

DHS HUMAN TRAFFICKING PREVENTION ACT OF 2016

DECEMBER 8, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 4383]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4383) to require the Secretary of Homeland Security to enhance Department of Homeland Security coordination on how to identify and record information regarding individuals suspected or convicted of human trafficking, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:  
 Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “DHS Human Trafficking Prevention Act of 2016”.

**SEC. 2. ENHANCED DEPARTMENT OF HOMELAND SECURITY COORDINATION.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue Department of Homeland Security-wide directive to personnel that includes guidance on the following:

(1) Types of information that should be collected and recorded in information technology systems utilized by the Department to help identify individuals suspected or convicted of human trafficking.

(2) How to ensure data reliability of information regarding individuals suspected or convicted of human trafficking recorded in information technology systems utilized by the Department.

(3) Systematic and routine information sharing regarding individuals suspected or convicted of human trafficking within and among the components of the Department.

(b) **INFORMATION TECHNOLOGY SYSTEMS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure that, consistent with the Department of Homeland Security-wide directive required under subsection (a), information technology systems utilized within the Department to record and track information regarding individuals suspected or convicted of human trafficking are integrated with each other.

(c) **OVERSIGHT.**—Not later than 18 months after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the status of implementation of this section.

(d) **HUMAN TRAFFICKING DEFINED.**—The term “human trafficking” means an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

**PURPOSE AND SUMMARY**

The purpose of H.R. 4383 is to require the Secretary of Homeland Security to enhance Department of Homeland Security coordination on how to identify and record information regarding individuals suspected or convicted of human trafficking, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

On January 4, 2016, the Department of Homeland Security (DHS) Office of the Inspector General (OIG) released a report titled “ICE and USCIS Could Improve Data Quality and Exchange to Help Identify Potential Human Trafficking Cases.” The report found that known human traffickers utilized work and fiancé visas to bring victims into the United States, and discovered that data quality and exchange issues hindered efforts to combat human trafficking.

Specifically, the OIG matched the Immigration and Custom Enforcement’s (ICE) database of human traffickers against all available data on visa petitions submitted to United States Citizenship and Immigration Services (USCIS). While cooperation existed between USCIS and ICE in some human trafficking cases, more consistent data sharing and coordination could improve ICE and USCIS’ ability to identify instances of human trafficking. For example, when ICE employees identified a human trafficker, they did not always advise USCIS of victims they identified. Similarly, in instances where USCIS captured names of traffickers from the victims, USCIS did not have a process to routinely share this information with ICE. Without concerted DHS efforts to collect and share information, substantial risk exists that human traffickers can continue to abuse other individuals.

This legislation implements recommendations of the Inspector General for DHS components to establish procedures for identifying and recording information on individuals suspected or convicted of human trafficking, and procedures to routinely share such information on individuals suspected or convicted of human trafficking with other components within the Department of Homeland Security.

#### HEARINGS

No hearings were held on H.R. 4383 in the 114th Congress.

#### COMMITTEE CONSIDERATION

The Committee met on February 2, 2016, to consider H.R. 4383, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Ms. LORETTA SAHNCHÉZ OF CALIFORNIA (#1); was AGREED TO by voice vote.

#### COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 4383.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4383, the Terrorist and Foreign Fighter Travel Exercise Act of 2016, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 4383 contains the following general per-

formance goals and objectives, including outcome related goals and objectives authorized.

The general performance goal or objective of this bill is to ensure the Secretary of Homeland Security issues a Department-wide directive to Department personnel concerning the identification, recording, and sharing of information related to individuals suspected or convicted of human trafficking.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4383 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

#### FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4383 does not preempt any State, local, or Tribal law.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4383 would require no directed rule makings.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short Title.*

This section provides that this bill may be cited as the “DHS Human Trafficking Prevention Act of 2016”.

*Sec. 2. Enhanced Department of Homeland Security Coordination.*

This section requires that not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security issue a Department of Homeland Security-wide directive to Department personnel that includes guidance on types of information that should be collected and recorded in information technology systems utilized by the Department to help identify individuals suspected or convicted of human trafficking. The directive would also provide guidance on how to ensure reliability of information regarding individuals suspected or convicted of human trafficking recorded in information technology systems utilized by the Department, and guidance on systemic and routine information sharing regarding individuals suspected or convicted of human trafficking within and among the components of the Department.

The Committee believes identifying and recording information on individuals suspected or convicted of human trafficking codifies recommendations of the DHS Inspector General and will work to break down silos and stovepipes across DHS components.

This section also requires that not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security ensure that information technology systems utilized within the Department to record and track information regarding individuals suspected or convicted of human trafficking are integrated with each other. The Committee believes the integration of information sharing systems is important to improving future collaboration, enabling greater unity of effort. The Committee believes efforts to more routinely share such information will help reduce human traffickers’ ability to exploit our nation’s visa system, including the abuse of the fiancé or K1 visa.

This section further requires, not later than 18 months after enactment of this Act, the Inspector General of the Department of Homeland Security report to Congress on the status of implementation of this section. The Committee believes such reporting is essential to its oversight of the relevant DHS components.

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

As reported, H.R. 4383 makes no changes to existing law.