

COMBATING HUMAN TRAFFICKING IN COMMERCIAL
VEHICLES ACT

DECEMBER 18, 2017.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3813]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3813) to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE OF LEGISLATION

H.R. 3813 directs the Department of Transportation (Department) to take certain actions and amends eligibilities under existing grant programs to help combat human trafficking.

BACKGROUND AND NEED FOR LEGISLATION

In summer 2017, 10 people died in San Antonio, Texas in the process of being illegally trafficked in a commercial motor vehicle.

H.R. 3813 directs the Secretary of Transportation to designate a human trafficking prevention coordinator from within the Department. The bill expands the scope of activities authorized under the Federal Motor Carrier Safety Administration's (FMCSA) outreach and education program and commercial driver's license program implementation grants to include human trafficking prevention activities. H.R. 3813 also directs the Secretary to establish an advisory committee on human trafficking.

HEARINGS

No hearings were held on H.R. 3813.

LEGISLATIVE HISTORY AND CONSIDERATION

On September 21, 2017, Congresswoman Elizabeth Esty (D-CT) introduced H.R. 3813.

On November 30, 2017, the Committee on Transportation and Infrastructure met in open session to consider H.R. 3813. The Committee ordered the bill to be reported favorably to the House by voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 3813.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the

Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 3813 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 12, 2017.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3813, the Combating Human Trafficking in Commercial Vehicles Act.

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

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 3813—Combating Human Trafficking in Commercial Vehicles Act

H.R. 3813 would require the Department of Transportation (DOT) to designate an official to coordinate agency activities designed to prevent and address human trafficking, establish an advisory committee on human trafficking within DOT, and to authorize the use of certain grant funds administered by the Federal Motor Carrier Safety Administration (FMCSA) for activities related to preventing human trafficking. Using information from DOT, CBO estimates that implementing the provisions of the bill would require one or two additional employees per year over the 2019–2022 period, at a total cost of \$1 million. Such spending would be subject to the availability of appropriated funds.

In recent years, FMCSA has been appropriated \$4 million per year for education and outreach grants and about \$32 million per year for the Commercial Driver's License Financial Assistance Program. While H.R. 3813 would expand the eligible expenses that could be covered by those grants, because states already have flexibility in choosing how they use their grant funds, CBO estimates, this additional authority would have no significant cost.

Enacting H.R. 3813 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 3813 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 3813 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On August 29, 2017 CBO provided an estimate for S. 1536, the Combating Human Trafficking in Commercial Vehicles Act, as reported by the Senate Committee on Commerce, Science, and Transportation on August 3, 2017. The two pieces of legislation are similar and CBO's estimated costs are the same.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by H. Samuel Papenfuss.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of H.R. 3813 is to assist with preventing human trafficking across different modes of transportation.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3813 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 3813 does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires 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 states that H.R. 3813 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

Section 5 of H.R. 3813 establishes an advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act (FACA)(5 U.S.C. app.). Pursuant to section 5 of the Federal Advisory Committee Act, the Committee determines that the functions of the advisory committee and the working groups are not being carried out by existing agencies or advisory commissions. The Committee also determines that the advisory committee and the work-

ing groups have a clearly defined purpose, fairly balanced membership, and meet all of the other requirements of section 5(b) of the Federal Advisory Committee Act.

APPLICABILITY OF 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 (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Short title

Section 1 designates the short title of the bill as the Combatting Human Trafficking in Commercial Motor Vehicles Act.

Section 2. Human trafficking prevention coordinator

Section 2 directs the Secretary of Transportation to designate a human trafficking prevention coordinator from within the Department.

Section 3. Expansion of outreach and education program

Section 3 expands the scope of activities authorized under the FMCSA's outreach and education program to include human trafficking prevention activities.

Section 4. Expansion of commercial driver's license financial assistance program

Section 4 expands the scope of eligible activities under the FMCSA's commercial driver's license program implementation grants to include human trafficking prevention activities.

Section 5. Establishment of the department of transportation advisory committee on human trafficking

Section 5 directs the Secretary to establish an advisory committee on human trafficking.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

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SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

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PART B—COMMERCIAL

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CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS

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Sec.
31110. Authorization of appropriations.

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SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS PROGRAMS

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§ 31110. Authorization of appropriations

(a) **ADMINISTRATIVE EXPENSES.**—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

- (1) \$267,400,000 for fiscal year 2016;
- (2) \$277,200,000 for fiscal year 2017;
- (3) \$283,000,000 for fiscal year 2018;
- (4) \$284,000,000 for fiscal year 2019; and
- (5) \$288,000,000 for fiscal year 2020.

(b) **USE OF FUNDS.**—The funds authorized by this section shall be used for—

- (1) personnel costs;
- (2) administrative infrastructure;
- (3) rent;
- (4) information technology;
- (5) programs for research and technology, information management, regulatory development, and the administration of performance and registration information systems management under section 31106(b);
- (6) programs for outreach and education under subsection (c);
- (7) other operating expenses;
- (8) conducting safety reviews of new operators; and
- (9) such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

(c) **OUTREACH AND EDUCATION PROGRAM.**—

(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, and other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration. *The program authorized under this subsection may support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking, while deferring to existing resources, as practicable.*

(2) FEDERAL SHARE.—The Federal share of an outreach and education project for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the project.

(3) FUNDING.—From amounts made available under subsection (a), the Secretary shall make available not more than \$4,000,000 each fiscal year to carry out this subsection.

(d) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(e) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

(f) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government’s share of costs.

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CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

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Sec.
31313. Commercial driver’s license program implementation financial assistance program.

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§ 31313. Commercial driver’s license program implementation financial assistance program

(a) FINANCIAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver’s license program implementation for the purposes described in paragraphs (2) and (3).

(2) STATE COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION GRANTS.—In carrying out the program, the Secretary may make a grant to a State agency in a fiscal year—

(A) to assist the State in complying with the requirements of section 31311; and

(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve the State’s implementation of

its commercial driver's license program, including expenses—

- (i) for computer hardware and software;
- (ii) for publications, testing, personnel, training, and quality control;
- (iii) for commercial driver's license program coordinators; and
- (iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

(3) PRIORITY ACTIVITIES.—The Secretary may make a grant to or enter into a cooperative agreement with a State agency, local government, or any person in a fiscal year for research, development and testing, demonstration projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety that—

- (A) benefit all jurisdictions of the United States;
- (B) address national safety concerns and circumstances;
- (C) address emerging issues relating to commercial driver's license improvements;
- (D) support innovative ideas and solutions to commercial driver's license program issues; **[or]**
- (E) support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking; or*
- [(E)]** *(F)* address other commercial driver's license issues, as determined by the Secretary.

(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a recipient described in subsection (a)(3) according to criteria prescribed by the Secretary.

(e) FUNDING.—For fiscal years beginning after September 30, 2016, this section shall be funded under section 31104.

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