



Legislative Bulletin.....January 27, 2015

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**H.R. 398 – Trafficking Awareness Training for Health Care Act of 2015
(Rep. Ellmers, R-NC)**

Order of Business: [H.R. 398](#) is scheduled for consideration on January 27, 2015, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill would direct the Secretary of Health and Human Services to award a grant to an accredited medical or nursing school to develop best practices (written in consultation with other industries with trafficking experience) for health care professionals to recognize victims of trafficking.

The best practices would address: (1) risk factors and indicators to recognize victims of a severe form of trafficking; (2) application of federal and state law; (3) patient safety and security; (4) the management of medical records; (5) public and private social services available; (6) hotlines for reporting human trafficking; (7) validated assessment tools; and (8) referral options and procedures for sharing information on human trafficking with a patient.

In addition, the best practices would include curricula and training materials to train health care professionals. This bill would also award sub grants to entities located near an [anti-human trafficking task force initiative](#) in each of the [ten administrative regions](#) of the Department of Health and Human Services. These sub grantees would design, implement, and evaluate a pilot program using the best practices and training materials developed. Finally, the bill would disseminate the best practices no later than two years after the awarding of the initial grants.

No additional funds are authorized to be appropriated to carry out this Act.

Additional Background: According to [testimony](#) provided to the Energy and Commerce Committee, almost 88 percent of interviewed survivors of domestic sex trafficking had

encountered one or more healthcare professionals sometime during the period in which they were being trafficked, yet none were identified as a victim during these encounters. A separate study found 39 percent of sex and labor trafficking victims had contact with emergency departments, 29 percent with primary care providers, 17 percent with obstetrician and gynecologists, 17 percent with dentists, and three percent with pediatricians.

Committee Action: This bill was introduced by Representative Ellmers on January 16, 2015, and referred to the House Committee on Energy and Commerce where it awaits further action.

In the 113th Congress, the Energy and Commerce Committee held a [hearing](#) on this bill on September 9, 2014.

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: No CBO score is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: This bill would authorize a new federal grant program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Constitutional Authority: According to the [sponsor](#), “The Commerce Clause: Article 1, Section 8, Clause 3 of the U.S. Constitution gives Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”

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H.R. 460 – Human Trafficking Detection Act of 2015 (Rep. Walker, R-NC)

Order of Business: The resolution is scheduled to be considered on January 27, 2015, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 460](#) would direct the Secretary of Homeland Security to train Department of

Homeland Security (DHS) personnel on how to effectively deter, detect, disrupt, and prevent human trafficking. Section 3 of the bill would mandate that the Secretary of Homeland Security implement a program to:

- Train and periodically retrain Transportation Security Administration (TSA), U.S. Customs and Border Protection, and other DHS Security personnel that the Secretary considers appropriate on how to disrupt human trafficking and to interdict suspected perpetrators of human trafficking;
- Ensure that such personnel regularly receive current information on matters related to the detection of human trafficking.

Section 3 permits the training to be conducted through in-class or virtual learning and includes:

- Methods for identifying suspected victims and perpetrators of human trafficking;
- Methods for approaching a suspected victim in a manner that is sensitive to the victim and not likely to alert a perpetrator;
- Training that is most appropriate for a particular location or environment; and
- A post-training evaluation for personnel receiving the training.

The Secretary of Homeland Security is also mandated to annually reassess the established training program to ensure that it is consistent with current techniques, patterns, and trends associated with human trafficking.

- Section 4 would direct the Secretary of Homeland Security to certify to Congress, within one year, that specified personnel have successfully received and completed the required training. Additionally, this bill would direct the Secretary to report annually to Congress on the overall effectiveness of the training program and on the number of human trafficking cases reported by DHS personnel and the number of trafficking cases that have been confirmed.
- Section 5 would authorize the Secretary of Homeland Security to provide training curricula to assist any state, local, or tribal government or private organization in establishing a training program to identify human trafficking.

Additional Information: A May 1, 2014 Congressional Research Service (CRS) report on human trafficking can be found [here](#). The [DHS](#) launched the [Blue Campaign](#) in 2010, which seeks to unify several DHS components to more effectively combat human trafficking and includes [new training and awareness initiatives](#) for relevant personnel.

An identical bill ([H.R. 5116](#), the Human Trafficking Detection Act of 2014) was introduced in the 113th Congress on July 15, 2014 by Rep. Meadows (R-NC), and was passed by voice vote on July 23, 2014. The RSC's legislative bulletin for H.R. 5116 can be found [here](#).

Committee Action: The bill was introduced on January 21, 2015, and was referred to the House Committee on Homeland Security.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO estimate is available.

Constitutional Authority: Congress has the power to enact this legislation pursuant to the following: Amendment XIII Section 1, “Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” Section 2, “Congress shall have power to enforce this article by appropriate legislation.”

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H.R. 159 — Stop Exploitation Through Trafficking Act of 2015 (Paulsen, R-MN)

Order of Business: [H.R. 159](#) is scheduled to be considered January 27, 2015, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 159](#) would make several changes to laws related to human trafficking:

- Section 2 would allow states that make certain changes to laws to discourage the prosecution of sex trafficking victims to receive preferential treatment when grants are awarded. Specifically, this section would encourage states to establish their own “safe harbor laws” to ensure that victims of trafficking are directed to child protective services. In exchange, states would receive extra points on their applications for Cops on the Beat grants.
- Section 3 would require the Interagency Task Force to Monitor and Combat Trafficking to report additional information regarding the perpetrators of sex trafficking crimes and the amount of restitution paid to victims of these crimes.
- Section 4 would require the Secretary of Health and Human Services to fund a national hotline for sex trafficking victims.

- Section 5 would allow victims of sexual trafficking crimes to be eligible for the [Job Corps program](#). Trafficking victims would not be required to provide proof of income to determine eligibility.
- Section 6 would clarify the role of the United States Marshall to assist in locating and recovering missing children, upon the request of state, local, and Federal law enforcement agencies.

Major Changes Since the Last Time This Legislation was Before the House: In the 113th Congress, the House [H.R. 3610](#), by voice vote. The bill was referred to the Senate where no further action was taken. H.R. 159 makes one change relative to H.R. 3610. H.R. 159 would clarify that a qualifying safe harbor law for the purposes of receiving extra points on an application for a grant would have to both discourage the charging or prosecution of a victim of sex trafficking and divert the victim to social services. H.R. 3610 would allow states to qualify for the extra points on their grant application if states discouraged the charging or prosecution of a victim of sex trafficking or diverted the victim to social services.

Committee Action: The legislation was introduced on January 6, 2015, and referred to the House Committee on Education and the Workforce and the House Committee on the Judiciary. On January 21, 2015, the House Committee on the Judiciary favorably reported the bill.

Outside Groups: [National Fraternal Order of Police](#) supports the bill.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO score is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.” Congressman Paulsen’s statement in the Congressional Record can be viewed [here](#).

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H.R. 285 — Stop Advertising Victims on Exploitation Act of 2015 (Wagner, R-MO)

Order of Business: [H.R. 285](#) is scheduled to be considered January 27, 2015, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 285](#) would amend title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain commercial sex acts. Specifically, this legislation would add “advertising” to the types of conduct that constitute sex trafficking.

This legislation would also establish criminal penalties of a minimum of 15 years to life in prison for the advertiser of trafficked children under the age of 14.

Major Changes Since the Last Time This Legislation was Before the House: In the 113th Congress, the House [H.R. 4225](#), by a vote of [392 to 19](#). The bill was referred to the Senate where no further action was taken. H.R. 285 mirrors the bill that was passed last Congress.

Committee Action: The legislation was introduced on January 12, 2015, and referred to the House Committee on the Judiciary. On January 21, 2015, the House Committee on the Judiciary reported the bill by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO cost estimate is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor:

Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress in Article I, Section 8, Clause 3 of the United States Constitution: “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes. Additional authority derives from Article I,

Section 8, Clause 18 of the United States Constitution: “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

Congresswoman Wagner’s statement in the Congressional Record can be viewed [here](#).

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H.R. 181 — Justice for Victims of Trafficking Act of 2015 (Poe, R-TX)

Order of Business: [H.R. 181](#) is scheduled to be considered January 27, 2015, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 181](#) contains the following provisions:

- Section 2 would create a victim-centered model grant program to help states and local governments develop and implement comprehensive victim-centered programs to train law enforcement, rescue exploited children, prosecute human traffickers, and restore the lives of victims. This grant program would amend the existing grant program codified at 42 U.S.C. § 14044b, and has the same authorization of \$5 million a year over five years.
- Section 3 would clarify that Child Advocacy Centers (CACs) may provide assistance and services to victims of child pornography and minor sex trafficking, and provides that existing grant programs can support these efforts.
- Section 4 would clarify that the principle prosecuting attorney of a state or its political subdivision may obtain a wiretap warrant in a state court pursuant to a showing of probable cause that the wiretap will provide evidence of a crime of human trafficking, child sexual exploitation, or child pornography production.
- Section 5. Enhancing Human Trafficking Reporting. This section requires law enforcement organizations who file missing children reports with the FBI’s National Crime Information Center (NCIC) to include a recent photograph of the missing child in their report where available, and requires the National Center for Missing and Exploited Children (NCMEC) to be notified of each report received relating to a child reported missing from a foster care family home or childcare institution.
- Section 6. Reducing Demand for Sex Trafficking. The [Trafficking Victims Protection Act](#) would define a sex trafficker as a person who “knowingly—recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person...knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion. . . or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be

caused to engage in a commercial sex act.” This section of the bill would also clarify that 18 U.S.C. § 1591(c) provides that the government not need to prove beyond a reasonable doubt that a defendant knew or recklessly disregarded the fact that the victim was under the age of 18 if the defendant had “a reasonable opportunity to observe the person.”

- **Section 7. Using Existing Task Forces to Target Offenders Who Exploit Children.** This section would direct the Justice Department to use its existing law enforcement task forces through the Innocence Lost National Initiative to focus on fighting demand for human trafficking through the investigation, arrest, and prosecution of persons who purchase sexual acts with human trafficking victims.
- **Section 8. Holding Sex Traffickers Accountable.** This section would increase the standard for claiming this affirmative defense by requiring defendants to show, by clear and convincing evidence (highly and substantially more probable than not), that they believed the victim to be 18 years of age or older.
- **Section 9. Oversight and Accountability.** This section would provide accountability measures for the new Victim-Centered Sex Trafficking Deterrence Grant Program. This section would also provide establish grant reporting requirements intended to encourage grantees to be cost effective when holding conferences, and to not discourage large conferences that provide information and training in an efficient manner.
- **Section 10. Crime Victims’ Rights.** This section clarifies Congress’ intent with regard to several important provisions of the Crime Victims’ Rights Act (CVRA), enacted in 2004, and makes several technical and conforming changes to the CVRA.
- **Section 11. Sense of Congress.** This section would provide a sense of Congress that minor sex trafficking is a terrible crime that should be prosecuted to the fullest extent of the law.
- **Section 12. Clarifying the Benefits and Protections Offered to Domestic Victims of Human Trafficking.** This section would clarify that U.S. Citizens and Legal Permanent Residents do not have to receive an official certification from the Department of Health and Human Services in order to access specialized services.

Major Changes Since the Last Time This Legislation was Before the House: In the 113th Congress, the House H.R. 3530, by a vote of [409-0](#). The bill was referred to the Senate where no further action was taken. H.R. 181 contains a few small changes as compared to H.R. 3530. H.R. 181 would clarify that U.S. Citizens and Legal Permanent Residents, who are victims of severe forms of human trafficking, are not required to obtain official certification from HHS in order to access specialized services or other benefits. H.R. 181 would also clarify that all federal human trafficking violations are wiretap predicates.

Committee Action: The legislation was introduced on January 7, 2015, and referred to the House Committee on the Judiciary. On January 21, 2015, the House Committee on the Judiciary reported the bill by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO cost estimate is available at this time. A CBO estimate for H.R. 3530 is available [here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.

Congressman Poe's statement in the Congressional Record can be viewed [here](#).

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H.R. 350 — The Human Trafficking Prevention, Intervention, and Recovery Act of 2015 (Wagner, R-MO)

Order of Business: [H.R. 350](#) is scheduled to be considered January 27, 2015, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 350](#) would require the [Interagency Task Force to Monitor and Combat Trafficking](#) (PITF) established under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103) to identify best practices and strategies to prevent human trafficking and review federal efforts to combat trafficking and better protect and recover trafficking victims. According to the [Department of Homeland Security](#) the average age for a girl to enter the commercial sex trade is 12-14 years old; for boys, it is 11-13 years old.

- Section 2 would direct the Interagency Task Force established under the Trafficking Victims Protection Act of 2000 to conduct a review of federal and state anti-child trafficking activities, as well as identifying best practices to prevent children from becoming victims.

- Section 3 would require the Government Accountability Office to submit a report to Congress that includes information on federal and state law enforcement agencies to combat trafficking in the U.S, including information on each available Federal grant program intended to combat human trafficking or assist victims of trafficking
- Section 4 would clarify that that shelters and facilities that want to develop or expand services to house victims recovering from trafficking are eligible for existing Department of Justice grant programs.
- Section 5 would define “a victim of trafficking” using the same definition given in the Trafficking Victims Protection Act of 2000.

Major Changes Since the Last Time This Legislation was Before the House: In the 113th Congress, the House passed [H.R. 5135](#), by voice vote. The bill was referred to the Senate where no further action was taken. H.R. 350 mirrors the bill that was passed last Congress.

Committee Action: The legislation was introduced on January 12, 2015, and referred to the House Committee on the Judiciary. On January 21, 2015, the House Committee on the Judiciary reported the bill by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO cost estimate is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.

Congresswoman Noem’s statement in the Congressional Record can be viewed [here](#).

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