

DHS BLUE CAMPAIGN ENHANCEMENT ACT

SEPTEMBER 11, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 5804]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5804) to amend the Homeland Security Act of 2002 to enhance the Blue Campaign of the Department of Homeland Security, and for other purposes, having considered the same, reports favorably thereon with an amendment 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 Blue Campaign Enhancement Act”.

SEC. 2. DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN ENHANCEMENT.

Section 434 of the Homeland Security Act of 2002 (6 U.S.C. 242) is amended—

(1) in subsection (e)(6), by striking “utilizing resources,” and inserting “developing and utilizing, in consultation with the Advisory Board established pursuant to subsection (g), resources”; and

(2) by adding at the end the following new subsections:

“(f) **WEB-BASED TRAINING PROGRAMS.**—To enhance training opportunities, the Director of the Blue Campaign shall develop web-based interactive training videos that utilize a learning management system to provide online training opportunities that shall be made available to the following individuals:

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

“(2) Non-Federal correction system personnel.

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

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

“(1) **IN GENERAL.**—The Secretary shall establish within the Department a Blue Campaign Advisory Board and shall assign to such Board a representative from each of the following components:

“(A) The Transportation Security Administration.

“(B) U.S. Customs and Border Protection.

“(C) U.S. Immigration and Customs Enforcement.

“(D) The Federal Law Enforcement Training Center.

“(E) The United States Secret Service.

“(F) Any other components or offices the Secretary determines appropriate.

“(2) **CONSULTATION.**—The Director shall consult the Board established pursuant to paragraph (1) regarding the following:

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

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

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

“(3) **APPLICABILITY.**—The Federal Advisor Committee Act (5 U.S.C. App.) does not apply to—

“(A) the Board; or

“(B) consultations under paragraph (2).

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

PURPOSE AND SUMMARY

H.R. 5804, the “DHS Blue Campaign Enhancement Act” seeks to enhance human trafficking prevention training opportunities and the development of such trainings and materials. The legislation requires the Director of the Blue Campaign—the Department of Homeland Security’s (DHS) coordinated effort to address human trafficking—to develop and provide online training videos to individuals, including law enforcement officers. It also establishes an Advisory Board composed of DHS components and offices to be consulted by the Director on the development of training and materials, and awareness campaigns to prevent human trafficking.

BACKGROUND AND NEED FOR LEGISLATION

Estimates are that there are nearly 25 million human trafficking victims worldwide, including in the United States.¹ Trafficking victims can be of any age, race, gender, or socioeconomic status and

¹*Ending forced labour by 2030: A review of policies and programmes*, INTERNATIONAL LABOUR ORGANIZATION, Dec. 10, 2018, https://www.ilo.org/global/topics/forced-labour/publications/WCMS_653986/lang-en/index.htm.

are largely forced to labor in manufacturing, agriculture, hospitality, and domestic service industries.² The Federal government has a significant role to play to ensure that victims of human trafficking in the United States are identified and have access to the services they need to recover. Public awareness is critical to engaging stakeholders and improving victim identification. Stakeholders have identified opportunities for enhanced victim identification through better coordination, information sharing, training, and engagement among Federal agencies, State and local enforcement, and inspection entities.³ The “DHS Blue Campaign Enhancement Act” seeks to improve victim identification by requiring the Department to provide online training to individuals likely to come across trafficking victims to help them recognize signs of human trafficking and enhance awareness.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearings were used to develop H.R. 5804:

- On October 28, 2019, the Committee held a hearing entitled, “Tackling Human Trafficking: Assessing Federal, State, and Local Information Sharing Efforts.” The Committee received testimony from Ms. Christine Shaw Long, Executive Director, North Carolina Human Trafficking Commission, North Carolina Judicial Branch; Mr. Ronnie A. Martinez, Special Agent in Charge, Homeland Security Investigations, Charlotte Field Office, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Carl L. Wall, II, Special Agent in Charge, North Carolina State Bureau of Investigation, Human Trafficking Unit; and Ms. Aundrea Azelton, Chief Deputy, Randolph County, North Carolina Sheriff’s Office.
- On March 26, 2019, the Committee held a hearing entitled, “The Department of Homeland Security’s Family Separation Policy: Perspectives from the Border.” The Committee received testimony from Ms. Jennifer Podkul, Director of Policy, Kids in Need of Defense; Ms. Michelle Brané, Director for Migrant Rights and Justice, Women’s Refugee Commission; Dr. Julie M. Linton, Co-Chair, Immigrant Health Special Interest Group, American Academy of Pediatrics; and Mr. Tim Ballard, Founder and CEO, Operation Underground Railroad.
- On March 6, 2019, the Committee held a hearing entitled, “The Way Forward on Border Security.” The Committee received testimony from the Honorable Kirstjen Nielsen, Secretary of Homeland Security.

COMMITTEE CONSIDERATION

The Committee met on February 12, 2020, with a quorum being present, to consider H.R. 5804 and ordered the measure to be reported to the House with a favorable recommendation, with an amendment, by unanimous consent.

² *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013–2017*, DEPARTMENTS OF JUSTICE, HEALTH AND HUMAN SERVICES, AND HOMELAND SECURITY, Jan. 2014, <https://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf>.

³ *Ibid.*

The following amendment was offered and agreed to by unanimous consent:

An amendment offered by Ms. Jackson Lee.

Page 2, line 4, strike “is amended by adding” and insert the following: “is amended—”

(1) in subsection (e)(6), by striking “utilizing resources,” and inserting “developing and utilizing, in consultation with the Advisory Board established pursuant to subsection (g), resources”; and (2) by adding

Page 2, line 14, strike “Detention and” and insert “Non-Federal”.

Page 3, beginning line 9, strike “Trends and patterns in human trafficking” and insert “Recruitment tactics used by human traffickers”.

Page 3, line 13, strike “campaigns for” and insert “tools for distribution to”.

Page 3, line 16, strike “Outreach to” and insert “Identification of additional”.

Page 3, line 18, strike “provide assistance in”.

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. 5804.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements 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 adopts as its own the estimate of the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2020.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5804, the DHS Blue Campaign Enhancement Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 5804, DHS Blue Campaign Enhancement Act			
As ordered reported by the House Committee on Homeland Security on February 12, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5804 would direct that the Department of Homeland Security (DHS) develop Internet-based training programs to train federal, state, local, and tribal law enforcement officers and others as part of the department's Blue Campaign. The Blue Campaign is aimed at combating human trafficking. The bill also would create an advisory board of DHS officials who would provide information and data on human trafficking to the Blue Campaign.

DHS is currently carrying out activities similar to those required by the bill. Using information about those efforts, CBO estimates that any new activities required under the bill would not require substantial action by the department and would cost less than \$500,000 over the 2020–2025 period; that spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

FEDERAL MANDATES 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.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 5804 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the objective of H.R. 5804 is to enhance the ability of the Department of Homeland Security's Blue Campaign in reaching persons or entities positioned to recognize signs of human trafficking to increase identification of trafficking victims.

ADVISORY ON EARMARKS

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(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section states that the Act may be cited as the “DHS Blue Campaign Enhancement Act.”

Sec 2. Department of Homeland Security Blue Campaign Enhancement

This section amends Section 434 of the Homeland Security Act of 2002 to require the Director of the Blue Campaign to develop web-based interactive training videos to provide online training opportunities to individuals, including Federal, State, local, Tribal, and territorial law enforcement officers; detention and correction system personnel, and other individuals as the Director determines appropriate.

This section also amends Section 434 to require the Secretary of Homeland Security to establish a Blue Campaign Advisory Board with a representative from each of the following Department of Homeland Security components: The Transportation Security Administration, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, The Federal Law Enforcement Training Center, The United States Secret Service, and any other components or offices the Secretary determines appropriate.

The Director is required to consult the Board regarding the following:

- Trends and patterns in human trafficking to inform the development of training and materials by the Blue Campaign.
- The development of effective awareness campaigns for Federal and non-Federal officials to identify and prevent instances of human trafficking.
- Outreach to persons or entities that may be uniquely positioned to recognize signs of human trafficking and assistance in the development of materials for such persons.

This section also specifies that The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Board or consultation with State, local, Tribal, and territorial agencies, nongovernmental organizations, private sector organizations, and experts.

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 italics, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

**TITLE IV—BORDER, MARITIME, AND
TRANSPORTATION SECURITY**

* * * * *

Subtitle C—Miscellaneous Provisions

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SEC. 434. DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN.

(a) **DEFINITION.**—In this section, 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).

(b) **ESTABLISHMENT.**—There is established within the Department a program, which shall be known as the “Blue Campaign”. The Blue Campaign shall be headed by a Director, who shall be appointed by the Secretary.

(c) **PURPOSE.**—The purpose of the Blue Campaign shall be to unify and coordinate Department efforts to address human trafficking.

(d) **RESPONSIBILITIES.**—The Secretary, working through the Director, shall, in accordance with subsection (e)—

- (1) issue Department-wide guidance to appropriate Department personnel;
- (2) develop training programs for such personnel;
- (3) coordinate departmental efforts, including training for such personnel; and
- (4) provide guidance and training on trauma-informed practices to ensure that human trafficking victims are afforded prompt access to victim support service providers, in addition to the assistance required under section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), to address their immediate and long-term needs.

(e) **GUIDANCE AND TRAINING.**—The Blue Campaign shall provide guidance and training to Department personnel and other Federal, State, tribal, and law enforcement personnel, as appropriate, regarding—

- (1) programs to help identify instances of human trafficking;
- (2) the 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;
- (3) systematic and routine information sharing within the Department and among Federal, State, tribal, and local law enforcement agencies regarding—
 - (A) individuals suspected or convicted of human trafficking; and
 - (B) patterns and practices of human trafficking;

(4) techniques to identify suspected victims of trafficking along the United States border and at airport security checkpoints;

(5) methods to be used by the Transportation Security Administration and personnel from other appropriate agencies to—

(A) train employees of the Transportation Security Administration to identify suspected victims of trafficking; and

(B) serve as a liaison and resource regarding human trafficking prevention to appropriate State, local, and private sector aviation workers and the traveling public;

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

(A) educate partners and stakeholders; and

(B) increase public awareness of human trafficking;

(7) leveraging partnerships with State and local governmental, nongovernmental, and private sector organizations to raise public awareness of human trafficking; and

(8) any other activities the Secretary determines necessary to carry out the Blue Campaign.

(f) WEB-BASED TRAINING PROGRAMS.—To enhance training opportunities, the Director of the Blue Campaign shall develop web-based interactive training videos that utilize a learning management system to provide online training opportunities that shall be made available to the following individuals:

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

(2) Non-Federal correction system personnel.

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

(g) BLUE CAMPAIGN ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish within the Department a Blue Campaign Advisory Board and shall assign to such Board a representative from each of the following components:

(A) The Transportation Security Administration.

(B) U.S. Customs and Border Protection.

(C) U.S. Immigration and Customs Enforcement.

(D) The Federal Law Enforcement Training Center.

(E) The United States Secret Service.

(F) Any other components or offices the Secretary determines appropriate.

(2) CONSULTATION.—The Director shall consult the Board established pursuant to paragraph (1) regarding the following:

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

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

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

(3) APPLICABILITY.—The Federal Advisor Committee Act (5 U.S.C. App.) does not apply to—

(A) the Board; or

(B) consultations under paragraph (2).

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

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