented here today.

Each partner plays an important role in a unified effort to combat trafficking. From obtaining and sharing information, identifying and supporting victims, building investigations and cases against perpetrators and networks, and shutting down opportunities for traffickers to exploit more victims.

I also hope to hear from our Federal witnesses about how they work with their State, local, Tribal, private-sector, and other non-governmental partners.

Growing our understanding of how these criminal enterprises operate, who their victims are, and how we can all better work together is integral to rooting out these operations and ending the enslavement of millions of people.

I look forward to hearing about some of the coordinated work being accomplished today and what kind of resources or support is needed to further identify and eradicate the stain of human trafficking.

Human trafficking is a detestable crime and Congress must do its part to provide the tools that are necessary to bring these crimes out of the shadows where trafficking thrives.

Ms. MCSALLY. We are pleased to have four distinguished witnesses before us today. Assistant Secretary John Hill, is responsible for the Department of Homeland Security Office of Partnership and Engagement or OPE. Is that how you say it or do you have an acronym, OPE or something? OK. OPE coordinates DHS outreach to State, local, Tribal, and territorial governments, and local law enforcement, the private sector, and colleges and universities.

In 2014 then-Governor, Indiana Governor, Mike Pence appointed Mr. Hill as his deputy chief of staff for public affairs where he

oversaw all of Indiana's Public Safety agencies. Mr. Hill has more than 40 years of experience in public service at the Federal and State level, welcome.

Special Agent Steven Cagen, I pronounced that correctly? Is currently the special agent in charge for Homeland Security Investigations in ICE under the Department of Homeland Security, in Denver, Colorado and is responsible for leading criminal investigations conducted by 18 HSI offices in cities throughout Colorado, Montana, Utah, and Wyoming. As a temporary assignment Mr. Cagen held the position of acting director of the Human Smuggling and Trafficking Center which is an interagency fusion center and information clearinghouse focused on advancing and supporting efforts to combat human trafficking, with a nexus to the United States. Since beginning his career in 1988, he has worked across the country and abroad to combat drug and human trafficking, money laundering, and arms trafficking, just to name a few, welcome.

Acting Assistant Attorney General John Gore oversees the Department of Justice's Civil Rights Division which also encompasses the Human Trafficking Prosecution Unit. Before joining the Department of Justice Mr. Gore was a partner in the Issues and Appeals practice at Jones Day in Washington, DC. His practice spans all phases of appellate and trial litigation and a broad range of substantive areas including voting rights, administrative law, anti-trust, and products liability. Prior to entering private practice Mr. Gore clerked for the Honorable Bruce Selya on the United States Court of Appeals for the First Circuit. I appreciate you coming today since DOJ is not under our jurisdiction but this is a really important conversation to have cross agencies so thanks for being here.

Finally, the Honorable Judge Demmert, did I say that correctly? No, tell me? Demmert, OK, Demmert, emphasis on the first syllable, Demmert is a current elected delegate for the Central Council Tlingit and Haida Tribes in Alaska. She has also the National Congress of American Indians Violence Against Women's Task Force co-chair. Throughout her career Judge Demmert has worked in various capacities of advancing domestic violence protections for women and children. She has significant Tribal court experience, having worked at various positions in the Northwest Intertribal Court System including chief judge and administrator, welcome.

The Chair now recognizes Assistant Secretary Hill for 5 minutes to testify.

**STATEMENT OF JOHN H. HILL, ASSISTANT SECRETARY, OFFICE OF PARTNERSHIP AND ENGAGEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. HILL. Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee thank you for the opportunity to appear today to discuss the Department of Homeland Security's awareness and outreach efforts to combat human trafficking.

On behalf of Secretary Nielsen and the more than 230,000 men and women of DHS, I thank Chairman McCaul and this committee for its continued dedication to this bipartisan issue including the passage of the Department of Homeland Security Blue Campaign

Authorization Act which you folks referenced in your opening comments.

Human trafficking is a heinous crime, traffickers use force, fraud, or coercion to compel their victims into labor or commercial sex. Sadly, during my 29 years of law enforcement experience I witnessed the devastating effects of people caught in such circumstances however I was never provided training in human trafficking and even now such training is desperately needed for more State and local law enforcement. DHS is working to provide that needed training.

The Blue Campaign which was created in 2010 and is housed within the Office of Partnership and Engagement develops general awareness training and materials to increase detection of human trafficking and to identify victims for first responders, law enforcement, Governmental, non-Governmental, and private-sector entities.

DHS works collaboratively with interagency partners to ensure that victims are protected and traffickers are brought to justice. For example, through the President's Interagency Task Force to monitor and combat trafficking in persons, this entity was created by the Trafficking Victims Protection Act of 2000. DHS works with 15 Federal agencies responsible for coordinating the Federal Government's effort to combat trafficking in persons. Also, DHS works jointly with the U.S. Department of Transportation to provide human trafficking training and information to aviation personnel through the Blue Lightning Initiative which creates training tools that allow airline personnel to identify potential human trafficking situations and to report their suspicions to law enforcement. More than 100,000 aviation industry employees have been trained through this effort.

The Justice for Victims of Trafficking Act of 2015 contains provisions mandating the DHS implement human trafficking training for relevant department personnel. Of the identified DHS employees over 133,000 have been trained to date.

In 2018 the Blue Campaign launched a new Human Trafficking and Native Communities Scenario Video by engaging with Native American survivors of trafficking. The video depicts what human trafficking can look like in 80 communities including recruiting tactics used by traffickers. Additionally, the Blue Campaign strives to provide culturally relevant information to Tribal communities. This effort included a visit in August 2017 with our team and they collaborated on a number of training and education efforts with Alaska Human Trafficking Working Group as well as the mayor of Anchorage.

Also, this year the Blue Campaign began leveraging Social Media and has secured more than 46,000 Twitter account followers. We implemented a digital advertising strategy with over 830,000 visits to our Blue Campaign website afterwards and 4.5 million social media interactions. The Blue Campaign recognizes that these and other awareness efforts play a vital role in ensuring the public is able to recognize the critical information that is important to law enforcement for investigation and hopefully the prosecution of traffickers.

Again, thank you for the opportunity to testify and I look forward to your questions.

[The prepared statement of Mr. Hill follows:]

PREPARED STATEMENT OF JOHN H. HILL

SEPTEMBER 26, 2018

INTRODUCTION

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the Subcommittee, thank you for the opportunity to appear today to discuss the Department of Homeland Security's (DHS) efforts to combat human trafficking, and the risk it poses to victims and the National security of the United States. I am here today to discuss the Department's Blue Campaign and the importance of its awareness and outreach efforts to combat human trafficking. On behalf of the Secretary and the more than 230,000 men and women of DHS, I thank this committee for its continued dedication to this issue, including the passage of the Blue Campaign Authorization Act, which was signed into law by President Trump on February 14, 2018.

Human trafficking is a heinous crime. Traffickers use force, fraud, or coercion to compel their victims into labor or commercial sex. Human trafficking is an exploitation-based crime and movement of the victim is not required, unlike with migrant smuggling. Individuals may be considered trafficking victims regardless of whether they were born into a state of servitude, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being subjected to human trafficking. Victims of human trafficking have the potential to be exploited in their own communities within the United States. This is why combating human trafficking continues to be a priority for the Department.

Through the Blue Campaign and on-going efforts of many DHS components, DHS raises public awareness about trafficking in persons, leveraging partnerships to educate the public to recognize human trafficking, and report suspected instances. The Blue Campaign works closely with U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), the Federal Law Enforcement Training Centers (FLETC), and other DHS components, to create general awareness training and materials for law enforcement and others to increase detection of human trafficking, and to identify victims. Working in collaboration with first responders, Governmental, non-Governmental, and private-sector organizations, the Blue Campaign magnifies this important, National public outreach.

Combating and preventing trafficking in persons begins with understanding the threat. This is why the mission of the Blue Campaign is so vital.

BLUE CAMPAIGN

The Blue Campaign was created by DHS in 2010 as a National awareness campaign to: (1) Educate the public, law enforcement, and other institutions on human trafficking in the United States; and (2) to increase understanding of the indicators of human trafficking, and to appropriately recognize and respond to possible cases of human trafficking. Housed in the DHS Office of Partnership and Engagement (OPE), the Blue Campaign works to facilitate information sharing across the Department in order to support and enhance our on-going work to fight modern-day slavery.

The Blue Campaign has leveraged existing OPE partnerships with other Federal entities, the private sector, and State/local/Tribal/territorial authorities to maximize National public engagement on anti-human trafficking efforts. The Blue Campaign is well-positioned to speak to the Department's commitment to anti-human trafficking efforts, provide consistent, timely, and accurate information to the general public, and evaluate the impact and effectiveness of its awareness products.

President Trump signed the Blue Campaign Authorization Act into law on February 14, 2018, officially codifying the program within the Department. The authorization allows the program to mature by solidifying Blue Campaign objectives, including awareness training for Department personnel and other Federal, State, Tribal, territorial, and law enforcement officials (as appropriate), and supporting its ability to leverage partnerships with State and local Governmental, non-Governmental, and private-sector organizations to raise public awareness of human traf-



ficking.<sup>1</sup> The multi-faceted program includes oversight of the Department’s anti-trafficking interagency engagement, employee and external training course development, public awareness portfolios, and external outreach.

#### INTERAGENCY ENGAGEMENT

As part of the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF), which is a Cabinet-level entity created by the Trafficking Victims Protection Reauthorization Act of 2000, DHS works collaboratively with its Federal counterparts to ensure victims are protected and traffickers are brought to justice. Specifically, the Blue Campaign works closely with 15 agencies across the Federal Government responsible for coordinating U.S. Government-wide efforts to combat trafficking in persons. As the Blue Campaign chair, I represent DHS on the Senior Policy Operating Group (SPOG), established by the Trafficking Victims Protection Reauthorization Act in 2003. The SPOG consists of senior officials designated as representatives of the PITF agencies<sup>2</sup> and works to ensure a whole-of-Government approach to address all aspects of human trafficking.

DHS works jointly with the U.S. Department of Transportation (DOT) to provide human trafficking training and information to aviation personnel through the Blue Lightning Initiative (BLI). BLI, led by CBP and DOT, is an element of the Blue Campaign. The BLI creates training tools that allow airline personnel to identify potential human trafficking situations and to report their suspicions to law enforcement. To date, more than 100,000 airline personnel in the aviation industry have been trained through BLI, and actionable tips continue to be reported to law enforcement.<sup>3</sup>

Last, the Blue Campaign frequently collaborates with other Federal agencies for public awareness opportunities, such as the Department of Labor engaging in a recent social media engagement, and the Department of Health and Human Services in resource sharing (photographs) and a Blue Campaign-facilitated panel event.

#### EMPLOYEE TRAINING

The Justice for Victims of Trafficking Act of 2015 (JVTA) contains provisions mandating that DHS implement human trafficking training for relevant personnel to identify human trafficking. The JVTA requires that the Department train and periodically retrain relevant Transportation Security Administration (TSA), CBP, and other Department personnel that the Secretary considers appropriate, with respect to how to effectively deter, detect, and disrupt human trafficking, and, where appropriate, interdict a suspected perpetrator of human trafficking.<sup>4</sup>

The Secretary determined that training of DHS personnel on human trafficking is critical to the Department’s anti-human trafficking efforts. Therefore, the Secretary has determined that, in addition to TSA and CBP, certain employees of all operational components, particularly those employees in law enforcement and with public-facing roles, should be required to receive human trafficking training and periodic retraining pursuant to the JVTA. Each component is responsible for identifying relevant employees who should receive this training, in consultation with the DHS Blue Campaign. Of the identified DHS employees, over 100,000 have completed human trafficking training.

Pursuant to the JVTA, training is accomplished through in-class or virtual learning capabilities, and includes training that is most appropriate for a particular location or environment in which the personnel receiving such training perform their official duties.

#### EXTERNAL TRAINING

The Blue Campaign and DHS components, such as FLETC, ICE, and USCIS, regularly provide training to State, local, territorial, and Tribal law enforcement communities, and other organizations throughout the United States and abroad. The

<sup>1</sup>H.R. 4708 “Department of Homeland Security Blue Campaign Authorization Act”.

<sup>2</sup>The President’s Interagency TaskForce to Monitor and Combat Trafficking in Persons (PITF) is a Cabinet-level entity created by the Trafficking Victims Protection Act (TVPA) of 2000, which consists of some 15 agencies across the Federal Government responsible for coordinating U.S. Government-wide efforts to combat trafficking in persons—<https://www.state.gov/j/tip/response/usg/index.htm>.

<sup>3</sup>The “FAA Extension, Safety, and Security Act of 2016,” signed by the President on July 15, 2016, requires air carriers to provide initial and annual flight attendant training regarding recognizing and responding to potential human trafficking victims. <https://www.cbp.gov/border-security/human-trafficking/blue-lightning>.

<sup>4</sup>Section 902(a) of the Justice for Victims of Trafficking Act of 2015 (JVTA) relates to the training of Department of Homeland Security personnel to identify human trafficking.

Blue Campaign focuses on awareness training whereas the operational components, such as ICE Homeland Security Investigations (HSI), provide training specific to investigations.

The Blue Campaign has worked to enhance awareness and training for different groups likely to encounter trafficking victims, including law enforcement, industry, and Government employees. In conjunction with FLETC, Blue Campaign works to produce educational, scenario videos that depict indicators of human trafficking. DHS also works closely with survivors of human trafficking when developing these videos.

In 2018, the Blue Campaign launched a new Human Trafficking and Native Communities video. This video depicts what human trafficking can look like in Native communities, including recruiting tactics used by traffickers. The video ends with a comprehensive overview of how to recognize and report human trafficking.<sup>5</sup> Through its efforts to engage survivors of trafficking, the Blue Campaign has prioritized working with Native American and Native Alaskan communities to provide culturally relevant information on the risks of human trafficking.

Additionally, the Blue Campaign conducted two webinars for law enforcement in fiscal year 2018, one addressing the unique challenges to combating human trafficking in Native communities, presented by FLETC and a human trafficking survivor, and one covering trauma-informed interview techniques, presented by FLETC and ICE HSI. A combined 82 law enforcement professionals attended the webinars. This was a testbed for our new law enforcement virtual engagement and it was met with positive feedback and determined successful.

#### PUBLIC AWARENESS PORTFOLIO

Beginning in fiscal year 2018, the Blue Campaign started to leverage social media as a platform to engage the general public. Since its launch in January 2018, the Blue Campaign's Twitter account has secured more than 46,000 followers. Subsequent social media engagements have resulted in constructive information sharing with corporate partners, such as Amtrak and Delta Airlines. The Blue Campaign continues to host National awareness events, such as its annual "Wear Blue Day" on National Human Trafficking Awareness Day (January 11). "Wear Blue Day" encourages the American public to wear blue, signifying awareness and commitment to ending human trafficking.

Moreover, the Blue Campaign implements a robust annual advertising strategy, to include digital advertising. Results have increased views to valuable human trafficking information with over 830,000 visits to the Blue Campaign website, and 4.5 million social media interactions. Additionally, Blue Campaign secures out-of-home advertising in geographic locations surrounding large events. This includes ad placements in Minneapolis, Minnesota during the 2018 Super Bowl, obtaining 9.2 million impressions. Public Service Announcements (PSA) are also a part of the Blue Campaign's efforts to call attention to this issue. PSAs are a useful tool to emphasize key National security and safety issues, and drive a call to action, directing the public to appropriate reporting mechanisms. In 2018, the Campaign prioritized forced labor as a focus area to generate increased responsiveness. The Campaign created a PSA, "Neighborhood Watch," which in 6 months, was placed almost 30,000 times and obtained more than 689 million impressions.

Moving forward, the Blue Campaign will continue to provide and grow its quality public awareness services. The Campaign will assess advertising and outreach strategies to ensure effectiveness and innovation remain at the forefront of shedding light on this important National safety issue.

#### PUBLIC AWARENESS CAMPAIGN EFFICACY

It is difficult to measure the efficacy of a public awareness campaign, especially one addressing a historically underreported and hidden crime. By arming the public and front-line employees across various industries with information about how to recognize and report human trafficking, Blue Campaign is creating eyes and ears across the country on the lookout for signs of human trafficking and giving individuals the resources to call the appropriate authorities or get help. By growing Blue Campaign's social media presence in 2018, DHS has developed communication channels that deliver nearly daily messages about human trafficking.

The Blue Campaign also actively works to engage survivor voices in its work. As a result of resources provided by the Department of Justice's Office for Victims of Crime, when developing new public awareness resources, the Blue Campaign was

<sup>5</sup>Blue Campaign scenario videos are located within the resource section on the campaign webpage <https://www.dhs.gov/blue-campaign/videos>.

able to secure survivor consultants from the National Survivor Network and U.S. Advisory Council on Human Trafficking to provide input on the accuracy of imagery and effectiveness of messages. Survivors have consulted on Blue Campaign's most recent public service announcement, "Neighborhood Watch," and public awareness and victim self-identification posters.

Additionally, the Blue Campaign conducted an advertising saturation exercise in Reno, Nevada from May–July 2018 that resulted in 8 calls to the National Human Trafficking Hotline.<sup>6</sup> A digital and out-of-home (billboards, baggage claim signage, scoreboard signage, and taxi toppers) strategy was created to maximize public awareness and drive calls to the National Human Trafficking Hotline in the geographic area. Digital click-to-call ads were used to track when a direct connection was made between a Blue Campaign effort and a potentially viable call that could have helped a victim of human trafficking connect to needed assistance. These call-only ads appear in search results on mobile devices, with the goal to get a user to click the phone number displayed in the ad.

#### EXTERNAL OUTREACH

Outreach and partnerships are essential parts of the Blue Campaign's efforts to ensure interested organizations have the necessary tools to bring awareness to the crime of human trafficking. Many organizations are interested in bringing awareness to their stakeholders in an effort to combat human trafficking in their industry. Partnerships increased in the last year with a wide variety of organizations, including a State-wide partnership with the State of Nevada, Nevada Department of Motor Vehicles, Asian American Hotel Owners Association, and Allied Universal Security.

The Campaign receives many relevant inquiries to the Blue Campaign inbox, but also conducts proactive outreach to organizations that could have a substantial impact on raising awareness within its industry or with the public.

As a Blue Campaign partner, organizations have access to the Campaign support team, training and resources, speaking and event opportunities (both hosted by the Blue Campaign, and to have Blue Campaign personnel present at partner-hosted events), co-branded Blue Campaign materials, human trafficking awareness materials, and receive the Blue Campaign e-newsletter.

While formal partnerships assist the Blue Campaign with sharing critical information in the fight to end human trafficking, they are not necessary to access valuable resources available on the Blue Campaign website. The Blue Campaign produces a wide variety of human trafficking awareness materials including toolkits, posters, indicator cards, and more. The Blue Campaign's comprehensive portfolio of all publications and materials is available for download and print from the Blue Campaign at no cost.

#### CONCLUSION

The Blue Campaign recognizes that awareness efforts play a vital role in ensuring the public is able to recognize the crime and provide valuable information to law enforcement. The Blue Campaign is becoming a leading voice in socializing the indicators of human trafficking so that the public can recognize and report suspected incidents of the crime, ensuring victims know how to connect with the resources they need to escape their trafficking situation and begin to rebuild their lives.

Again, thank you for this opportunity to testify today on this important issue. I look forward to answering your questions.

Ms. MCSALLY. Thank you.

The Chair now recognizes Special Agent Cagen for 5 minutes.

#### **STATEMENT OF STEVEN W. CAGEN, SPECIAL AGENT IN CHARGE, DENVER FIELD OFFICE, HOMELAND SECURITY INVESTIGATIONS, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. CAGEN. Morning Chairwoman McSally, Chairman McCaul, and Ranking Member Vela and distinguished Members of the committee. It is an honor to represent HSI, Homeland Security Investigations.

<sup>6</sup>The Blue Campaign advertising saturation exercise in Reno, Nevada was conducted in conjunction with State/local stakeholders and the National Human Trafficking Hotline <https://humantraffickinghotline.org/>.

As one of the 26 special agents in charge I can attest to the HSI's commitment to identifying and assisting victims and bringing traffickers to justice.

For decades now HSI has been seeing the same types of cases involving agriculture, construction, domestic work, restaurants, massage parlors, essentially jobs with low pay and few legal protections in an underground economy and in a service industry. Many of these workers may be visible to us but what we can't see is the fear, debt bondage, psychological coercion, threats, and harms that their traffickers inflict. They are indeed hidden in plain sight.

When I led HSI's human trafficking effort last year I learned about an investigation out of Jacksonville, Florida that has truly stuck with me to today. In 2012 Estella Clark went to her native Mexico where she met a young woman who agreed to be a pregnancy surrogate, medically supervised, in exchange for thousands of dollars. Clark had the victim smuggled across the border and undertook insemination, not with a doctor, at home with syringes. When there was no pregnancy, she started to force the victim into unwanted sex with strangers.

Over a period of 2 years Clark threatened to harm the victim's family in Mexico, forced her to engage in domestic work, became physically abusive, and fed her beans while making her sleep on the cold floor.

I chose this case to illustrate a few things. First some cases like Clark involves traffickers recruiting and smuggling victims into the United States and where they are compelled into labor or sex, commercial sex, however there are many cases where the victims arrive on visas or are already in the United States before they are trafficked. There are also cases involving U.S. citizens.

Second the Clark case demonstrated that traffickers and victims can be of any age, ethnicity, race, gender identity, immigration status, socio-economic level. Traffickers can be relatives, friends, gang members, members of transnational criminal organizations, they can operate alone or they can operate in groups. They can actually be the couple next door. They are all driven by greed.

Third, I am pleased to report the victim received services along with continued presence allowing her to remain in the United States with work authorization to facilitate the investigation and prosecution of her trafficker.

We have seen time and time again the law enforcement officers who work with victim assistance personnel have more stable victim witnesses and stronger investigations. Clark was sentenced this year to 7 years in prison for forced labor.

HSI participates in more than 120 human trafficking task forces consisting of Federal, State, local, and Tribal law enforcement as well as victim service providers. On average HSI conducts 1,000 human trafficking investigations annually, identifies and assists hundreds of victims, conducts extensive local outreach and training, and generates leads and trains foreign law enforcement partners.

Our human trafficking mission is two-fold. No. 1, we proactively identify cross-border trafficking organizations and minimize the risk they pose to National security and public safety.

No. 2 we employ a victim-centered approach which has equal value on the identification and stabilization of victims and on investigation and prosecution of their traffickers.

Alongside special agents are victim assistance specialists in the field who are vital to stabilizing that victim. This small group but growing program is essential to HSI investigations. A provision for its expansion to be truly commensurate with our investigations is included in the reauthorization of the TVPA.

In conclusion let me bring you back to our trafficker Ms. Clark. A neighbor called police after seeing the victim outside Clark's house washing a car and wearing clothing inappropriate for the freezing weather. This shows that collectively we have come a long way because when the TVPA was enacted 18 years ago, few people knew what trafficking was let alone how to respond to it. It takes public awareness like the Blue Campaigns' efforts, dedicated prosecutors like my friends at Department of Justice, and investigators like HSI, trained and ready to employ a victim-centered approach while bringing the traffickers to justice.

Thank you for shining a light on human trafficking and for the opportunity to appear here today.

[The prepared statement of Mr. Cagen follows:]

PREPARED STATEMENT OF STEVEN W. CAGEN

SEPTEMBER 26, 2018

INTRODUCTION

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee, thank you for the opportunity to appear before you today to discuss the role of U.S. Immigration and Customs Enforcement (ICE) in investigating human traffickers and protecting victims. Fighting all forms of modern-day slavery is one of ICE's top operational goals, specifically to "disrupt and dismantle organized human smuggling and trafficking." As one of 26 Special Agents in Charge, I can attest to the pervasiveness of the crime, as well as the vital role ICE's Homeland Security Investigations (HSI) plays in investigating human trafficking crimes, assisting victims, and bringing perpetrators to justice. I am also honored to have our partners in the fight against human trafficking on the panel with me today, including DHS Office of Partnership and Engagement, Assistant Secretary John Hill, who oversees the Department of Homeland Security's (DHS) Blue Campaign, and Assistant Attorney General John Gore from the Department of Justice (DOJ).

ICE HSI is the leader in combatting transnational criminal organizations engaged in human trafficking. ICE HSI conducts more than 1,000 human trafficking investigations annually, identifies and assists hundreds of victims, conducts extensive local outreach and training to generate leads, and trains foreign law enforcement partners on human trafficking through International Law Enforcement Academies (ILEA). As a lead Federal law enforcement agency responsible for investigating human trafficking, we leverage our global operational apparatus of more than 200 domestic offices and 67 international offices in 50 countries. This global footprint allows HSI to be strategically situated to work with law enforcement partners, as well as non-governmental organizations, which bring human trafficking tips and leads to HSI Special Agents world-wide.

The mission of our human trafficking investigations is two-fold: (1) To proactively identify cross-border criminal trafficking organizations and prioritize investigations according to the degree of risk posed by each to National security and public safety—HSI targets human trafficking organizations with the goal of disrupting and dismantling the organization and seizing their illegally obtained assets to remove the profit incentive; and (2) to employ a victim-centered approach, where equal value is placed on the identification and stabilization of victims, as well as the investigation and prosecution of traffickers. ICE HSI as an agency is first and foremost concerned with protecting the victim and, therefore, identifying and assisting them is paramount.

To accomplish its anti-trafficking mission, ICE HSI works in close coordination with other components of DHS, law enforcement agencies at the local, Tribal, State, and Federal levels, as well as foreign law enforcement, non-governmental organizations (NGO's), victim service providers, and private industry to protect victims, investigate and prosecute offenders, and prevent trafficking from occurring. ICE HSI Special Agents and Victim Assistance Personnel are directly supported by key ICE headquarters programs, including the Human Trafficking Unit (HTU), the Victim Assistance Program (VAP), the Parole and Law Enforcement Programs Unit (PLEPU), the Forced Labor Program, the Child Exploitation Investigations Unit, and the interagency Human Smuggling and Trafficking Center (HSTC).

We also have a robust portfolio to counter human smuggling. However, human trafficking is a distinctly different crime from human smuggling. Human trafficking is exploitation-based, with or without a border crossing, and requires force, fraud, and coercion compelling someone into labor or commercial sex, or a minor engaged in commercial sex. Conversely, human smuggling is transportation-based, and requires the crossing of a border, these individuals voluntarily seek to gain illegal entry into the United States. Human smuggling can transition and develop into trafficking once force, fraud, or coercion are introduced into the scheme to induce participation in forced labor or commercial sex.

*Strategic Approach to Combating Human Trafficking*

The counter-trafficking strategy ICE HSI employs is rooted in prevention, protection, prosecution, and partnership. Our victim-centered approach relies on close coordination with the Victim Assistance Program to connect survivors with service providers. We seek to aggressively target human traffickers using a comprehensive approach. Our emphasis on partnerships involves significant coordination, outreach, and coalition-building efforts. This strategy is a force multiplier and has paid a lot of dividends in successful prosecutions, as well as in identifying and assisting victims.

ICE HSI has dedicated human trafficking investigative groups in each of the Special Agent in Charge field offices with subject-matter experts in outlying offices as well. These specialized agents participate in more than 120 human trafficking task forces Nation-wide consisting of Federal, State, and local law enforcement, as well as victim service providers. Moreover, HSI has participated extensively in the inter-agency Anti-Trafficking Coordination Team (ACTeam) Initiative, along with the DOJ's Human Trafficking Prosecution Unit, the U.S. Department of Labor, the U.S. Department of State (DOS), and the Federal Bureau of Investigation, convening Anti-Trafficking Coordination Teams in 12 competitively selected cities to proactively develop and advance significant, high-impact Federal human trafficking investigations and prosecutions. In addition, local law enforcement agencies detail officers to ICE HSI human trafficking groups to work full-time with ICE HSI Special Agents on trafficking investigations.

As part of HSI's Trafficking in Persons Strategy, we also conduct a significant amount of outreach in order to generate leads from the organizations to which victims are likely to trust, confide, and report the crime. Annually, this strategy results in several thousand contacts with other law enforcement, NGO's, and community organizations concerning human trafficking within the United States. This routinely involves hundreds of training/engagement events with NGO's and law enforcement.

ICE HSI is a key partner of the Blue Campaign along with U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), the Federal Law Enforcement Training Center (FLETC), Transportation Security Administration (TSA) and the United States Coast Guard (USCG). The Blue Campaign is a National awareness campaign to: (1) Educate the public, law enforcement, and other institutions on human trafficking in the United States; and (2) to increase understanding of the indicators of human trafficking, and to appropriately recognize and respond to possible cases of human trafficking. Working in collaboration with first responders, governmental, non-governmental and private-sector organizations, the Blue Campaign magnifies this important, National public outreach.

In addition to providing basic and advanced training to investigators in the United States, we also provide a substantial amount of international human trafficking training, which is delivered to foreign law enforcement, prosecutors, and victim service providers in collaboration with ICE attaché offices typically from more than 70 countries annually. Working with DOS, we also coordinate and train at numerous events at ILEAs and U.S. embassies world-wide. The training includes our efforts to combat human trafficking, investigative techniques, bilateral investigations, indicators of human trafficking, victim identification, and victim assistance with a focus on building the capacity to conduct human trafficking investigations with host country authorities.

### *The Global Scope of Human Trafficking*

The United States is a source, transit, and destination country for men, women, transgender individuals, and children—both U.S. citizens and foreign nationals—subjected to sex trafficking and forced labor. Human traffickers and victims can be of any age, race/ethnicity, sex, gender identity, nationality, immigration status, cultural background, socio-economic class, and education attainment level. Traffickers can be relatives, family friends, gang members, or associated with transnational criminal organizations, and they can operate alone or in groups. Traffickers use various forms of force, fraud, and coercion to control and exploit victims, including debt bondage, fraudulent employment opportunities, false promises, violence, and threats of violence. Human trafficking occurs in both legal and illegal industries, and may intersect with other criminal activity, such as drug trafficking, human smuggling, or money laundering. Though clandestine by nature, it is an extremely lucrative illicit activity with estimated annual global profits of \$150 billion, according to the International Labour Organization.

### *Challenges to Combatting Human Trafficking*

To minimize risk and maximize profitability, traffickers work to preserve the clandestine nature of the crime by creating agile networks, adapting to profit and risk environments and adopting advanced technologies. These characteristics make it difficult to detect and, as a result, difficult to gather quality information. We are constantly working to improve detection of human trafficking cases to make the crime less clandestine and to ensure we are equipped to identify potential victims, traffickers, hot spots, and transportation routes. For example, we've enhanced our training at FLETC to include mandated human trafficking training for new agents.

Immigration status is often perceived to be a barrier to reporting suspected human trafficking. Some victims and/or their service provider/attorney do not call police, file a case, etc. because of fear of deportation/immigration enforcement. A wide range of crimes are unreported/underreported and have become harder to investigate when the victims are immigrants or have limited English proficiency. Foreign national victims are not always aware of their eligibility for certain legal benefits and services. A victim-centered approach requires we have policies and practices in place to protect trafficking victims from being susceptible to removal.

Statistically, there are fewer labor trafficking investigations because of the difficulty in detecting labor trafficking and separating it from other forms of labor exploitation and workplace violations. It can be especially difficult to detect, investigate, and prosecute for a number of reasons, including isolation of the victims, limited sources of corroborating evidence, and challenges in earning the trust of victims in order to elicit their statements. Not all law enforcement is sensitive to a trauma-informed, victim-centered approach and appreciative of the full spectrum of human trafficking (not just sex trafficking, but labor and domestic servitude as well). Also, many victims do not see themselves as victims. Consistent, survivor-informed training across law enforcement should be standardized (including terminology, typology, etc.) and continually updated, drawing on the expertise offered by survivors themselves.

Law enforcement should also be cognizant that the justice law enforcement seeks for a victim is not always the justice a victim seeks for themselves. It is not just about prosecuting the traffickers. Sometimes victims want to be removed from the situation and stabilized and move on with their life. Not every trafficking victim wants to play a role in holding the trafficker accountable.

We continue to engage with foreign counterparts to develop anti-trafficking strategies in their respective regions.

### *The Victim Assistance Program*

Our Victim Assistance Program (VAP) provides overall guidance on victim assistance and is a resource to all ICE programs for training, technical assistance, and monitoring compliance with Federal crime victim assistance statutes and the Attorney General Guidelines for Victims and Witness Assistance. VAP is also a critical resource to ICE HSI investigations and the ensuing criminal prosecutions by safeguarding victims' rights and ensuring access to the services to which they are entitled by law, as well as providing the assistance they need so that they can participate actively and fully in the criminal justice system process. VAP personnel respond to victims' issues in a wide range of Federal crimes, including human trafficking, child pornography, child sex tourism, child sex trafficking, white collar crime, and human rights abuse.

HSI Victim Assistance Specialists support our approximately 6,100 Special Agents and train them on victims' rights, immigration relief for foreign national victims, human trafficking, child exploitation, forensic interviewing, and other victim issues.

Victim Assistance Specialists also assist victims with resources and service referrals for Federal, State, and local crime victim services, as well as referrals to non-governmental and community-based victim service providers. In addition to assistance for victims, another service provided by the VAP is the Victim Notification Program and hotline, which provides, for those prior victims who register, notifications of the release from incarceration or removal of criminal alien offenders.

Along with the Victim Assistance Specialists, VAP includes Forensic Interview Specialists to conduct legally defensible, victim-sensitive, fact-finding, forensic interviews, which are developmentally appropriate and take into account the victim's age, language skills, mental health, and learning capacity.

We are pleased that the proposed Trafficking Victims Protection Reauthorization Act establishes an HSI Office of Victim Assistance, taking to scale the current HSI Victim Assistance Program by increasing the number of Victim Assistance Specialists from 27 to more than 100, and increasing the number of Forensic Interview Specialists from 6 to a minimum of 26. Practically, this means that instead of having a Victim Assistance Specialist cover regions that sometimes include multiple States, one VAS would be located in every HSI office that is participating in a human trafficking task force. Establishing this office would be a force multiplier for victims, investigations, and public safety. This key legislation will further enhance HSI's capacity to support victims and investigate human traffickers.

#### *Making an Impact*

Working closely with its partners, to include prosecutors at the local, State, and Federal levels, ICE HSI has been able to make a significant difference and move forward U.S. counter-trafficking efforts. In the last 2 years, we have initiated nearly 2,000 human trafficking cases, resulting in the identification and assistance of almost 1,000 victims and over 3,000 criminal arrests, and 1,200 convictions. In fiscal year 2018 (as of August 31, 2018) 778 human trafficking cases have been initiated, resulting in 1,410 criminal arrests, 759 indictments and 425 convictions.

One example of our efforts with Mexico is the cross-border initiatives, to target transnational criminal organizations (TCOs) responsible for sex trafficking Mexican women in the United States. Mexico is the country of origin of the largest number of foreign-born human trafficking victims identified in the United States. In response to numerous Federal investigations and prosecutions of trafficking networks operating across the U.S.-Mexico border, DOJ and DHS launched the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative to enhance collaboration with Mexican law enforcement counterparts in order to more effectively combat trans-border trafficking threats. Through this initiative, U.S. and Mexican authorities exchange leads and intelligence to dismantle transnational trafficking networks through high-impact prosecutions in both the United States and Mexico.

In addition to coordinating the development of bilateral investigations and prosecutions, DOJ, DHS, and their Mexican law enforcement counterparts engage in extensive exchanges of expertise and case-based mentoring to advance best practices in victim-centered enforcement strategies. The initiative has achieved significant results: U.S. Federal prosecutions of over 170 defendants; Mexican State and Federal prosecution of over 30 associated defendants; extradition of 8 defendants from Mexico to the United States to face charges; identification of and assistance to more than 200 victims; and recovery of over 20 victims' children from the trafficking networks' control. We have coordinated bilateral enforcement actions to apprehend co-conspirators on both sides of the border.

#### *Immigration Options for Foreign Victims of Human Trafficking*

Short- and long-term immigration options assist law enforcement in stabilizing victims, which can lead to improved cooperation with law enforcement and humanitarian relief to victims. ICE HSI can provide "Continued Presence" (CP) to victims, an important law enforcement tool that allows a "victim of a severe form of trafficking," who may be potential witnesses to such trafficking, to remain in the United States to facilitate an investigation or prosecution of human trafficking-related crimes. CP provides for the temporary deferral of removal actions, along with temporary work authorization and potential access to public benefits and services. It also allows victims to remain in the United States while pursuing a civil action against their traffickers.

Continued Presence is vital to law enforcement efforts to combat human trafficking. It is a necessary means of stabilizing victims so they can cooperate as witnesses in bringing traffickers to justice. CP may be granted for an initial period of 2 years and may be renewed for up to 2 years to facilitate an investigation or prosecution against traffickers. The appropriate application of Continued Presence can lead to more successful prosecutions of traffickers and can increase the odds of iden-



tifying and rescuing more victims. USCIS can also provide longer-term immigration relief to certain qualifying victims of severe forms of trafficking through the T visa and victims of other qualifying crimes through the U visa.

CONCLUSION

ICE remains committed to utilizing its authorities and resources to arrest human traffickers and identify and assist the victims of this horrific crime. We will build upon the successes of our outreach and victim-centered approach, and share our lessons learned and expertise to expand the global fight against this horrific crime. We will continue to dismantle and disrupt the criminal organizations engaged in human trafficking until we end the threat that human trafficking poses.

Thank you again for the opportunity to appear before you today and for your continued support of ICE and its law enforcement mission. I would be pleased to answer any questions.

Ms. MCSALLY. Thank Special Agent Cagen.

The Chair now recognizes Assistant Attorney General Gore for 5 minutes.

**STATEMENT OF JOHN GORE, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE**

Mr. GORE. Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee, I thank you for this important opportunity to discuss the Department of Justice's extensive efforts to combat human trafficking.

The Department is resolutely committed to eradicating the scourge of human trafficking from our communities in our country to holding perpetrators accountable and to bringing justice to the victims and survivors of this destructive crime.

Make no mistake about it, human trafficking is a civil rights and public health crisis in this country. Human trafficking is often referred to as modern-day slavery. Its victims are denied their freedom, they suffer horrific psychological and physical abuse including violence, sexual abuse, substance abuse, mental manipulation, malnutrition, and neglect. It is hard to understand this kind of cruelty and shocking to contemplate its scope. Sadly, human trafficking is everywhere, in hospitals where we receive care, in the hotels where we stay, in the restaurants where we eat, in the airports, bus stations, and train stations where we travel, in the cities large and small, poor and prosperous where we live, and of course on-line.

Human trafficking not only devastates lives, it also undermines the security of our communities, the integrity of our borders, and the rule of law. For these reasons the attorney general has declared that combating human trafficking is one of the Department's top priorities. The Department's Crime Reduction and Public Safety strategy calls for aggressive and coordinated efforts to eliminate human trafficking from the country.

The Department is currently prosecuting unprecedented numbers of human traffickers: 2017 was a record-setting year for our enforcement efforts. Last year alone we obtained convictions of 499 human traffickers, a record and a 14 percent increase over the prior year. We also secured indictments in a record 282 cases involving 553 defendants.

We could not achieve these record-setting results without strong partnerships across the Executive branch with the Department of

Homeland Security, the Department of Labor, the Department of State, and the Department of Health and Human Services.

For example, the Civil Rights Division's Human Trafficking Prosecution Unit is leading a groundbreaking anti-trafficking initiative across the Executive branch; that initiative called the Anti-trafficking Coordination Team or ACTeam Initiative convenes and coordinates interagency teams of Federal agents and prosecutors in select districts and so far, the results of this initiative have been tangible.

In Phase 1, human trafficking prosecutions more than doubled in the ACTeam districts compared to more modest gains in other districts. Phase 2 is still under way but so far it has produced promising results including a significant prosecution of 38 individuals for operating a transnational trafficking enterprise that exploited Thai women, hundreds of Thai women, all across the United States.

We also rely on strong partnerships with State, local, and Tribal law enforcement agencies. The Department invests heavily in training and funding programs to help build the capacity of those agencies to combat human trafficking within their jurisdictions. Moreover, in consultation with State, local, and Tribal law enforcement leaders every United States Attorney's Office in the country has devised and implemented a district-specific strategy to combat human trafficking with specific details on the coordination of investigations, enforcement actions, and victim and survivor support.

Human trafficking is a crime that knows no boundaries so neither can our enforcement efforts. The U.S.-Mexico Bilateral Enforcement Initiative which the Department leads in partnership with Homeland Security and Mexican authorities has enabled us to bring high-impact prosecutions against transnational trafficking enterprises operating along the U.S.-Mexico border. Through the initiative U.S. and Mexican authorities share intelligence, leads, evidence, and tactical analysis. This international collaboration has allowed us to increase and enhance our ability to identify, interdict, and dismantle brutal trafficking enterprises.

The initiative has led to many prosecutions in Mexico and the United States including Federal prosecutions of over 170 defendants in this country. Last year we secured convictions of all 8 members of a notorious sex-trafficking enterprise that lured vulnerable young women and girls on false promises, smuggled them into the United States, coerce them into prostitution for over a decade, and laundered the criminal proceeds back to Mexico.

With the assistance of our outstanding Mexican counterparts, we executed a simultaneous take-down on both sides of the border and secured the extradition of five defendants to the United States.

The Department's enforcement efforts have taught us an important lesson: Our work is most effective when it remains survivor-centered and trauma-informed. Our work is not complete until victims and survivors of human trafficking have been able to put their lives back together. Victim and witness coordinators from the Civil Rights Division, the Criminal Division, the FBI, and United States Attorneys' Offices, work tirelessly to provide support and stability to victims in areas such as housing, medical care, and counseling.

The Department's Office of Justice programs also administers the largest amount of Federal funds dedicated to helping human trafficking survivors in the United States. Thanks to the Congress that amount totals \$77 million for fiscal year 2018. That money funds victim service providers, training programs, public awareness, and 29 anti-trafficking task forces, all across the country, comprised of Federal, State, local, and Tribal law enforcement, and community and faith-based organizations, dedicated to providing services to survivors.

In fiscal year 2017 Department of Justice grantees reported assisting a total of 8,003 clients and training more than 56,000 people on how to identify and assist human trafficking survivors. The Department's commitment to the robust and victim-centered enforcement of the Human Trafficking laws that the Congress has enacted will never falter, our commitment is robust, together we can eliminate this scourge of human trafficking and make our communities and our country more free, more fair, more open, and more safe.

I thank you for this invitation and look forward to answering your questions.

[The prepared statement of Mr. Gore follows:]

PREPARED STATEMENT OF JOHN GORE

SEPTEMBER 26, 2018

Chairwoman McSally, Ranking Member Vela, and Members of the committee, I thank you for this opportunity to discuss the Department of Justice's (Department) extensive efforts to combat human trafficking in all its forms. The Department is deeply committed to seeking justice on behalf of victims and survivors of this destructive crime and holding perpetrators accountable. We appreciate the opportunity to highlight the significant momentum of our counter-trafficking efforts and the strategies that we are implementing to make them even more effective. We work to prosecute human traffickers, build interagency alliances to combat human trafficking and to assist survivors.

Human trafficking is often referred to as modern-day slavery in which victims are denied their freedom. Victims of human trafficking can endure horrific psychological and physical abuse, including violence, sexual abuse, substance abuse, mental manipulation, malnutrition, and neglect.

It is hard to contemplate this kind of cruelty—and shocking to contemplate its scope. Sadly, human trafficking is widespread: In the hospitals where we receive care; in the hotels where we stay; in the restaurants where we eat; in the airports, bus stations, and train stations where we travel; in the truck stops we drive past; in the cities, large and small, poor and prosperous, that we live in; and, of course, on-line. Unfortunately, there is no indication that the problem is abating. From 2010 to 2014, the National Center for Missing and Exploited Children reported a 846 percent increase in reports of suspected child sex trafficking to the CyberTipline. The increase in reports is likely fueled, in part, by the wide-spread use of the internet to recruit and advertise vulnerable and at-risk victims. As we continue to raise awareness about human trafficking, we expect to see an increase in the rate of detection and reporting.

Human trafficking not only devastates lives, it also undermines the safety of our communities, the integrity of our borders, the vitality of our economy, and the rule of law. For this reason, the attorney general has declared the fight against human trafficking to be one of the Department's highest priorities. The Department's Crime Reduction and Public Safety Strategy has called for "aggressive and coordinated" efforts "to deter those who violate our borders and subject others to forced labor, involuntary servitude, sex trafficking, and other forms of modern-day slavery."

The Department of Justice is intensely focused on holding traffickers criminally accountable for their actions. In doing so, the Department hopes to deter and prevent future crimes by declaring their conduct intolerable in a Nation founded on ideals of individual rights and the rule of law. We are certain that to succeed in this mission we must continue to advance survivor-centered strategies that enable

victims and witnesses, who are often silenced by fear, to come forward and aid authorities in bringing perpetrators to justice.

The Department of Justice continues to prosecute unprecedented numbers of human traffickers. Last year alone, we secured a record 499 trafficking convictions—a 14 percent increase over the previous year—and we filed a record 282 cases against 553 defendants. The Department is continuing to use the array of powerful statutes Congress has given us to pursue human traffickers. Our efforts include investigating and prosecuting all perpetrators to the fullest extent of the law: Not only the traffickers who recruit victims and then cruelly exert control over their lives, but also the customers who patronize those victims, the hotel owners who profit by participating in trafficking ventures—and the facilitators of on-line trafficking who profit from advertising commercial sex.

Through our strong partnerships within the Department of Justice's components, we have successfully prosecuted human trafficking cases. Our success is attributed to collaboration between: The United States Attorney's Offices, the Civil Rights Division's Human Trafficking Prosecution Unit, the Criminal Division's Child Exploitation and Obscenity Section, the FBI, and our Office of Justice Programs, which supports anti-trafficking task forces, victim assistance grant programs, research studies, community policing efforts, and resource publications. Each of these partners within the Department brings highly specialized expertise in distinct aspects of the wide array of threats we encounter. The specialized expertise involves varying combinations of sex trafficking and labor trafficking domestically and internationally, exploiting both adults and minors, and perpetrated by a range of isolated individuals, loosely affiliated networks, domestic gangs, and transnational criminal organizations. In addition, we are increasingly leveraging the specialized expertise of the Department's organized crime, financial crime, and cyber crime units to further enhance the impact of these trafficking prosecutions.

We have also achieved these results through our partnerships with other Federal agencies, including the Department of Homeland Security's Homeland Security Investigations, the Department of Labor's Office of Inspector General and Wage and Hour Division, the Department of State's Diplomatic Security Service, and the Department of Health and Human Services. In addition to our Federal enforcement partnerships, we rely extensively on our mission-critical alliances with State, local, and Tribal law enforcement. We also depend on faith-based organizations, and non-governmental victim service providers who earn the trust of those at risk, supporting them in finding the courage to come forward and cooperate with law enforcement to investigate and prosecute the human traffickers.

The Department of Justice is continuing to lead groundbreaking enforcement initiatives that have significantly expanded our ability to bring high-impact trafficking prosecutions that dismantle transnational criminal organizations. The Anti-Trafficking Coordination Team (ACTeam) Initiative, organizes interagency teams composed of Federal agents and prosecutors in select Districts to develop high-impact trafficking cases in coordination with National subject-matter experts. The results of the ACTeam Initiative have been successful. In Phase I of the ACTeam Initiative, prosecutions more than doubled in ACTeam Districts, compared to far more modest gains elsewhere. Phase II, which is still on-going, is producing promising results—including a significant prosecution charging 38 defendants with operating an extensive transnational sex trafficking enterprise that exploited hundreds of Thai women across the United States.

The U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative enables us to bring high-impact prosecutions against transnational trafficking enterprises that operate across the U.S.-Mexico border. Through the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative, U.S. and Mexican anti-trafficking authorities exchange leads, evidence, strategic intelligence, tactical analytics, and advanced expertise in survivor-centered enforcement strategies through direct operational coordination channels. This work has enhanced the capacity of both U.S. and Mexican law enforcement to initiate high-impact prosecutions aimed at dismantling human trafficking networks operating across the U.S.-Mexico border. By employing the capabilities of our international law enforcement counterparts and streamlining coordination of interrelated investigations—ones with victims, witnesses, evidence, continuing criminal conduct, associated targets, and fugitive defendants in common—this Initiative has significantly expanded our ability to identify, interdict, and dismantle brutal trafficking enterprises. Because of this Initiative, we are bringing traffickers to justice, removing victims' children from the traffickers' control, and helping survivors rebuild their lives.

The Department has successfully prosecuted human trafficking-related cases in both Mexico and the United States, including U.S. Federal prosecutions of over 170 defendants in multiple cases in Georgia, New York, Florida, and Texas, in addition

to numerous Mexican Federal and State prosecutions of associated sex traffickers. Just last year, we convicted all 8 members of a notorious sex trafficking organization that lured dozens of vulnerable young women and girls on false promises, smuggled them into the United States, compelled them into prostitution in New York, Georgia, and Alabama for over a decade, and laundered the criminal proceeds back to Mexico. We conducted a coordinated, simultaneous takedown on both sides of the border, then secured the extradition of 5 defendants to the United States, with the assistance of the Criminal Division's Office of International Affairs, to face multiple human trafficking, organized crime, alien smuggling, money laundering, and related charges. A few months ago, the United States secured the extradition of 4 human trafficking defendants apprehended in Mexico as a result of another bilateral investigation and prosecution that culminated in a 23-count indictment charging 8 defendants with operating an extensive transnational sex-trafficking enterprise that lured young women and girls on false promises then compelled them into prostitution for the traffickers' profit using physical and sexual violence, threats, and psychological coercion.

We are continuing to break new ground by building interagency alliances to combat human trafficking from all angles. We are working with partners to detect forced labor in the importation of goods and leveraging drug enforcement partners to disrupt opioid-based trafficking schemes that manipulate victims' fears of opiate withdrawal to compel them into prostitution, perpetuating both the opioid crisis and the scourge of sex trafficking. As our anti-trafficking efforts continue to gain momentum, we remain keenly aware of the many challenges that lie ahead. We are committed to strengthening strategic partnerships and advancing innovative approaches that will enable us to make our fight against human trafficking more effective than ever before.

Our anti-trafficking efforts extend beyond prosecutions. The Department's Office of Justice Programs (OJP) administers the largest amount of Federal funding dedicated to assisting survivors of human trafficking in the United States, receiving \$77 million in fiscal year 2018 funding to do so. In addition to funding victim service providers across the country, the Department funds 29 anti-trafficking task forces comprised of local, State, Tribal, and Federal criminal justice components, victim service providers, and community- and faith-based organizations that together ensure that trafficking victims are proactively identified and referred for appropriate services and offenders' cases are investigated and prosecuted. The Department's Office of Community Oriented Policing Services (COPS Office) also funds the development of guidebooks and publications on human trafficking, including recent publications on trafficking at the U.S. Southwest Border and on combating child sex trafficking.<sup>1</sup> DOJ-funded organizations have provided direct services, ranging from housing to legal services to case management, to a record number of trafficking victims. Between July 2016 and June 2017, DOJ trafficking grantees reported assisting a total of 8,003 clients, greatly exceeding the total number of clients served during the entire first 10 years of our anti-trafficking program, as well as training more than 56,000 individuals on how to identify and assist trafficking survivors. The Department provides extensive training in survivor-centered, trauma-informed anti-trafficking strategies, often drawing on the expertise of survivors themselves, because stabilizing survivors and restoring their rights is not only our statutory duty under the Trafficking Victims Protection Act; it is also the key to our success in bringing traffickers to justice for heinous crimes that go unpunished when victims are too terrified to come forward. We are actively training partners Nation-wide to utilize the additional statutory tools enacted in April in the Allow States and Victims to Fight On-line Sex Trafficking Act.

Thank you for this opportunity to speak before you today, I look forward to further discussions on these issues.

Ms. MCSALLY. Thank you.

The Chair now recognizes the Honorable Judge Demmert for 5 minutes to testify.

<sup>1</sup>See, e.g., *Below Ten: Combating Drugs, Guns, and Human Trafficking at the U.S. Southwest Border* (<https://ric-zai-inc.com/Publications/cops-p369-pub.pdf>). We also have publications available on child sex trafficking (<https://ric-zai-inc.com/ric.php?page=detail&id=COPS-P342> and <https://ric-zai-inc.com/ric.php?page=detail&id=COPS-P318>).

**STATEMENT OF MICHELLE DEMMERT, CHIEF JUSTICE, CENTRAL COUNCIL, TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA**

Ms. DEMMERT. Thank you Chairwoman McSally, Ranking Member Vela, and distinguished Members.

I am pleased to be here today to address trafficking and its impact on Native American communities.

Thank you so much for recognizing the impact trafficking has on our communities and your interest in involving our Tribes in the solutions. This will be key.

Trafficking in multiple forms has been utilized as a tool of genocide and colonization of American Indians and Alaskan Natives within the United States since first contact with Europeans. This practice continues today in different forms.

In the United States there is no tracking method that provides a complete picture of sexual exploitation or human trafficking. The data that is available supports the conclusion that our women, our Tribal women are trafficked at disproportionately high rates yet a recent GAO report found that from 2013 to 2016 there were only 14 Federal investigations and two Federal prosecutions of human trafficking offenses in Indian country.

Traffickers prey on persons perceived to be vulnerable. Our women and girls have many of the indicators that increase vulnerability, including being a relatively young, high-poverty population, high rates of homelessness and substance abuse, high rates of past violent victimization, and a lack of resources and support services.

In Alaska our women and girls represent a disproportionate number of trafficked girls in relation to the population. It is reported that 28 percent of the youth at the Covenant House Alaska were survivors of human trafficking and that these cases were some of the worst in the Nation.

Current Federal law limits the authority of Indian nations to fully protect victims of crime and respond to crimes of trafficking that occur on our lands because criminal jurisdiction is divided among Federal, Tribal, and State governments. Depending on the location of the crime, the type of crime, the race of the perpetrator, and the race of the victim, the confusing jurisdictional scheme often leads to a failure to act.

In 1978 the Supreme Court ruled in *Oliphant v. Suquamish* that absent specific direction from Congress, Tribal nations do not have jurisdiction over crimes committed by non-Indians in Indian country. According to a Senate Committee on Indian Affairs report, "Criminals tend to see Indian reservations and Alaska Native villages, as places they have free rein where they can hide behind the current ineffectiveness of the judicial system. Without the authority to prosecute crimes of violence against women, a cycle of violence is perpetuated that allows and even encourages criminals to act with impunity in Tribal communities and denies Native women equality under the law, by treating them differently than other women in the United States."

Again, Alaska has a uniquely, complex jurisdictional arrangement and no solution has yet been legislated. Unfortunately, the amendments included in Bauer 2013 creating a framework for some Tribes to exercise jurisdiction over domestic violence crimes

are limited in scope and do not reach sex trafficking crimes. What can be done?

There are several bills currently pending before Congress that would help achieve these goals. H.R. 6545, the Violence Against Women Reauthorization Act of 2018 would make clear that Tribal courts can hold anyone who traffics American Indians or Alaska Natives in Indian country accountable for their crimes, however this act wouldn't help Alaska Natives because of their jurisdictional issues. H.R. 4608 the Survive Act, it would amend the Victims of Crime Act to provide services and compensation to trafficking and other crime victims in Tribal communities. S. 3280, the End Trafficking of Native Americans Act would improve coordination among Federal agencies.

Taken together these three bills would significantly improve access to justice and services for American Indian and Alaskan Native trafficking victims. I urge you to support these bills and I would be happy to answer any questions that you may have.

Gunalcheesh haat. Thank you.

[The prepared statement of Ms. Demmert follows:]

PREPARED STATEMENT OF MICHELLE DEMMERT

SEPTEMBER 26, 2018

Good morning, I am pleased to present testimony to the subcommittee today on how human trafficking is impacting Native communities. My name is Michelle Demmert, and I am an enrolled citizen of the Central Council Tlingit and Haida Indian Tribes of Alaska, and I am the elected Chief Justice of our Supreme Court. I am also the co-chair of the National Congress of American Indians' Task Force on Violence Against Women and the Alaska Native Women's Resource Center Law and Policy Consultant.

Trafficking, in multiple forms, has been utilized as a tool of genocide and colonization of American Indians and Alaska Natives (AI/AN) within the United States since first contact with Europeans. Leading sex trafficking researcher and Native scholar, Dr. Sandi Pierce notes that it is no secret that "the selling of North America's indigenous women and children for sexual purposes has been an on-going practice since the colonial era. There is evidence that early British surveyors and settlers viewed Native women's sexual and reproductive freedom as proof of their 'innate' impurity, and that many assumed the right to kidnap, rape, and prostitute Native women and girls without consequence."<sup>1</sup> The intentional use of force, in both sexual and labor contexts, against AI/AN people is an act that seeks to degrade Tribal sovereignty through an actual stealing away of our people or a utilization of them in unnatural ways.

Recently, there has been an increase in interest from Congress regarding human trafficking in Tribal communities. The Government Accountability Office (GAO) released two reports on this topic in 2017.<sup>2</sup> On September 27 of last year, the Senate Committee on Indian Affairs held a hearing on "the GAO Reports on Human Trafficking of Native Americans in the United States."<sup>3</sup> Witnesses at that hearing included the GAO, the Bureau of Indian Affairs' Office of Justice Services (BIA OJS), the Department of Justice's Office of Tribal Justice, and the Executive Director of the Minnesota Indian Women's Sexual Assault Coalition. I encourage you to review the testimony from that hearing to get a greater understanding of how the Federal

<sup>1</sup> Sandi Pierce and Suzanne Koeplinger, *New language, old problem: Sex trafficking of American Indian women and children*, National Resource Center on Domestic Violence (2011), <https://vawnet.org/material/new-language-old-problem-sex-trafficking-american-indian-women-and-children>.

<sup>2</sup> U.S. Gov't Accountability Office, GAO-17-325, *Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federally-funded Services* (2017); U.S. Gov't Accountability Office, GAO-17-624, *Human Trafficking: Information on Cases in Indian Country or That Involved Native Americans* (2017).

<sup>3</sup> Oversight Hearing on "The GAO Reports on Human Trafficking of Native Americans in the United States": Before the S. Comm. on Indian Affairs, 115th Cong. (2017).

Government attempts to address trafficking in Tribal communities and statistics from a Tribal perspective in an urban area.<sup>4</sup>

PREVALENCE OF TRAFFICKING ON TRIBAL LANDS

In the United States, as well as in Canada, “there is no data collection/tracking method that provides a complete picture of sexual exploitation or human trafficking.”<sup>5</sup> The data that is available supports the conclusion that AI/AN women are trafficked at disproportionately high rates. Across four sites surveyed in the United States and Canada as part of a 2015 report, an average of 40 percent of the women who had been trafficked identified as AI/AN or First Nations:

“In Hennepin County, Minnesota, roughly 25 percent of the women arrested for prostitution identified as American Indian . . . In Anchorage, Alaska, 33 percent of the women arrested for prostitution were Alaska Native . . . In Winnipeg, Manitoba, 50 percent of adult sex workers were defined as Aboriginal . . . and 52 percent of the women involved in the commercial sex trade in Vancouver, British Columbia were identified as First Nations.”<sup>6</sup>

It is important to note that in not one of these cities and counties do Native women represent more than 10 percent of the general population.

And while these data are only snapshots of sex trafficking in major cities, similar trends are emerging in more remote reservation communities. In 2015 alone, the White Earth DOVE Program (Down On Violence Everyday), which serves the White Earth, Red Lake, and Leech Lake Reservations in northwestern Minnesota, identified 17 adult victims of sex trafficking.<sup>7</sup> In northeastern Montana, the Montana Native Women’s Coalition reported that they have observed a 12 to 15 percent increase over the previous year’s program base (between 2014–2015) regarding the number of Native women who have been trafficked.<sup>8</sup>

In my home State of Alaska, the FBI and the BIA have warned Tribal leaders that traffickers were preying on Native women and would be targeting young women who traveled to Anchorage for the Alaska Federation of Natives conference.<sup>9</sup> There has also been a great deal of discussion about the dangerous situation created for Native women by the oil boom in the Bakken region of North Dakota.<sup>10</sup> “Specifically, the influx of well-paid male oil and gas workers, living in temporary housing often referred to as ‘man camps,’ has coincided with a disturbing increase in sex trafficking of Native women.”<sup>11</sup>

Human trafficking is a highly underreported crime for a variety of reasons, including the fact that “many trafficking victims do not identify themselves as victims. Some may suffer from fear, shame, and distrust of law enforcement. It is also not unusual for trafficking victims to develop traumatic bonds with their traffickers because of the manipulative nature of this crime.”<sup>12</sup>

Human trafficking also intersects with intimate partner violence in a way that can obscure the scope of the problem. According to the National Network to End

<sup>4</sup>Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark & Eileen Hudon, *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*, available at <http://www.niwr.org/resources/garden-truth-prostitution-and-trafficking-native-women-minnesota>.

<sup>5</sup>Victoria Sweet, *Rising Waters, Rising Threats: The Human Trafficking of Indigenous Women in the Circumpolar Region of the United States and Canada* (2014), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2399074](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2399074).

<sup>6</sup>Trafficking in Native Communities, *Indian Country Today*, May 24, 2015, <https://newsmaven.io/indiancountrytoday/archive/trafficking-in-native-communities-JGKqWdmCQ0-6BCi-rN-X9w/>.

<sup>7</sup>Amy Dalrymple and Katherine Lymn, Native American populations ‘hugely at risk’ to sex trafficking, *Bismarck Tribune*, Jan. 5, 2015, [https://bismarcktribune.com/bakken/native-american-populations-hugely-at-risk-to-sex-trafficking/article\\_4651e48-92c5-11e4-b040-c7db843de94f.html](https://bismarcktribune.com/bakken/native-american-populations-hugely-at-risk-to-sex-trafficking/article_4651e48-92c5-11e4-b040-c7db843de94f.html).

<sup>8</sup>Human Trafficking Will Become One of the Top Three Crimes Against Native Women, *Indian Country Today*, July 15, 2015, <http://indiancountrytodaymedianetwork.com/2015/07/15/human-trafficking-will-become-one-top-three-crimes-against-native-women-161083>.

<sup>9</sup>“I can’t get my sister back”: Investigators warn of sex traffickers targeting Natives, *Anchorage Daily News*, April 28, 2016, <https://www.adn.com/rural-alaska/article/i-can-t-get-my-sister-back-investigators-warn-sex-traffickers-targeting-natives/2016/12/03/>.

<sup>10</sup>Kathleen Finn ET. AL., Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation, 40 *Harvard Journal of Law & Gender* 1, (2017) <http://harvardjlg.com/wp-content/uploads/2012/01/jlg-winter-3.pdf>.

<sup>11</sup>Id.

<sup>12</sup>National Congress of American Indians, Policy Research Center, *Human & Sex Trafficking: Trends and Responses across Indian Country* (2016), available at <http://www.ncai.org/policy-research-center/research-data/prc-publications/TraffickingBrief.pdf>.



Domestic Violence, “there is a marked overlap in the pattern of behaviors that both abusers and traffickers use to exert power and control over a victim. Intimate partner trafficking occurs when an abuser [compels] their partner to engage in commercial sex, forced labor, or involuntary servitude.” Alternatively, trafficked individuals sometimes live with their trafficker and are subjected to the physical violence, emotional manipulation, and overbearing control that are hallmarks of domestic violence.<sup>13</sup> Domestic and sexual violence are crimes that also disproportionately impact AI/AN women. The National Institute for Justice has found that 84 percent of AI/AN women will experience intimate partner violence, sexual violence, or stalking in their lifetime, and 1 in 3 have experienced it in the past year.<sup>14</sup>

#### HEIGHTENED RISK FOR AMERICAN INDIANS AND ALASKA NATIVES

Traffickers prey on persons perceived to be vulnerable.<sup>15</sup> AI/AN women and girls have many of the indicators that increase vulnerability, including being relatively young, from a high-poverty population, high rates of homelessness and substance abuse, exceptionally high rates of past violent victimization, and a lack of resources and support services.<sup>16</sup> An FBI agent involved with prosecuting trafficking cases in Anchorage has said that Native women are also particularly vulnerable because “[t]here have been traffickers and pimps who specifically target Native girls because they feel that they’re versatile and they can post them (online) as Hawaiian, as Native, as Asian, as you name it.”<sup>17</sup>

Compounding these demographic vulnerabilities is the lack of an effective law enforcement and criminal justice system in many places. Current Federal law limits the authority of Indian nations to fully protect victims of crime and respond to crimes of trafficking that occur on their lands. Criminal jurisdiction in Indian country is divided among Federal, Tribal, and State governments, depending on the location of the crime, the type of crime, the race of the perpetrator, and the race of the victim. The rules of Tribal jurisdiction were created over 200 years of Congressional legislation and Supreme Court decisions—and are often referred to as a “jurisdictional maze.”<sup>18</sup>

The complexity of the jurisdictional rules creates significant impediments to effective law enforcement in Indian country. Each criminal investigation involves a cumbersome procedure to establish who has jurisdiction over the case according to the nature of the offense committed, the identity of the offender, the identity of the victim, and the exact legal status of the land where the crime took place. The first law enforcement officials called to the scene are often Tribal police or BIA officers, and these officers may initiate investigations and/or detain a suspect. Then a decision has to be made—based on the race of the individuals involved in the crime, the type of crime committed, and the legal status of the land where the crime occurred—whether the crime is of the type warranting involvement by the FBI or State law enforcement.

Oftentimes answering these questions can be very difficult. Each of the three sovereigns has less than full jurisdiction, and the consequent need for multiple rounds of investigation often leads to a failure to act. Overall, law enforcement in Indian country requires a degree of cooperation and mutual reliance between Federal, Tribal, and State law enforcement that—while theoretically possible—has proven difficult to sustain. As described by Theresa Pouley, former Chief Judge at the Tulalip Tribes of Washington, “The combination of the silence that comes from victims who live in fear and a lack of accountability by outside jurisdictions to pros-

<sup>13</sup>The National Network to End Domestic Violence, *The Intersections of Domestic Violence and Human Trafficking*, November 10, 2017, [https://nmedv.org/latest\\_update/intersections-domestic-violence-human-trafficking/](https://nmedv.org/latest_update/intersections-domestic-violence-human-trafficking/).

<sup>14</sup>Department of Justice, Nat’l Inst. of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey 26* (May 2016), <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

<sup>15</sup>U.S. Department of Justice, Attorney General’s Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2015, <https://www.justice.gov/archives/page/file/870826/download>.

<sup>16</sup>Statement of Tracey Toulou Director of Tribal Justice, U.S. Department of Justice, Before the S. Comm. on Indian Affairs, Sept. 27, 2017, [https://www.indian.senate.gov/sites/default/files/upload/Tracy%20Toulou%20Testimony\\_0.pdf](https://www.indian.senate.gov/sites/default/files/upload/Tracy%20Toulou%20Testimony_0.pdf).

<sup>17</sup>“I can’t get my sister back”: Investigators warn of sex traffickers targeting Natives, *Anchorage Daily News*, April 28, 2016, <https://www.adn.com/rural-alaska/article/i-can-t-get-my-sister-back-investigators-warn-sex-traffickers-targeting-natives/2016/12/03/>.

<sup>18</sup>See Robert N. Clinton, *Criminal Jurisdiction Over Indian Lands: A Journey Through a Jurisdictional Maze*, 18 ARIZ. L. REV. 503, 508–13 (1976).

ecute that crime, you've created if you will, the perfect storm . . . which is exactly what all of the statistics would bear out."<sup>19</sup>

For over 3 decades before amendments included in the reauthorization of the Violence Against Women Act in 2013 (VAWA 2013), Tribes did not have jurisdiction over any crimes committed by non-Indians on their reservations.<sup>20</sup> In 1978, the Supreme Court ruled in *Oliphant v. Suquamish* that, absent specific direction from Congress, Tribal nations do not have jurisdiction over crimes committed by non-Indians in Indian country.<sup>21</sup> Congress recognized the impacts of this ruling. According to the Senate Committee on Indian Affairs' Report on this issue, "Criminals tend to see Indian reservations and Alaska Native villages as places they have free reign, where they can hide behind the current ineffectiveness of the judicial system. Without the authority to prosecute crimes of violence against women, a cycle of violence is perpetuated that allows, and even encourages, criminals to act with impunity in Tribal communities and denies Native women equality under the law by treating them differently than other women in the United States."<sup>22</sup> Numerous researchers and policy commissions have concluded for decades that jurisdictional complexities in Indian country were a part of the problem. And again, Alaska has a uniquely complex jurisdictional arrangement and no solution has yet been legislated.<sup>23</sup> As the Ninth Circuit summarized in a 1994 report, "Jurisdictional complexities, geographic isolation, and institutional resistance impede effective protection of women subjected to violence within Indian country."<sup>24</sup> Unfortunately, the amendments included in VAWA 2013 that created a framework for some tribes to exercise jurisdiction over domestic violence crimes are limited in scope and do not reach sex trafficking crimes. In the trafficking cases that involve a non-Native trafficker—likely the majority of them—all the Tribal court can do is banish the trafficker from the reservation or issue a civil protection order.

The United States Department of Justice has testified to Congress that jurisdictional complexity has made the investigation and prosecution of criminal conduct in Indian country very difficult and that some violent crimes convictions are thrown into doubt, recommending that the energy and resources spent on the jurisdictional questions would be better spent on providing tangible public safety benefits.<sup>25</sup> The Indian Law and Order Commission, a bi-partisan commission created by the Tribal Law & Order Act of 2010, concluded that "criminal jurisdiction in Indian country is an indefensible morass of complex, conflicting, and illogical commands."<sup>26</sup> These challenges are not unique to trafficking cases, but they undoubtedly complicate the justice response and make reservations an attractive target for traffickers. Native women as a population are often viewed as unprotected prey and the pleas of victims and their families for help go unheard. One mother in Alaska, reported:

"[m]y daughter was and still is a victim of sex trafficked women. I reported it to the authorities and received no help. I told them the address, location, and names of her traffickers. The Anchorage Police Department would not listen to me until I got my two white friends to make a call for me. I contacted Priceless Alaska but they would not help me unless a State Trooper investigates and makes a referral to their organization. No one would help me. I also called the FBI, three times, and they did not respond. Through, my two white friends, I reported her missing. My daughter was held, by traffickers, at Eagle River, Alaska, for 4 months."—Martina Post, Testimony of the Native Village of Alakanuk, USDOJ Tribal Consultation, December 6, 2016.

In Alaska, 28 percent of the youth at Covenant House Alaska were survivors of human trafficking and Alaska experiences the most heinous cases of sex trafficking

<sup>19</sup>Tribal Justice: Prosecuting non-Natives for sexual assault on reservations, PBS NEWS HOUR (Sept. 5, 2015), <https://www.pbs.org/newshour/show/tribal-justice-prosecuting-non-natives-sexual-assault-indian-reservations>.

<sup>20</sup>See, e.g., Angela R. Riley, Crime and Governance in Indian country, 63 UCLA L. REV. 1564, 1567 (2016) (discussing the history of criminal justice in Indian country, the resulting "jurisdictional maze," and the impacts of this maze on Native women).

<sup>21</sup>*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).

<sup>22</sup>S. Rep. No. 112-265, at 7 (2012).

<sup>23</sup>INDIAN LAW & ORDER COMM'N, A ROADMAP FOR MAKING NATIVE AMERICA SAFER, (2013).

<sup>24</sup>John C. Coughenour et al., The Effects of Gender in the Federal Courts: The Final Report of the Ninth Circuit Gender Bias Task Force, 67 S. CAL. L. REV. 745, 906 (1994).

<sup>25</sup>Testimony of The Honorable Thomas B. Heffelfinger, U.S. Attorney, Minneapolis, Minneapolis, Oversight Hearing before the Senate Committee on Indian Affairs on Contemporary Tribal Governments: Challenges in Law Enforcement Related to the Rulings of the United States Supreme Court, July 11 2002.

<sup>26</sup>INDIAN LAW & ORDER COMM'N, A ROADMAP FOR MAKING NATIVE AMERICA SAFER, (2013).

in the Nation. Dr. Laura Murphy of Loyola University's Modern Slavery Research Project, researched and reported that among all the Covenant House sites across the country, Alaska had the most brutal cases of sex trafficking—worse than the big, crime-filled cities of Los Angeles, Detroit, New Orleans and even New York.<sup>27</sup>

#### FEDERAL RESPONSE

Investigating and prosecuting trafficking crimes in Tribal communities is largely the responsibility of the Federal Government, although in some cases the Tribal or State government will have concurrent jurisdiction. According to the GAO, there are four Federal agencies that investigate or prosecute human trafficking in Indian country—the Federal Bureau of Investigation (FBI), the Bureau of Indian Affairs (BIA), U.S. Immigration and Customs Enforcement (ICE), and the U.S. Attorneys' Offices (USAOs).<sup>28</sup> GAO reports that the BIA, FBI, and USAOs record whether a trafficking case occurred in Indian country in their case systems, but ICE does not. None of the Federal agencies track whether the victim is Native American or not.<sup>29</sup> In its recent report, the GAO found that from 2013–2016, there were only 14 Federal investigations, and two Federal prosecutions of human trafficking offenses in Indian country.<sup>30</sup> Given what we know about the prevalence of trafficking in Tribal communities and the responsibility of the Federal Government to investigate and prosecute these crimes, this is extremely concerning.

The GAO released a second report in July 2017 examining the extent to which local law enforcement agencies or Tribal governments were filling the void left by Federal law enforcement agencies investigating and prosecuting trafficking cases. The GAO surveyed 203 Tribal law enforcement agencies and 86 major city law enforcement agencies. Of the 132 Tribal law enforcement agencies who responded, 27 of them reported that they initiated human trafficking investigations between 2014–2016, for a total of 70 investigations involving 58 victims. The GAO asked Tribal law enforcement agencies about the number of human trafficking investigations they conducted in Indian country. The question posed to major city law enforcement agencies differed, however. They were asked about the number of human trafficking investigations that involved at least one Native American victim. Only 6 of the major city law enforcement agencies reported human trafficking cases with at least one Native American victim. Those 6 reported a total of 60 investigations involving 81 Native American victims from 2014–2016. The Minneapolis Police Department reported 49 of the 60 total investigations. GAO reported that the Minneapolis Police “made a concerted effort, starting in 2012, to meet with Tribal elders and service providers who worked with the Native American population to demonstrate their willingness to investigate human trafficking crimes. The officials stated that, following those meetings, the number of human trafficking crimes involving Native American victims that were reported to the department increased.”<sup>31</sup>

GAO reported that Tribal law enforcement agencies believe that human trafficking is occurring at a higher rate than is being reported. Unsurprisingly, when Tribal law enforcement were asked to identify factors that hampered their ability to hold traffickers accountable, several themes emerged: (1) Victims are unwilling to cooperate; (2) lack of resources, such as necessary training, equipment, and funding for sex crime investigations; (3) inter-agency cooperation is absent or deficient; and (4) a lack of appropriate laws in place.

#### CONCLUSION

While human trafficking impacts every community, there is a growing awareness and concern that Native women and girls are particularly vulnerable and are victims of sex trafficking at an alarming rate. There is a particular concern about the relationship between both intimate partner violence and the extractive industries and sex trafficking. It is important that Congress take action to hold Federal officials accountable for their failure to adequately investigate and prosecute trafficking crimes in Tribal communities, while also ensuring that Tribal governments have the resources and authority that they need to address these issues. There are several bills currently pending before Congress that would help achieve these goals.

<sup>27</sup> Murphy, L.T., (2017) Labor and Sex Trafficking Among Homeless Youth, 12.

<sup>28</sup> Government Accountability Office. (2017). Human Trafficking Investigations in Indian Country or Involving Native Americans and Actions Needed to Better Report on Victims Served. (GAO Publication No. 17–762T). Washington, DC: U.S. Government Printing Office.

<sup>29</sup> Id. at 14.

<sup>30</sup> Id. at 6.

<sup>31</sup> Id. at 10.

- H.R. 6545, the Violence Against Women Reauthorization Act of 2018, would amend 25 U.S.C. 1304 to make clear that Tribal courts can hold anyone who traffics American Indians or Alaska Natives in Indian Country accountable for their crimes.
- H.R. 4608, the SURVIVE Act, would amend the Victims of Crime Act to ensure that Tribal governments receive a portion of the annual disbursements from the Crime Victims Fund in order to provide services and compensation to trafficking and other crime victims in Tribal communities.
- S. 3280, The End Trafficking of Native Americans Act, would establish a joint Department of Justice and Interior Advisory Committee to improve coordination in efforts to address trafficking of Indians and on Indian lands.

Taken together, these three bills would significantly improve access to justice and services for American Indian and Alaska Native trafficking victims. I urge you to support these bills. Thank you for the opportunity to testify today. Gunalchéesh.

Ms. MCSALLY. Thank you.

I now recognize myself for 5 minutes for questions.

I really appreciate all the verbal and written testimony. One thing that was in some of your written testimony that I want to highlight and ask a question on, is this deeply troubling dynamic of traffickers taking advantage of people who are perhaps recovering or suffering from opioid addiction, where in some cases I think one of your testimony said is they are almost leaving rehab facilities, that they are in a vulnerable place to be captured and that their traffickers then keep them addicted and then you know, continue to keep them in slavery by continuing to provide them the opioids while they are trafficking and forcing them into slavery.

This is deeply disturbing. There is a lot of attention lately on the opioid epidemic; this nexus between those that are struggling with addiction and those who are now potentially vulnerable to being trafficked is deeply disturbing to me.

So Special Agent Cagen can you share any trends or dynamics going on with that or any and any others on the panel? I think it is really important for our listeners to understand that.

Mr. CAGEN. Definitely and thank you for bringing that up because it is extremely important to us right now. One of the things for HSI that is why we are uniquely positioned to target trafficking because we also work in the narcotics arena, whether it is coming from the transnational criminal organizations through the routes into the United States, which also brings humans and trafficking victims, we are seeing that and that is one of the two things that we are focused on right now.

It is very interesting to talk about it here because we also discuss it at a local level with chiefs and sheriffs in things like Haida meetings when we are talking about narcotics, that we are also talking about how traffickers are you know, focused on people that are coming down. What they are doing is they are identifying people that are really vulnerable coming down off you know, an opioid high, coming out of the facility.

Ms. MCSALLY. Yes.

Mr. CAGEN. We are also seeing them use opioids with vulnerable victims who have never used drugs before—

Ms. MCSALLY. OK.

Mr. CAGEN [continuing]. Because once they get them hooked. It is sad to say but that renewable resource, whether it is cartels, mostly criminal gangs within the United States, or small lower-level and they just continue to keep them hooked on opioids, well

they are renewable resource to whatever organization or whatever person is trafficking them in these horrible situations.

Ms. MCSALLY. That is disgusting.

Mr. Gore, do you have anything to add?

Mr. GORE. Yes. I would like to add something and thank you Chairwoman McSally for raising an important question on this crucial issue. You are talking about the intersection of the civil rights and public health crisis that is human trafficking and the opioid epidemic sweeping all across the Nation and leaving a wake of destruction behind it.

We recently had a case, we secured a guilty plea back in July involving a man who had used opioid addiction to coerce two young women into commercial sex trafficking. He was giving them just enough heroin to maintain their addiction and prevent withdrawal and then threatening to take their heroin away so they would suffer the enormous physical pain of withdrawal if they refused to engage in commercial sex trafficking.

He was from Massachusetts and was taking these women throughout New England to engage in coerced commercial sex. He was driving down I-95 with the victims and was physically abusing one of them in a car when a good samaritan passing by noticed this and called the authorities and he was apprehended and has now pleaded guilty to these heinous and outrageous crimes.

I think it goes to a point you raised earlier Chairwoman, that increasing public awareness on all of these fronts is extraordinarily important. Back when the TVPA was enacted there wasn't widespread public awareness about it, now we have more and more wide-spread public awareness and hopefully there will be increased public awareness about opioid withdrawal and the opioid crisis as well and more people like that good samaritan, passerby will speak out when they see indicators of human trafficking and other criminal activity.

Ms. MCSALLY. Great. Thank you.

Another line, I want to go into maybe more in the second round as well is any trends that you all are seeing related to traffickers using on-line tools or on-line recruitment or on-line manipulation to facilitate trafficking. Just in April this year the President signed the Allow States and Victims to Fight On-line Sex Trafficking Act of 2017 making it a Federal crime for websites and bad actors like Backpage.com to facilitate illegal prostitution and other things. Are you seeing a trend in on-line activity and is this law going to give you additional tools, and anything else you can share Mr. Gore?

Mr. GORE. Yes. Thank you. FOSTA is an extraordinarily important tool for law enforcement at the Federal, State, local, and Tribal levels. As you laid out it creates liability for website operators that knowingly advertise sex trafficking or intentionally facilitate prostitution.

Of course the advent of the internet has led to an explosion in human trafficking activity, it has created a new market where human trafficking can take place, where supply and demand can come together in ways that were not possible before and we are seeing that all across the country and really all throughout the world so FOSTA is an important tool that supplements departments' already existing enforcement authority as was shown by the

prosecution of Backpage.com in your home State of Arizona and it also creates important right-of-action for State Attorneys' General to combat human trafficking on-line and we are actively engaged with State authorities to help build their capacity to do so.

Ms. MCSALLY. OK. Great. I am over my time. I wanted to come back to it in a second round.

But the Chair now recognizes Mr. Vela, the Ranking Member for 5 minutes.

Mr. VELA. Thank all of you again.

Mr. Cagen, did I get that right? Mr. Gore, this question I think is for the two of you and I was wondering if you could elaborate on a point you touched on with respect to our levels of law enforcement cooperation with Mexican authorities because it is something we don't often focus on and you know, in light of the indictments and extraditions of "El Chapo" Guzman and the former Governor of Tamaulipas, Tomas Yarrington which I think are success stories that the public doesn't often get to hear about and I was wondering if you could elaborate more on you know, how those efforts, going forward are important to focus on and how they help Mexican authorities help us with respect to not only prosecutions of criminals like "El Chapo" and Tomas Yarrington but in the context of human trafficking?

Mr. CAGEN. Thank you for the question. I won't get into the particulars of the bilateral agreement because that is with Department of Justice but what I can tell you is I was in Mexico, working in Mexico in 2009 when the bilateral agreement was signed around and it continues. The continued work between our governments is something that is not talked about all that often I will agree but we are down there continually. We actually have a group, Human Trafficking Unit, in Department of Justice's Human Trafficking Unit down there in Mexico City meeting with the Mexican government next week in order to talk about some cases, some on-going cases, also capacity building.

We continually, Blue Campaign and ourselves continually work, capacity building with the Mexican government but also within the Northern Triangle region. It is something that is extremely important to us because what we need them to help us with is identifying any trafficking that they might see before it comes to the United States so by bolstering their capacity within the entire region it helps us try to combat this problem.

Mr. GORE. Mr. Cagen's absolutely right. The Bilateral Enforcement Initiative has been extraordinarily important both to Mexican authorities and to the United States. Mexico remains the largest source-country for foreign trafficking victims entering the United States. It is a huge problem here, it is also a huge problem in Mexico and one of the great innovations of the Bilateral Enforcement Initiative is it has allowed us to bring high-impact prosecutions that dismantle entire trafficking enterprises that operate on both sides of the border.

Frequently what happens in these cases is individuals operating in Mexico, lure young women and girls or other trafficking victims and then smuggle them into the United States where they are coerced into sex trafficking or labor trafficking and criminal proceeds are then laundered back to Mexico.

We don't always have the tools or the opportunity or the enforcement resources to go after the individuals operating in Mexico but the Mexican authorities do and so when we work together with them we can dismantle an entire enterprise, take it apart, save hundreds of victims, save hundreds more would-be victims who never get caught up in that particular enterprise so it allows us to leverage our enforcement tools and resources for the most effective combating of human trafficking that we can do.

Mr. VELA. I have two quick questions on the same point, the first one is for you Mr. Gore, the second one for Mr. Cagen and that is, what is your sense given the change of administrations in Mexico and how that will affect our cooperative efforts to date, will it be enhanced, disrupted, or do you see that it will continue the way it has been?

Mr. Cagen when you talk about capacity, you are talking about capacity I believe on the Mexican side and that is one thing I have wondered about because I have worked with HSI officials that are in Mexico and I am curious about our capacity in terms of personnel needs and things like that on the HSI side, to keep that process going forward?

Mr. GORE. Thank you, Ranking Member Vela, for that question. I think it is too early to tell if there is going to be any change and approach on the Mexican side of this equation but we are optimistic and very hopeful that our efforts with the Mexican authorities will continue unabated.

One of the great innovations of the bilateral Enforcement Initiative is that we have institutionalized the commitment on both sides of the border, both in the United States among our law enforcement and also in Mexico among their law enforcement. Now the Department has a number of rule-of-law and justice-reform initiatives in Mexico, we have been able to use those to leverage cooperation and assistance in the human trafficking sphere and all the teams that we have worked with of career prosecutors and investigators in Mexico have been thoroughly vetted and are resolutely committed to this effort and have been strong partners.

Ms. MCSALLY. The gentleman yields back.

The Chair now recognizes the Representative from Louisiana, Mr. Higgins, for 5 minutes.

Mr. HIGGINS. Thank you, Madam Chairwoman.

Special Agent Cagen, how high is the confidence that your agents have on a border regarding actual identification of people coming across, and I am speaking to ask your response on what is the quality level of false documents and identifications that you are encountering as we attempt to identify people coming into our Nation?

Mr. CAGEN. Thank you for the question. That is a difficult question for me to answer. We are the criminal investigative arm of the Department and we are not called in until after United States Border Patrol or United States—

Mr. HIGGINS. Are you seeing false documents and identifications and case files that you are investigating—

Mr. CAGEN [continuing]. Yes.

Mr. HIGGINS [continuing]. At the investigative level once they have been processed in the field?

Mr. CAGEN. Yes.

Mr. HIGGINS. What is your opinion of the quality of those false documents and identifications?

Mr. CAGEN. That they continue to get better. I have been doing it for 18 years, they definitely continue to—

Mr. HIGGINS. Roger that. I asked this question because of my background in law enforcement. You know, we run across false IDs and many years ago, almost a decade ago, we interviewed a gentleman with full investigative authority at the felony level and he had in his possession over 150 stolen identity files, complete files, and he had a connection to make driver's licenses that were so close to the real thing, it required incredible scrutiny to discern the difference between the driver's licenses that this gentlemen who is from Eastern Europe was able to create and after hours of interrogation with this gentleman we were still not sure who he was. He was ultimately deported so this was almost a decade ago.

You are familiar I am quite sure Mr. Gore with the Equal Protection under the law Clause in Section 1 of the 14th Amendment to any person on our soil, correct?

Mr. GORE. Yes. I am.

Mr. HIGGINS. Does that right extend to children that enter our Nation illegally, accompanied by an adult?

Mr. GORE. I do believe it does, yes.

Mr. HIGGINS. Of course, so as a compassionate nation of law and order, in order for a young man or woman that has been brought into our Nation for the purpose of human trafficking, in order for them to get inserted into the criminal network domestically, they have to make it through border security, am I correct?

Whether they are smuggled in or whether they are brought in, in plain view, is the nature of this hearing and is it not our responsibility to determine who these people are?

Mr. GORE. Yes.

Mr. HIGGINS. Special Agent, yes?

Mr. CAGEN. Yes. It is. I believe that the Customs and Border Protection and the U.S. Border Patrol at any ports of entry, do everything that they can to identify who these people are, whether it is through interviews, using their background and knowledge on how to interview people and get people to talk to them, I think they do a great job at it.

Mr. HIGGINS. I concur. I bring up this subject because Mr. Gore, as representatives of the civil rights enforcement, essentially for the endeavors that we are discussing today, are we not as a nation committed to the unwavering protection of the civil rights, of including of illegal aliens that come into our Nation illegally because of the clearly stated verbiage of our Constitution and the amendments therein, as when they are on American soil, they deserve protections under the law, do they not?

Mr. GORE. Absolutely.

Mr. HIGGINS. So our very initial objective is quite challenging. I think America needs to know this because there has been a great deal of discussion about the rights of children and we are discussing human trafficking today which by its very nature means children so as a young man or woman is brought into our Nation perhaps with the criminal intent of being inserted into a domestic



criminal network of human trafficking, it is our absolute duty, Madam Chairwoman, my colleagues, to determine exactly who these adults are that are accompanying the children.

I will leave with you, Mr. Hill, tell us what, to close, what a challenge that is for us as a nation?

Mr. HILL. Well, I would just say we have recognized in doing the outreach since the Blue Campaign was stood up in 2010, that this is a huge challenge for us. We appreciate the efforts of the Authorization Act that was passed this past year because I think it gives us institutional tools to help build up the staff that we need.

Before we had the reauthorization, we were pulling people from different departments on details to try to fill this need to inform people and so having the act is really going to institutionalize this process and get the word out but in fiscal year 2017, I believe there were 31,000 unaccompanied children that came to this country and so 98 percent of them are still here and we need to make sure that those people are identified during that process so that the trafficking symptoms are not evident with those children.

Ms. MCSALLY. The gentleman yields back.

The Chair now recognizes Mr. Correa from California for 5 minutes.

Mr. CORREA. Thank you, Madam Chair. I want to thank you and the Ranking Member for this most important hearing.

I want to thank our witnesses here today for your service to our country.

You know, human trafficking is a very ugly issue but it is one we have to look at head-on. I represent Central Orange County, Orange County, California and Mr. Cagen you talked about human trafficking, sex slaves, and U.S. citizens. The No. 1 reason or I should say in our Juvenile Hall in Orange County, young ladies, the No. 1 reason the majority of them are there for prostitution, under-age young ladies, American citizens.

Representing Central Orange County, it is a very blue-collar area, very heavily immigrant, heavily Latino, and also very heavily Asian. We have the biggest population concentration of Vietnamese outside of Vietnam so I have gone out with public safety and I have seen a lot of the human trafficking circumstances and situations in my county.

Central Orange County, we have a lot of workers with and without documents and many, many live in my district and then they work in Newport Beach, as nannies, and doing other manual work.

I had an employee in Newport Beach called me the other day and say, "I need your help." I said, "What can I do for you ma'am? You are out of my district but I will help you."

She says, "A 20-year nanny just got arrested by ICE. Can you help me?" My children are you know, very concerned because this is a lady that is bottom up.

These are the stories I hear over and over again and yet today you know, over the last 2 years the administration has tightened up immigration policy, granting fewer visas, admitting fewer refugees, and really removing thousands of legal residents.

I would ask Mr. Hill, and Ms. Demmert, this is—this is going to create a situation of supply and demand. The jobs are still there, my Central Valley farmers in California still need workers yet less

of them are able to come so this is going to put a lot of pressure and really going to create more business for these smugglers to bring folks into the United States. Am I reading this wrong or thoughts on that point?

Mr. HILL. Well, Representative Correa, thank you for that question. I think there is definitely an attempt by the administration and specifically the USCIS to evaluate the visa process and to make sure that the right number of visas are being granted according to the caps that have been instituted by Congress.

So we are fully supportive of immigration reform. We would love to see Congress move in some of these areas and we believe that that is an important initiative to address but I will say to you that we are still getting lots of immigrants into this country. Since 2008 we have brought in 11 million immigrants into this country and so that is a huge number. I don't know if it addresses the labor issue as much but it—

Mr. CORREA. I think that is what I am getting at because we can talk the actual numbers, we can talk actual supplying the men again when I have folks, farmers in Georgia or in my State, the State of California saying, "We need more workers," it tells me that there is either a mismatch on the immigrants or the right kind of immigrants aren't coming to the United States or there is not enough of them.

Mr. HILL. I think that is one of the reasons why we need to move toward requiring things like E-Verify that allows us to find out who should be here and make it easier for people that want to be getting jobs in America, that are legally here, as opposed to these traffickers.

Mr. CORREA. Let me just follow your logic so you want E-Verify—

Mr. HILL. Yes.

Mr. CORREA. Then what does that do for the supply—

Mr. HILL. But it—

Mr. CORREA [continuing]. Of workers because I have talked to some of my local you know, farmers in California and they have said, "You do E-Verify and I am out of business."

Mr. HILL. Well, either—

Mr. CORREA. And you come to the rescue within 6 months. I am going—

Mr. HILL. OK.

Mr. CORREA [continuing]. Hold that thought and we will talk later on because I also wanted to follow Mr. Vela's conversation about Mexico and the coordination on the asylum, the refugee seekers.

It is my understanding that Mexican government is doing a lot of work in the southern border of Mexico in checking asylum refugees and holding back a lot of them in the southern border. Do you have any information on that or is there any coordination?

I asked also Ms. Demmert also if you can answer that because I believe your part of the world, Alaska, is also an area that we do have undocumented coming in, is this an area of future challenges for the country in terms of immigration with or without documents?

Ms. DEMMERT. Well, I think that you always have a problem with undocumented individuals coming into areas that lack law enforcement, which Alaska really does. You know, 40 percent of our communities do not have law enforcement available and so it is a prime area for people to come in and not fear the consequences.

In terms of your questions about the labor issue, any time you have those vulnerable communities who have a need and need to get work they are at risk, they are at most risk for trafficking because they are trusting, they are easily sold a line and they trust people that they are going to be fair to them and then they get trapped into some sort of labor or sex trafficking that they cannot get out of.

I just wanted to quickly add that in terms of Chairwoman McSally's point on the opioid issue you know, we also had to come from it from a victim-centered point of view in that women who are opioid-dependent who use, maybe distribute or possess aren't thinking clearly and they fear the consequences of the repercussions of being caught with that and being part of that and so don't seek help for being trafficked under severe conditions of opioid use.

So figuring out how to provide treatment and also to provide some sort of safe haven for them to not be arrested for them is also very important.

Thank you for the question.

Ms. MCSALLY. Your time—

Mr. CORREA. Madam Chair, I think my time is up.

Ms. MCSALLY. Has expired.

Mr. CORREA. Thank you very much for your indulgence, thank you.

Ms. MCSALLY. The Chair now recognizes Ms. Demings from Florida for 5 minutes.

Mrs. DEMINGS. Thank you so much Madam Chair.

Thank you all as well for being here with us today.

Mr. Gore and Justice Demmert I want to thank you for really focusing on the victim and how we can better assist the victim.

Mr. Gore you talked about the intersection between human trafficking, public health, and addiction and I think we all can do our jobs better if we approach these issues from a holistic standpoint.

We have also heard about a victim-centered approach and victims have to rebuild their lives and often need support to do just that so I would like to ask both of you how often do you rely on victims because many of them come from very challenging environments, how often you rely on victims to provide testimony against their trafficker, and how critical are victim assistance services in helping victims so that they can be effective witnesses that result in prosecution of the traffickers?

Mr. Gore, we will start with you. Thank you.

Mr. GORE. Thank you for that important question Congresswoman Demings because you have hit on an extraordinarily important issue which is the survivor-centered and trauma-informed approach we try to take in our enforcement efforts at the Department of Justice. We use victims as witnesses in many, many cases. They are eyewitnesses to what they suffered. They are eyewitnesses to the trafficking enterprise and its operations. They are eyewitnesses to the criminal activity.

Our first and most important goal is to stabilize and support those victims with the services that they need and so we do that and then we help them prepare to be witnesses in cases that are appropriate.

We also use victims and survivors to help us improve our training. Once they become stabilized and after their cases are over, we have had many survivors review our training materials and videos to make sure that they are accurately representing what goes on in a human trafficking scenario and we have even had victims and survivors participate in our trainings both internally to the Department of Justice, and of State, local, and Tribal law enforcement agencies because they bring a unique expertise and experience that we don't have as law-enforcement agents and that unique experience and expertise is very vital.

We could not do our work to answer the last part of your question without victim service providers. They are absolutely essential and they exist all across the country. They do training, they provide support and services to victims. We help fund those providers but they go out and they do the very vital and important work of actually providing that service where its most needed.

Mrs. DEMINGS. Thank you.

Justice Demmert.

Ms. DEMMERT. Thank you for the question. This is an important point that needs to be talked about for sure. Tribal governments have been largely left out of the Victims of Crime Act of 1984 and as a result of that our victims really have a challenge in accessing services in this area.

We thank the House for what you have all did in the Appropriations Act of this year and for the first time we are accessing Victims of Crime funding which will just really help us with this point.

However, it is not a permanent fix yet and we really need that so we really need the Survive Act to have a consistent, reliable, steady stream of funding that we can build programs and provide these services.

The State of Alaska has not been very helpful at all in helping victims of crime. Many Tribal communities don't even know that there is Crime Victim Compensation available so these trafficked individuals they are just you know, they are being helped by aunties, uncles, family members, they are not getting any real meaningful compensation or assistance and so thank you very much, we really hope that the Survive Act or something similar will become a permanent fix so we can build these programs.

Mrs. DEMINGS. I know that the Minneapolis Police Department have experienced an increase in the number of victims that have been referred to them and I believe that it is a result of the outreach efforts that have increased or been enhanced, could you talk a little bit about those and what you believe could be done to further enhance our outreach efforts to reach potential victims?

Ms. DEMMERT. Well, outreach is really you know, I can't speak to Minneapolis obviously but in terms of outreach, the problem that we are having in Alaska in particular is that we are so under-resourced in terms of law enforcement and judicial services because of Public Law 280 we have not had the same sort of resources di-

rected to Alaska Tribal communities or urban areas and so we have had to rely on State resources and the State has not been a friend to Alaskan Native women and children who are victims of trafficking.

We you know, we had a heinous case out of Anchorage this last week in which a man who—and forgive me for being so candid but who kidnapped a woman, a young Native woman, strangled her because that was the only way he could seek sexual pleasure, masturbated on her, and then left her in the woods.

He got probation for this act of crimes and so you know, that just shows—demonstrates the lack of trust that our communities have in a meaningful interaction with law enforcement in Alaska and with other State and Federal agencies and so the trust in the relationship building really needs to be built up in order for that to be effective.

Thank you for the question.

Mrs. DEMINGS. Madam Chair, may I ask one additional question?

Ms. MCSALLY. We are going—

Mrs. DEMINGS. I know I am—

Ms. MCSALLY. To do—

Mrs. DEMINGS. Out of time.

Ms. MCSALLY. A second round if you don't mind.

Mrs. DEMINGS. OK. Thank you.

Ms. MCSALLY. If you will yield back.

Mrs. DEMINGS. I yield back.

Ms. MCSALLY. OK. Great.

The gentlelady yields back.

I appreciate the answers so far. There is just so much to talk about related to this issue.

Special Agent Cagen, the work that you have described as HSI. HSI is part of ICE and some of our colleagues and others have been calling to abolish that agency completely. I think that is a dangerous agenda, can you speak specifically when it comes to human trafficking what would happen if you were abolished, related to the efforts that are stopping, preventing, investigating, and holding people accountable in the human trafficking realm?

Mr. CAGEN. I can. Thank you for asking the question. We don't agree, special agents in charge in the field and our ERO counterparts on the other side from Immigration, we don't believe that the abolishment of ICE is something that should happen.

We are a large breadth of authority. We investigate over 400 laws and a lot of those fall on the Immigration side which already inform the criminal side and we believe that we need all of those authorities in order to attack a problem like this.

We need the ability to investigate cartel-level perpetrators overseas, fall down into a sub-cartel level, and then also come down into the local gangs and/or just your local neighbor who's involved in trafficking so for us it is imperative that we hang on to all of our authorities in order to enforce and go after the full scope of the criminal network—because we all know that it is not just human trafficking or just narcotics trafficking, that we need to be able to attack every piece of that network and able to dismantle the transnational criminal organization.

Ms. MCSALLY. Great. Thank you. I agree.

One of the themes through much of the testimony today is the challenge that victims don't understand that they are a victim so we can train over a hundred thousand law enforcement personnel and those in health care industries and other elements, but if a victim doesn't identify themselves as a victim for a variety of different reasons that are complex, then that still is a pretty significant challenge for us.

How do we get to that? It is part of the awareness campaign I agree for the public, for families, for everyone what we are doing here today so that there is a you know, we are able to attack the issue of victims thinking that somehow, they are consenting to what they are involved in or somehow whatever the complex dynamics are so you know, Mr. Hill can you answer to that?

Mr. HILL. Well, I will be glad to take a first crack at it for you. Chairwoman, I had the privilege of visiting with the Polaris Project recently and they receive some funding from the Health and Human Services Administration for a hotline that was instituted several years ago. One of the things that I found very interesting during that visit is not in addition to the work that they are doing and the number of calls that they are seeing increased over the last 4 years, they have seen a 100 percent increase in their calls, they have seen a 130 percent increase in the number of cases that they are doing, they are also starting to move into this area that you referenced earlier in your question about social media—

Ms. MCSALLY. Yes.

Mr. HILL [continuing]. And what they are doing is they are doing live chat and text messaging because every person who is a victim is also carrying a phone and because their person who is trafficking them in many cases has to be able to communicate with them and so what they are finding is that this new medium of outreach is helping to reach an area of the community that they hadn't previously been able to and they have seen exponential growth in that area.

So I think the more awareness effort that we continue to publish those kind of access numbers and resources, I think we are going to continue to see this growth but I think that we also have to target some of these populations, the Native American and the Indian country, there is a lot of work that needs to be done there and so I think we have got to continue to go into these areas of vulnerable communities.

Ms. MCSALLY. Great.

Special Agent Cagen.

Mr. CAGEN. I would love to answer the question because I think it falls in line with Ms. Deming's question as well which is, we encounter on the streets through our investigation, victims all the time—

Ms. MCSALLY. Right.

Mr. CAGEN [continuing]. That don't know that they are victims. Because of that you asked the question, and thank you for asking about victim assistance specialists, it is imperative for us as agents for much as I have got a 9-year-old daughter, for as much as I want to say that I am a you know, kind, gentle, father, after I go in a house and pull a victim out I am not then the one that needs to stabilize that victim.

We need the victim assistance specialist, right next to us in the field in order to stabilize that victim initially. Let me explain, I have got a 4-State region, Utah, Colorado, Montana, and Wyoming for HSI. I have one victim assistance specialist. That is why we are asking in the reauthorization of the TVPA which I hope you support, to help us bolster, I need at least 1 per State. I need somebody next to those agents when they pull a victim out of this horrible situation, somebody who knows how to do it, somebody who can have that compassion.

They are never going to see me as compassionate after we just broke down the door and pulled them out. I am never going to be but my victim assistant specialist for sure is that compassionate person.

So for me, for us in the field, having that specialist to let the person know and get them to the point where they know they are a victim because at that point they probably still don't know they are a victim.

Ms. MCSALLY. Great. Thanks.

I am over my time.

The Chair now recognizes Mrs. Demings from Florida for 5 minutes.

Mrs. DEMINGS. Thank you so much Madam Chairwoman. I asked permission to submit for the record a statement from the American Trucking Association, detailing their work and efforts to use their 3½ million truck drivers as eyes and ears to identify and report suspected human trafficking.

Ms. MCSALLY. Without objection.

[The information follows:]

STATEMENT OF ELISABETH BARNA, CHIEF OPERATING OFFICER & EXECUTIVE VICE  
PRESIDENT, INDUSTRY AFFAIRS, AMERICAN TRUCKING ASSOCIATIONS

SEPTEMBER 26, 2018

Chairwoman McSally, Ranking Member Vela, and Members of the distinguished subcommittee, thank you for the opportunity to provide testimony on the American Trucking Associations' (ATA) on-going efforts to combat human trafficking. ATA was founded in 1933 and is the Nation's preeminent organization representing the interests of the U.S. trucking industry. Directly and through its affiliated organizations, ATA encompasses more than 30,000 companies and every type and class of motor carrier operation.

ATA applauds the efforts of this subcommittee to raise awareness about the issue of human trafficking, discuss the important steps being taken at the Federal level to end this horrific crime, and determine what more should and could be done in that effort.

In the on-going fight to combat human trafficking, ATA's goal is to raise awareness, train our industry on how to recognize human trafficking, and intervene when able by safely calling a National hotline that alerts law enforcement. The trucking industry is the eyes and ears on our Nation's highways, with over 3.5 million professional truck drivers. These drivers live in and deliver to every community in America. And there are over 7 million people in all employed by the trucking industry.

Whether a travel plaza employee, a pick-up and delivery driver or an over-the-road driver, the industry has worked to equip its employees with the tools to spot a possible human trafficking case, know what to look for and what questions to ask the victim, and how to report it. We strongly encourage our drivers and industry employees to make the call to let authorities know of a possible case. No call is a bad call and that call could save someone's life. To date, our industry has made nearly 2,500 calls to the National hotline—which resulted in over 600 likely human trafficking cases identified—involving over 1,100 trafficking victims, nearly half of those victims were minors. But, unquestionably, there is more work to be done.

ATA has also empowered America's Road Team Captains to become influencers, talking with other drivers through the peer-to-peer campaign, to the media and to students and young adults addressing the issue and raising critical awareness. America's Road Team Captains are a National public outreach program led by a small group of professional truck drivers who share superior driving skills, remarkable safety records, and a desire to spread the word about safety on the highway. Through this continued outreach, our Road Team Captains, drivers, and members continue to connect with people throughout the country to discuss the horrific crime of human trafficking, recognizing that it touches every community and every ethnic and economic background.

ATA and all 50 affiliated State trucking associations are also active partners with Truckers Against Trafficking (TAT), an organization established to help empower and mobilize the trucking industry in its fight against human trafficking. ATA is a member of the TAT Board of Directors, and through that role has helped lead the efforts and support the mission of the organization.

TAT has made substantial progress in spreading awareness of areas where human trafficking and the trucking industry intersect. Efforts made by TAT and their partners have resulted in increased training of drivers, as well as reporting of trafficking incidents. Our industry has an estimated 625,000 professional drivers who have been trained by TAT to identify and respond safely to possible human trafficking incidents they may encounter. Our ATA member companies are adding TAT training to not only new employee orientation but to the on-going training efforts of their existing employees.

TAT's Freedom Drivers Project is a mobile exhibit educating audiences about the realities of domestic sex trafficking. ATA member companies pull the trailer from location to location and help organize events in local communities to raise awareness of the crime and how to spot a possible crime or more importantly, how to be saved from traffickers.

TAT and ATA also work closely with local communities, including law enforcement State-wide and many of the offices of the Attorney General or State-wide task forces. TAT has developed law enforcement training, equipping law enforcement to target human traffickers and recover victims.

TAT, working in conjunction with ATA and the industry, has many resources available, including a certified training program, wallet cards, mobile apps, posters for driver work rooms and shipper locations, decals letting victims know what they can do, and brochures for specific parts of the industry and more. ATA promotes and makes these resources available to all industry members.

ATA is also a partner with the Department of Homeland Security's Blue Campaign and has been an active participant in many outreach programs within that campaign. The DHS Blue Campaign reaches all modes of transportation and helps to leverage partnerships to educate the public on how to recognize and report a human trafficking situation. The Blue Campaign also has training materials, including training videos, which ATA supports and promotes to our membership. ATA has partnered with the Blue Campaign on a live webinar discussing the trucking industry efforts, and events raising awareness.

And finally, late last year, ATA convened a roundtable gathering of many law enforcement agencies and associations, industry stakeholders and leaders in the anti-human trafficking effort. The focus of the gathering was an in-depth discussion of how to increase our partnerships and resources to combat human trafficking through awareness, education, and enforcement, as well as legislative and regulatory efforts. The result of the roundtable was a commitment by all participants to collaboratively join hands in the continued fight against human trafficking. ATA remains extremely committed to this endeavor, and will partner or work together with any mode of transportation or community to help save lives.

Thank you for the opportunity to submit comments for the record and for your work on ending the practice of human trafficking. I would be pleased to answer any questions you may have.

Mrs. DEMINGS. Thank you.

I yield back.

Ms. MCSALLY. All right. You didn't have another question?

Mrs. DEMINGS. Actually, yes.

Special Agent Cagen—

Ms. MCSALLY. OK.

Mrs. DEMINGS [continuing]. Answered it.

Ms. MCSALLY. OK. Got it.



Mrs. DEMINGS. Thank you so much for that.

Ms. MCSALLY. All right.

Mr. CAGEN. You are welcome.

Ms. MCSALLY. Well, I appreciate it.

I just have a few more questions. One is just a question on the law, Mr. Gore just to make sure I understand it, 22 U.S.C. 7102 defines sex trafficking and at the end of it, it says, well, sex trafficking—I will just read the whole thing, “is the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting, of a person for the purpose of commercial sex act in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained the age of 18 years old.”

We also have some Federal grants we are trying to incentivize States that have laws that basically say if you are a child and you are involved in you know, commercial sex therefore you are being trafficked, by definition.

Can you clarify it, does the Federal law say that, if your child you know, whether they think they are doing it willingly or not they are a child, that equals sex trafficking and how does that actually get applied?

Mr. GORE. Yes. That is absolutely correct Chairwoman. The way that human trafficking has been defined under Federal law, any minor that goes into commercial sex trafficking is being trafficked by definition and that is an important piece of our enforcement efforts. We have in the Criminal Division; the Child Exploitation and Obscenity Section is responsible for enforcing that particular aspect of the Human Trafficking laws. It has substantial expertise in child exploitation crimes and so it handles those crimes for us as well. But yes, to answer your question on the law, that is correct.

Ms. MCSALLY. So how do you use that tool, is it just the traffickers, is it the Johns, I mean, so therefore if you are under age you therefore are committing sex trafficking, not just illegal you know, these are awful crimes anyway but in addition there is another tool, right for a Federal crime?

Mr. GORE. Absolutely. In all of our human trafficking enforcement efforts, we try to go after everybody who is involved in the human trafficking, whether it is the trafficker, the customer, a hotel owner that is knowingly making money off of the trafficking going on in the hotel, somebody who is facilitating the trafficking, now as the *Backpage.com* case illustrates and with the tools of FOSTA, we can go after websites that are intentionally facilitating prostitution or knowingly advertising sex trafficking.

So we are taking a comprehensive approach and going after everybody that we can because we don't want to do this piecemeal. We are not going after a one-off criminal here or there because that person can be replaced, we want to dismantle entire enterprises and take down everybody who is involved in this heinous and egregious crime.

Ms. MCSALLY. Great. Thanks.

I know it is difficult to quantify the magnitude of the trafficking that we don't know about, right that is happening under our noses but we have not identified the victims yet or the perpetrators but this issue of—again in your written testimony the clarity was

there, of there is difference between smuggling and trafficking, right? People are being smuggled across the Southern Border often but people are being trafficked from start to finish across the Southern Border.

People are being trafficked from where they are without having to move anywhere but do we have a sense, Special Agent Cagen of the magnitude of people who start thinking they are being smuggled so they are willing they are willing to and trying to move and maybe paying somebody for that, paying their cartel for that but they end up being trafficked, if that makes sense so that you know, because they either can't pay or then they are finding themselves in servitude and you know, forced labor or forced sex trafficked—whatever that is so it starts off as a smuggling but it ends up in—does that make sense? Do we have any sense of the magnitude of that?

Mr. CAGEN. Thank you, Chairwoman. I believe you just explained it better than I could. You did explain it extremely well. We don't have a number you know, in trafficking we have tried for probably the last 18 years to identify the number. We don't. We see as HSI, we see it all. That is what makes it difficult at the border which is somebody who believes they are being smuggled, when we are talking to them either at the border for investigative purposes, they believe there being smuggled.

Ms. MCSALLY. Right.

Mr. CAGEN. There is also times that we know they are being trafficked because—

Ms. MCSALLY. Yes.

Mr. CAGEN. Because of an investigation that we have with the Mexican government overseas but they still believe that they are being smuggled. This creates an extremely difficult situation for whether it is CBP at the border—

Ms. MCSALLY. Yes.

Mr. CAGEN [continuing]. Or our agent so I unfortunately don't have a number for you.

Ms. MCSALLY. But of the cases that you know, say you worked on last fiscal year like what is the percentage of cases that are like that?

Mr. CAGEN. I don't have that breakdown.

Ms. MCSALLY. OK.

Mr. CAGEN. I can—I—

Ms. MCSALLY. OK.

Mr. CAGEN. Definitely can look into that and get back to you.

Ms. MCSALLY. Those are the ones we know about obviously but I think this is just an—

Mr. CAGEN. Correct.

Ms. MCSALLY [continuing]. Important you know, distinction for us to understand. Some people are being trafficked from start to finish—

Mr. CAGEN. Yes.

Ms. MCSALLY [continuing]. Others think they are being smuggled or start being smuggled and finished being trafficked, right? Then they are stuck for a decade, right, either the case that you talked about, I mean, some of these are just heinous situations.

Mr. CAGEN. Let's also not forget that there are some people that pay and are smuggled into the United States and then they are here and that is when they are vulnerable——

Ms. MCSALLY. Right.

Mr. CAGEN [continuing]. And that is when they are trafficked so there was zero intent of trafficking the entire process——

Ms. MCSALLY. Right.

Mr. CAGEN [continuing]. Until they were here for some time——

Ms. MCSALLY. And now they are vulnerable.

Mr. CAGEN [continuing]. Now they are vulnerable, they utilize you know, ICE and the threat of that in order to keep these people down and so they don't talk.

Ms. MCSALLY. Great. Thank you. OK.

I really appreciate all the testimony from our experts here, the opportunity for us to raise awareness on these issues, there is some legislative areas there that we still have some more work to do on our part but this is really not just a whole-of-Government but a whole-of-society challenge, all across law enforcement, all across civil society, faith-based, private sector, every single community member, family member, neighbor, I mean, this is all on us to raise our gaze to look at people, each person, each person who serves us, each person we come across at a rest stop as we are stopping on a family trip, like each person, to do our part, right that if we see something we have to say something. So, I appreciate all the work that everybody is doing here in order to address this scourge.

We still have more work to do and so thanks for your testimony today. I probably have something official to say here.

So yes, the Members of the committee may have some additional questions for you and we would ask that you respond to those in writing.

Pursuant to Committee Rule VII(D), the hearing record will be held open for 10 days. So without objection, the hearing is adjourned.

[Whereupon, at 12:25 p.m., the subcommittee was adjourned.]

