
HUMAN TRAFFICKING: RECENT TRENDS

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER, MARITIME AND GLOBAL COUNTERTERRORISM

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

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HUMAN TRAFFICKING: RECENT TRENDS

Thursday, March 19, 2009

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

The subcommittee met, pursuant to call, at 10:04 a.m., in Room 311, Cannon House Office Building, Hon. Loretta Sanchez [chairwoman of the subcommittee] presiding.

Present: Representatives Sanchez, Thompson, Cuellar, Kirkpatrick, and Green.

Ms. SANCHEZ. [Presiding.] The subcommittee will come to order. This subcommittee in Border, Maritime and Global Counterterrorism is meeting today to receive testimony on human trafficking recent trends.

The Chair recognizes that the ranking member of the committee will be late this morning, but he has asked us to go forward with this hearing.

So good morning, and we have a great panel in front of us today. Thank you all for being here. I want to especially thank Lieutenant Marsh for making the cross-country trip from my home district in Orange County, California, to provide his expert testimony on this issue.

The purpose of this hearing is to gain a better understanding of how we can combat human trafficking worldwide and within our borders, and how we can provide assistance and support to victims of human trafficking.

This hearing is timely, given that March is International Women's Month, and more than 80 percent of all trafficked people are women or girls. This issue is close to my heart and, as many of you know, I have been a vocal advocate to stop and to combat human trafficking.

Several years ago, I worked with the Department of Justice and local law enforcement in California to support the creation of an Orange County counter-trafficking task force, who Lieutenant Marsh is representing today. Furthermore, this weekend, I will be hosting a forum on human trafficking in my district, and I am sure that the issues discussed in this hearing will be of great interest, at least to my constituents, back home.

Last week we held a hearing regarding drug trafficking and violence along the United States and Mexico border, but one issue that was not addressed in that hearing was the human trafficking issue, which has become a leading source of income for organized

crime syndicates that are inciting this violence along the border. In fact, frequently, the same routes that are used to traffic illegal drugs are also used to traffic humans for sex and labor exploitation.

Given that fact, I would be interested to hear from Mr. Kibble on the procedures that are in place to provide assistance to trafficked people who find themselves within the United States borders.

As the representative of the largest Vietnamese population outside of Vietnam, I have been very concerned about the fact that much of human trafficking victims originate in Asia. I am looking forward to learning more about what is being done globally by Immigration and Customs Enforcement (ICE) and how that impacts us here locally and on the US borders.

I believe one important step was the creation of the multi-agency Human Smuggling and Trafficking Center that facilitates cooperation between the elements of the Department of Homeland Security, of State and Justice. I am pleased with the cooperation between federal agencies on this issue. I want to hear more about the role of local task forces and nongovernmental organizations in the work of Human Smuggling and Trafficking Center. I look forward to hearing your testimony and engaging in an active dialogue.

I now yield to the chairman of the full committee for his opening statements.

Mr. THOMPSON. Thank you very much, Madam Chairman, and I appreciate the hearing being called on this most important subject, and I welcome our panel of witnesses.

Human trafficking poses a serious threat to human rights worldwide, with an estimated 2 million to 4 million victims each year. About 17,500 of these individuals are trafficked to the United States annually. Most of the victims are women, children and individuals from vulnerable populations who are preyed upon by traffickers.

Human trafficking jeopardizes the welfare of its victims, but it also poses a threat to our homeland security. The same transnational organizations that traffic in people may also traffic narcotics or weapons across our borders. Some of these same routes used to traffic persons into US may be used to smuggle terrorists or their weapons into the country. Proceeds from trafficking also could be utilized for other illicit activities that threaten our security.

Therefore, for both humanitarian and security reasons, it is imperative that we do everything possible to combat trafficking. This is why the Committee on Homeland Security included provisions in implementing the 9/11 Commission Recommendations Act of 2007 to strengthen the capabilities of the Human Smuggling and Trafficking Center.

I look forward, Madam Chair, to hearing from today's witnesses further on issues related to coordination, staffing, funding and information-sharing among fellow agencies involved in combating human trafficking and whether or not issues have improved. I am also interested to hear what more needs to be done to ensure we are fighting this terrible problem as effectively as possible.

The fight against human trafficking is one we must win for the sake of its victims and for America's homeland security.

Thank you.

Ms. SANCHEZ. Thank you so much for attending our hearing today, Mr. Chairman. I truly really appreciate it. Other members of the subcommittee are reminded that, under the committee rules, opening statements may be submitted for the record.

And so I welcome our panel of witnesses. Our first witness, Mr. Kibble, is Deputy Director of U.S. Immigration and Customs Enforcement's Office of Investigations. That is a mouthful. And in that capacity, he serves as the chief operating officer for the largest investigative arm of the Department of Homeland Security. He is also responsible for policy planning, management and operations aimed at countering transnational national security, public safety threats arising from illicit travel, trade and finance.

Mr. Kibble began his federal law enforcement career as a special agent with the United States Customs Service in Los Angeles, California. Welcome again. I think you were before us last week, so we keep you busy.

Our second witness, Lieutenant Derek Marsh, has served on the Westminster Police Department for more than 21 years. He became involved with the Orange County Human Trafficking Task Force over 5 years ago while serving as Westminster's Detective Bureau Commander. Lieutenant Marsh is currently Co-Director of the task force, which works with a variety of public, corporate and faith-based organizations on projects relating to abolishing human trafficking in the region. And of course, as someone from my own area, thank you so much for being here, Lieutenant.

Our third witness, Ms. Anastasia Brown, is the Director of Refugee Programs at the Department of Migration and Refugee Services of the United States Conference of Catholic Bishops. Her responsibilities include supervision of all services to refugees, victims of trafficking, and unaccompanied alien minors resettled through the Catholic Network in the United States. Ms. Brown has over 15 years of experience with refugee settlement. Welcome.

And without objection, your full written statements will be submitted for the record, and I would ask each of you to summarize those statements. Of course, each of you will get 5 minutes or less.

So let's start with Mr. Kibble.

STATEMENT OF KUMAR KIBBLE, DEPUTY DIRECTOR, OFFICE OF INVESTIGATIONS, IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY;

Mr. KIBBLE. Chairwoman Sanchez, Chairman Thompson, distinguished members of the subcommittee, on behalf of Secretary Napolitano and Acting Assistant Secretary Torres, thank you for the opportunity to discuss ICE's efforts to combat human trafficking. It is an honor to appear before you today to discuss our comprehensive approach in targeting traffickers who exploit men, women and children, a form of modern-day slavery.

ICE has a leadership role in investigating human trafficking crimes and bringing perpetrators of these human rights abuses to justice. ICE uses our cross-border authorities to investigate crimi-

nal organizations on multiple fronts, and in doing so is able to disrupt and dismantle those organizations.

The most critical piece of legislation supporting our efforts in fighting human trafficking is the Trafficking Victims Protection Act of 2000, or TVPA, and its subsequent reauthorizations. ICE pursues victim-centered trafficking investigations according to the tenets of prevention, protection and prosecution, also known as The Three Ps.

The United Nations reports that human trafficking is a worldwide multi-billion dollar per year business committed by organized criminal syndicates, individuals and informal networks that seek to profit by exploiting others. Men, women and children are trafficked into forced labor and commercial sexual exploitation throughout the world.

Many of these victims are lured from their homes with promises of employment. Instead, they are forced or coerced into involuntary servitude, migrant farming, sweatshops and other exploitive labor in addition to the commercial sex industry.

Indeed, trafficking takes on countless and many hidden forms of exploitation in today's society. ICE makes every effort to not only find and rescue victims, but to target and cripple the financial infrastructure that permits human trafficking organizations to thrive. Let me highlight some of ICE's investigative efforts in combating human trafficking. During the last fiscal year, ICE initiated 432 human trafficking investigations, an increase of over 24 percent from the previous fiscal year. These investigations included 262 cases of alleged sexual exploitation and 170 cases of suspected labor exploitation. During that same period, our efforts resulted in 189 arrests, 126 indictments, and 126 convictions related to human trafficking.

In May of 2007, for example, ICE agents in Newark, New Jersey received information that a married couple was forcing young African women to work in hair braiding salons in the Newark area. Agents learned that the couple smuggled young women from Togo into the US on fraudulently gained diversity immigrant visas. Some of the victims were held for more than 5 years.

Our Newark office ultimately arrested the couple and their son for alien smuggling and harboring, which led to the rescue of 20 trafficking victims and, in January of this year, superseding indictment, charged the defendants with a variety of violations, including forced labor and transportation of a minor across state lines with the intent to engage in criminal sexual activity. One defendant in this case has already pleaded guilty, and was recently sentenced.

Given the international scope of human trafficking, ICE has an established global reach that has allowed us to foster strong international relationship through over 50 attache offices located throughout the world. These offices allow us to address the global scope of trafficking investigation, extending from source countries where the trafficking originates through the transit countries and concluding in the destination countries.

In addition to our global investigations, ICE leads the intelligence gathering and sharing effort through the directorship of the Human Smuggling and Trafficking Center, or the HSTC. The HSTC serves as a fusion center for intelligence, law enforcement

and other information to enhance coordination and communication within the HS agencies along with other US government agencies in combating human traffickers.

Human trafficking cases require law enforcement agencies to be victim-oriented. We in law enforcement have a responsibility to treat victims fairly, with compassion, and with attention to their needs. Towards that end, ICE has trained and deployed 350 victim witness coordinators who work closely with HHS, NGOs and others in the provision of services for rescued victims.

ICE and CIS are the principal agencies charged with providing immigration relief to victims of trafficking. We provide short-term immigration relief, known as continued presence, while CIS adjudicates applications for non-immigrant T visas, and U visas as well. Continued presence, or the award of T visas, allows HHS to certify victims so that they can access federal benefits.

To raise awareness regarding trafficking, in May of 2008, ICE launched a billboard campaign entitled, "In Plain Sight." The trafficking awareness postings were displayed on highway billboards, subway platforms, in buses and bus shelters, in dioramas in 10 major US cities.

We remain committed to combating those engaged in trafficking victims. We thank you once again for the opportunity to appear before you today, and I am deeply appreciative for your support, and would be pleased to answer any questions you may have.

[The statement of Mr. Kibble follows:]

PREPARED STATEMENT OF KUMAR C. KIBBLE

Chairwoman Sanchez, Ranking Member Souder, and distinguished members of the Subcommittee. On behalf of Secretary Napolitano and Acting Assistant Secretary Torres, I would like to thank you for the opportunity to discuss U.S. Immigration and Customs Enforcement's (ICE) efforts to combat human trafficking.

It is an honor to appear before you today to discuss ICE's comprehensive efforts against human traffickers who exploit men, women and children—a form of modern day slavery. I am proud to represent a federal law enforcement agency that has a leadership role in investigating human trafficking crimes and bringing perpetrators of these human rights abuses to justice. ICE integrates immigration and customs authorities to investigate criminal organizations on multiple fronts and, in doing so, is able to identify, disrupt and dismantle those organizations. The most critical piece of legislation supporting our efforts in fighting human trafficking is the Trafficking Victims Protection Act of 2000 (TVPA) and its subsequent reauthorizations. ICE pursues victim-centered trafficking investigations according to the tenets of Prevention, Protection and Prosecution, familiarly known as the 3 Ps.

The United Nations reports that human trafficking is a multi-billion dollar per year business worldwide, and is committed by organized criminal syndicates as well as individuals and informal networks that seek to profit by exploiting others. Men, women and children are trafficked into forced labor and commercial sexual exploitation throughout the world. Many of these victims are lured from their homes with promises of employment. Instead, they are forced or coerced into involuntary servitude, migrant farming, sweatshops and other exploitative labor in addition to the commercial sex industry.

Indeed, the result of trafficking takes on countless and many hidden forms of exploitation in today's society. Since the enactment of the TVPA, law enforcement has learned that trafficking is not limited to urban high crime areas. It is now acknowledged that human trafficking is found in rural agricultural sectors and in private homes in affluent neighborhoods. We know that adult men and women are victimized along with children, and that our own citizens are not immune to the actions of traffickers. ICE makes every effort to not only find and rescue victims, but to target and cripple the financial motivations and infrastructure that permit human trafficking organizations to thrive.

According to the Department of State 2008 Trafficking in Persons Report released in June 2008 and the Trafficking in Persons Interim Assessment covering the

months since its release, the United States is a destination country for thousands of trafficking victims. These victims are largely nationals of Asian and Central American countries, but traffickers do not restrict their efforts based on citizenship. United States citizens and lawful permanent residents are also trafficked within the United States, primarily for the purpose of sexual exploitation.

Let me highlight ICE investigative efforts and successes in combating human trafficking. In Fiscal Year 2008, ICE initiated 432 human trafficking investigations, an increase of over 24 percent from the previous year. These investigations included 262 cases of alleged sexual exploitation and 170 cases of suspected labor exploitation. During the same period, ICE investigative efforts resulted in 189 arrests, 126 indictments and 126 convictions related to human trafficking. Examples of our successes include:

- In May 2007, the Special Agent in Charge (SAC) office in Newark, New Jersey received information that a man and his wife were forcing young African women to work in hair braiding salons in the Newark area. The investigation revealed that the couple smuggled young women from Togo into the United States on fraudulently gained diversity immigrant visas. Some of the victims were held more than five years. SAC Newark ultimately arrested the couple and their son for alien smuggling and harboring, which led to the rescue of 20 trafficking victims. In January 2009, a superseding indictment charged the defendants with visa fraud, forced labor, trafficking with respect to forced labor, transportation of a minor across state lines with the intent to engage in criminal sexual activity, and smuggling and harboring aliens for commercial advantage and financial gain. One defendant in this case has already pleaded guilty and was recently sentenced.

- Also in May 2007, the Resident Agent in Charge (RAC) office in Long Island, New York received information from the Nassau County Police Department concerning a victim who indicated that she had escaped from a residence in Muttontown, New York where she was forced to stay and work under horrific conditions. Doctors diagnosed the victim with extensive bruising, burns and lacerations, allegedly inflicted by her employer. That same night, ICE agents executed a federal search warrant at the residence in Muttontown and found another female domestic worker hiding in the basement. The second victim denied physical abuse, but witnessed the physical abuse inflicted upon the other victim by the wife of her employer. Both victims claimed that the wife and her husband verbally abused them and restricted their movements at all times. The next day, RAC Long Island agents arrested the couple who were subsequently indicted and found guilty of forced labor, peonage, document servitude, harboring aliens and conspiracy. In June 2008, the wife was sentenced to 11 years imprisonment and her husband was sentenced to three years. The jury ordered that their residence, which was valued at \$1.5 million, be criminally forfeited and all proceeds be used to pay restitution to the victims.

- In January 2008, the SAC office in Miami, Florida interviewed a woman who claimed to be a kidnapping and trafficking victim from Mexico. The woman claimed that a man and his two brothers operated a prostitution ring in areas of south Florida. The investigation led to the execution of 20 federal search warrants, the arrest of 91 subjects including four targets of the investigation, and the identification of nine sex trafficking victims, including three juveniles. The main targets of the investigation were indicted on charges of sex trafficking, human smuggling and harboring aliens.

Given the international scope of human trafficking, ICE has an established global reach that has allowed us to foster strong international relationships through over 50 offices overseas located in 39 countries to fully identify and pursue criminal organizations. In order to fully address the harm inflicted by these organizations, our investigations begin in the source countries where trafficking begins, continue into transit countries, and conclude at the destination countries.

As the law enforcement agency at the forefront of the U.S. Government's response to international human trafficking, ICE conducts global investigations identifying and rescuing victims, has a prominent role on several cabinet-level working groups and leads the intelligence gathering and sharing effort through the Directorship of the Human Smuggling and Trafficking Center (HSTC). The HSTC serves as a fusion center for intelligence, law enforcement and other information to enhance coordination and communication within the Department of Homeland Security (DHS), including U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS), along with other U.S. Government agencies in combating human traffickers, smugglers and criminals facilitating terrorist travel. Our victim witness coordinators also work closely with the Department of Health and Human Services' grantees, contractors and coalitions in the provision of services for rescued victims.

Human trafficking cases require law enforcement agencies to be victim-oriented. ICE has trained and deployed 350 victim-witness coordinators. The testimony of victims is critical to successful prosecutions. Victims are our best evidence of the crime. Yet a victim should not and cannot be treated as simply a piece of evidence. While we know that the long-term care of victims is and should be in the hands of non-governmental organizations (NGOs) we in law enforcement also have a responsibility to treat victims fairly, with compassion, and with attention to their needs.

ICE and USCIS are the principal agencies charged with providing immigration relief to victims of trafficking. ICE provides a short-term immigration relief known as "Continued Presence," and assists certified victims of trafficking to remain in the United States through certain types of non-immigrant visas, including the T and U visas. In each of the cases cited, we granted the victims Continued Presence, which is part of our "victim-centered approach." USCIS adjudicates applications for non-immigrant status related to an individual's certification as a victim of a severe form of trafficking. This non-immigrant status provides longer-term forms of relief for trafficking victims. Continued Presence or the award of a T-visa allows the Department of Health and Human Services to "certify" victims so that they can access federal benefits and services to the same extent as refugees. Individuals granted T non-immigrant status can also adjust their status to that of lawful permanent resident pursuant to recently promulgated regulation.

This year, under an initiative called ICE Trafficking in Persons Strategy (ICE TIPS), ICE offices were required to conduct outreach to law enforcement agencies and NGOs to expand awareness of trafficking cases. ICE domestic field offices and ICE Attaché offices overseas provided training to over 27,900 staff from 1,200 NGOs and over 12,100 law enforcement personnel 1,433 agencies worldwide. ICE previously established a toll-free tip number line for reporting human leads, as well as developed outreach materials for law enforcement and NGOs. These materials include brochures, a training video and laminated wallet-size cards with human trafficking indicators, which are available in seven different languages.

The problems presented by human trafficking are so widespread that no one entity can adequately address them. Accordingly, ICE proudly partners with other law enforcement agencies and NGOs through the Department of Justice-sponsored Human Task Forces (HTTFs). These task forces are located across the United States, and play a vital role in combating human trafficking organizations. The HTTFs unite the investigative abilities of law enforcement with the victim services agencies in order to provide a coordinated response during trafficking investigations. The HTTFs ensure that the requirements of law enforcement are balanced against the needs of the victims discovered during the course of investigations. Without partners such as local law enforcement and the NGOs the federal government would be limited in its efforts to dismantle trafficking organizations and assist in the recovery of the victims hurt by traffickers.

In May 2008, ICE launched a Billboard Campaign in the New York City area entitled *Plain Sight*. The trafficking awareness postings were displayed on highway billboards, subway platforms, the exterior and interior of buses, bus shelters, urban panels and dioramas. In June 2008, the billboard campaign was expanded to Baltimore, Chicago, Houston, Los Angeles, Miami, Phoenix, San Francisco and Washington, D.C. To ensure effectiveness, the postings in the Los Angeles and Miami areas were printed in both English and Spanish. The campaign encourages viewers to report human trafficking via the ICE tip line at 1-866-DHS-2-ICE. Reporting this crime gives the public an opportunity to be a part of the solution to this social concern. In 2009, ICE will expand the *In Plain Sight* Billboard Campaign to additional U.S. cities.

ICE is committed to combating those engaged in the exploitation of trafficking victims, and will continue allocating the resources necessary to end the threat human trafficking poses to our society. In addition, we will continue to expand our outreach and training efforts by sharing our expertise in employing a victim-centered approach to combating human trafficking.

Thank you once again for the opportunity to appear before you today. I would be pleased to answer any questions that you may have at this time.

Ms. SANCHEZ. Thank you, Mr. Kibble.

I am going to ask Lieutenant Marsh to summarize his statements in 5 minutes or less. And again, welcome.

**STATEMENT OF LIEUTENANT DEREK MARSH, CO-DIRECTOR,
ORANGE COUNTY, CALIFORNIA, HUMAN TRAFFICKING TASK
FORCE**

Lt. MARSH. Thank you, Congresswoman Sanchez and honorable committee, for having me appear on behalf of the Orange County Human Trafficking Task Force and the Westminster Police Department to present our local law enforcement perspective.

In my written testimony, I address four areas that impact, or could potentially impact, local attempts to proactively pursue anti-trafficking efforts. These areas include the dialogues and attempts to legalize prostitution.

Law enforcement agencies are stretched thin with budget cuts these days. Well meaning but myopic attempts to benefit from prostitution will prove to be a great detriment, and involve state and local governments in the sexual exploitation of adults and minors. Enacting such laws would add to the workload of law enforcement, social services, healthcare agencies, all while potentially creating a government advocacy for an industry associated with criminal enterprises and the sexual exploitation of adults and minor.

The second issue I discussed dealt with enacting the federal model for anti-trafficking. Currently, the bifurcated funding stream for federally supporting these task forces can potentially distract from local efforts. Dual funding sources result in dual reporting requirements and open the door for potential duplication of data, or complete loss of data. Dual funding sources artificially separate task forces, which are, at their best, inter-related community and law enforcement partnerships developed in their local context to enact the federal anti-trafficking model.

A single funding stream model, as afforded in federal earmarks, may provide greater support of the federal model of human trafficking, support the interconnected, locally diverse task forces, and allow for more direct accountability with regards to funds expended and data collected and reported.

The third issue I discussed was holding the users and enablers of slavery services accountable. Historically, the users of sexually exploited persons, or "johns," have not been held criminally accountable to the same level as a pimp or trafficker. For instance, in California, it is a misdemeanor to solicit a prostitute. The situation is made even more complex in that johns have information about brothels and massage parlors that law enforcement would not normally be aware of without debriefing them for their intelligence.

Nonetheless, legal consideration of the john not as a solicitor, but as a conspirator, appears to be supported in the anti-trafficking human research and best practices. In California law, this would allow for johns to receive equal punishments to the traffickers themselves. While this discussion is at its infancy, I hope we can develop a unilateral strategy, at least at the state level, to deter, if not eliminate, the demand side of this trafficking equation.

And the fourth issue I discussed—when I came up 2 years ago, I discussed it as well—deals with the severe definition of human trafficking. We continue to find many cases involving victims receiving and apparently possessing money for their services. This

practice is an inspired one by the traffickers, as the money help—muddies the water as to whether the victim is being trafficked or is a willing prostitute.

This practice is a subtle form of coercion and fraud—coercion in the sense of giving the victim the impression he or she is earning something, which in turn mitigates the egregious loss of freedoms and choices; fraud in the sense the money's essentially colored paper, electronic effluvium, as the vast majority of our victims do not have the option of even spending their money. All the while, the trafficker holds onto the victim's documents and controls their movements, but is not even held accountable for this aspect of human trafficking, i.e. document servitude.

Recently, we have had two cases that reflect this, one based out of LA, which ended up resulting in a human trafficking—we attempted to prosecute for human trafficking. Instead, it ended up being pimping and pandering. The issue there was that the people had documents taken from them, it did not appear until they were arrested, but, in the end, it was not considered to have jury appeal because of the money that some of the women purportedly had.

And the second case was a local case out of Westminster dealing with massage parlors. Women from Singapore were met at the airport, their documents taken. They were given drugs to mitigate their sexual exploitation, as well as being controlled in their movements by the traffickers.

This was given some federal prosecution on the human related—trafficking related statute. It was not the human trafficking prosecution we had hoped for.

In the end, for victims, closure results from any type of trafficking conviction. However, I think the strategy manages to undercut the effective documentation of actual levels of trafficking in the United States as well as victim identifications and federal certifications.

I would like to thank the administrator of our task force, Etta Morgan, for her help with developing this testimony. In addition, I would also like to thank Sergeant Tom Findley for his feedback and efforts for this testimony. He has been the cornerstone of our investigative successes.

And thank you all again for having me here, and I am prepared to answer any questions.

[The statement of Lieutenant Marsh follows:]

PREPARED STATEMENT OF LT. DEREK J. MARSH

Introduction

I became involved in working with federal, state, and local agencies regarding human trafficking in 2004. I joined the Orange County Human Trafficking Task Force (OCHTTF)—at that time, a loose knit, unfunded collaboration of agencies concerned with the issues surrounding human trafficking. Over the course of the next five years, my agency (the Westminster Police Department, CA) attempted to proactively pursue human trafficking cases while teaming with Immigration & Customs Enforcement, the Federal Bureau of Investigation, the Department of Labor Wages & Hours Division, and a host of passionate, non-governmental agencies, indirectly led by Community Service Program (CSP), Inc.'s Director of Victim Services Ronnetta Johnson.

From 2006 through 2008, thanks in large part to Congresswoman Loretta Sanchez, the OCHTTF received funding for administrative support and law enforcement outreach, training, and overtime. Thanks to Marissa Ugarte of the Bilateral Safety Corridor Coalition, via a contract with the Department of Health & Human Serv-

ices, OCHTTF participates in the Unity Coalition program funding, allowing for dedicated efforts to be made regarding community outreach and awareness. Due to the two-year federal earmark, our task force was able to outreach more than 10,000 citizens at a variety of presentations, seminars, and community events. In addition, we were able to federally certify at least 8 human trafficking victims in Orange County during this time period as well, and provide alternate services to 30 other victims. Currently, we are finalizing our submission to the Bureau of Justice Assistance so we can begin to actively participate as one of the 42 federally funded task forces in the United States, along with our OVC partner, the Salvation Army.

The task force owes much to our many political supporters, and from our partnerships and dialogues with cornerstones of human trafficking, including Dr. Laura Lederer, Dr. Melissa Farley, and Dr. Mark Lagon—to mention just a few. I would be remiss not to acknowledge the strategic suggestions from the policy and grant coordinators at the Bureau of Justice Assistance, as well. Finally, we are indebted to the members of the various task forces we have met at the National Conferences and other venues. Their willingness to help and proffer actionable advice continues to be a source of meaningful support for our task force and our law enforcement efforts.

Issues in Human Trafficking

Recently, OCHTTF members participated in a facilitated strategic suggestion session at our February 2009 meeting. Many pertinent recommendations were made by NGOs and law enforcement representatives during this session. [I have included the entire list of suggestions at the end of this document, for your reference, as Appendix I.] On the whole, our task force membership continues to be passionate and involved with the outreach and protection aspects of the human trafficking strategy. I expected our partners to encourage more proactive investigations by federal and local law enforcement. Instead, I was surprised to hear many of the suggestions center on law enforcement representatives participating in outreach activities. It is with mixed feelings that I perceived that the passion and expertise of the NGOs and their representatives with regards to eliminating human trafficking still requires the presence and partnership of law enforcement representatives for validation. The Westminster Police Department acknowledges the importance of local law enforcement participation in the task force, and continues to work towards being a primary mover with regards to the task force and considering and developing strategies and tactics aimed at the elimination of slavery.

I consider the following four issues to be most relevant to today's topic:

1. The "severe" definition of human trafficking at the federal and state levels hampers document servitude prosecutions of traffickers.
2. Local concerns regarding the legalization of prostitution.
3. Effectively implementing and supporting the model of human trafficking.
4. Holding the people using trafficked humans more accountable.

Reiterating Issues with the "Severe" Definition of Human Trafficking

I belabored this topic two years ago at my previous testimony before this Committee. For your convenience, I have included my statement from two years ago for ease of reference (Appendix II). I consider the severe definition of trafficking to be the number one issue with regards to challenges in getting human trafficking prosecutions.

We continue to find many cases involve victims receiving and apparently possessing money for their "services." This practice is an inspired one by the traffickers, as the money helps muddy the waters as to whether the victim is being trafficked or is a willing prostitute. This practice is a subtle form of coercion and fraud: coercion in the sense of giving the victim the impression she is "earning" something, which in turn mitigates the egregious loss of freedoms and choices; fraud in the sense the money is essentially colored paper or electronic effluvium, as the vast majority of our victims do not have the option of even spending their money. All the while, the trafficker holds on to the victims' documents and controls their movements, but is not even held accountable for this aspect of human trafficking.

I have spoke with other task forces (Clearwater Police Department, for instance), and they are finding the same practices in their respective jurisdictions. This payment strategy by traffickers is keeping many of them from being federally prosecuted, with pimping and pandering at the state level often being their most severe penalty. In fairness, pimping and pandering can have more severe penalties at the state level than the state statutes for human trafficking. Nonetheless, the state punishments are less severe than the federal statutes. Prosecutors have disclosed that their concerns focus on issues of jury appeal: the difficulty in explaining how a trafficking victim can make money. Overall, this strategy manages to undercut effective

documentation of actual levels of trafficking in the United States, as well as victim identifications and federal certifications.

Local Considerations Regarding Legalization of Prostitution

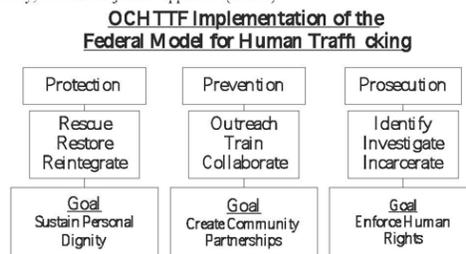
The citizens of San Francisco recently fought off Proposition K: a proposition to not enforce or investigate prostitution in the city. Proposition K lost with a vote against of 59%; substantial enough to defeat the issue, but close enough to give me pause. I spoke with the OCHTTF's administrator, Sandra Morgan, and she told me she had tagged this issue in her computer system and that a week did not go by that a politician was not reported as suggesting the legalization of prostitution as a way to regulate this "reality," as well as generate extra income for cash strapped local and state economies. While I could articulate the challenges this would cause for sex trafficking investigations, I knew this issue was more insidious and complex.

Then, I was introduced to Dr. Melissa Farley's (2007) research focused book *Prostitution & Trafficking in Nevada: Making the Connections*.¹ Dr. Farley's research, and the research of her colleagues, which is also included in this text, cleared the waters for me in regards to this issue. Proponents of legalization neglect to mention that (a) legal brothels are just as dangerous as illegal brothels for the women who work in them, (b) legalized brothels appear to be gateways for organized crime into our communities, (c) state sanctioned prostitution is state sanctioned violence against women, and (d), more germane to our current topic, the introduction of legalized prostitution appears to increase the levels of sexual exploitation of adults and minors, including increases in human trafficking.

Dr. Farley's and her colleagues' research was very eye opening for me, and I do not do it justice in a paragraph or two. However, I would like to take this opportunity to suggest a strong cautionary note to those well-meaning public servants who are considering legalizing prostitution as a viable economic strategy. Foremost, I would invite you to read Dr. Farley's book, and other research related to prostitution and human trafficking; I believe the results speak for themselves. However, if this is not enough, I would suggest that any monetary rewards that might be gained by the legalization of prostitution would be far outweighed by the increased burdens on local and federal law enforcement for investigating increased crimes related to sexual exploitation of adults and minors—not to mention the increased workload to health care and social service agencies.

Implementing Models to Combat Slavery

When CSP, Inc., and the Westminster Police Department began the Orange County Human Trafficking Task Force (OCHTTF) five years ago, we modeled our—then—informal, grassroots coalition after the federal model: prevention, protection, and prosecution. The OCHTTF had subcommittees for each of the three areas of concern. We spoke with neighboring task forces, who reinforced the structure of the federal model. We embraced the restorative justice approach the government advocates. Over the next couple of years, our practices fleshed out the federal model, and our two year earmark funding reinforced our approach and perceptions regarding the victim advocacy, restorative justice approach (below).



The OCHTTF's long term goal of becoming a federally funded task force was realized in September of 2008, when we were notified we would become one of the 42 federally supported anti-human trafficking task forces. We discovered quickly that our experience with the federal support via a Congressional earmark is significantly different than being funded directly through the Bureau of Justice Assistance (BJA) and the Office of Victims of Crime (OVC). I am not bringing this to your attention

¹ Farley, M. (2007). *Prostitution & trafficking in Nevada: Making the connections*. Prostitution Research & Education: San Francisco, CA.

to critique either of these agencies; to the contrary, I have found both agencies to be staffed with resourceful agents who are committed to eliminating trafficking.

However, the bifurcated funding stream for anti-human trafficking has put strain on the OCHTTF's current model and our community partners, many of whom have had active roles since our grassroots beginning. I have attended many human trafficking conferences, and have heard of similar tensions. At the time, I did not understand the frustrations being expressed. I was naive: the OCHTTF enjoyed a single funding stream at that time from the earmark, so BJA funded our law enforcement, victim advocacy, and outreach efforts. Now, with law enforcement efforts exclusively funded through BJA and NGO efforts funded solely through OVC, we are in the process (still) of retooling our complex three part implementation based on the federal model of trafficking with two source funding.

The OCHTTF looks forward to meeting the requirements of the two-part funding and continuing our efforts to enforce human rights, create community partnerships, and sustain victims' personal dignity. I suggest future funding efforts in this venue might be better served by using an "earmark" approach to funding: one funding source for complex collaborative efforts with national priority. One funding source minimizes the potential for competing local funding interests, the confusion at the local levels regarding which agency should fund which legitimate function, reinforces and encourages greater simplicity for local solutions developed based on local contexts, and creates single source accountability for the allocation and expenditure of funds.

Single source funding would also streamline the data collection and reporting regarding human trafficking efforts. I discovered and read the OIG audit report² on the human trafficking grantees' reporting efforts upon notification that the OCHTTF would be receiving federal support. I considered the report to be harsh and surprising: I have met and/or worked with people from many of these agencies, and they are dedicated to sustaining and enforcing human rights. Concurrently, I learned about the new grant performance reporting requirements and I began to understand how reporting and tracking could become confused.

The data collection and reporting for federally supported task forces mirrors the bifurcated funding streams. The BJA and OVC must independently report each month on their activities, and somehow avoid redundancies; in addition, semi-annual reports of performance are duplicated, as well. The complexity of outreach alone argues against such an approach: a well-planned training/outreach event will involve BJA and OVC funded partners. So, who reports the event, and to which monthly and semi-annual report? Natural and eventual small breaks in communication amongst any task force partners can lead to data redundancies in the prevention, protection and prosecution areas. Not to mention the personnel duplication of data collection and entry efforts. Not to mention the creation and maintenance of separate reporting databases. And I have not even delved into the extensive and potentially redundant data entry required under Health and Human Services contracts.

A single funding source approach would help streamline data collection and reporting processes. One monthly report would suffice for all three aspects of the federal model; one semi-annual report would suffice for all three aspects of the federal model. A single funding source, "earmark" approach reinforces the federal model of human trafficking, while allowing local partnerships to form based on local contexts and perceived needs. Task forces would be able to minimize potential redundancies in data collection and reporting, and be able to dedicate more time to the business of the day with less administrative overhead.

Overall, local efforts to pursue human trafficking issues involve complex, interconnected partnerships formed and developed based on locally interpreted federal models of action. Attempting to separate funding for these efforts is like trying to divide a baby: complications are inherent in the process, and the results are usually not sustainable (or desirable). A single funding source would streamline the funding, data collection and data reporting processes, and minimize the chances for redundant data entry. A single funding source would minimize the administrative overhead for the granting agencies and the funding recipients, and allow for more efforts to be expended towards implementation of grant commitments. A single funding source would best reinforce the intricacies of grassroots community collaborations that inform many, if not all, of the human trafficking task forces, while still allowing for direct accountability by the funding recipient for the implementation of the federal model.

²Office of the Inspector General. (July 2008). *Management of the Office of Justice programs' grant programs for trafficking victims*. US Department of Justice, Audit Division: Washington, DC. Audit report 08-26.

Holding Users of Human Trafficking Organization's Services Accountable

The recent version of the TVPA indicates, among other things, a greater commitment to criminal prosecutions and holding all actors in a human trafficking organization accountable. OCHTTF members have been encouraged to see these changes, and hope they result in increased prosecutions and victims identified and saved. I cannot help but think of the results from Macleod's et. al.'s (2008) interviews of Scottish johns, or "punters," and how they consider being listed as a sex offender, jail time, large fines, and publicizing their crimes as severe enough penalties to deter them from participating in such illegal enterprises (p. 27).³ It is refreshing to be able to see actionable laws reflecting sound research.

From my local perspective, the weak component in our cases in California has been how users of trafficking services (predominantly "johns") have been addressed. In California, it is a misdemeanor to be a john, and the charges become even more vague for those more peripheral participants—landlords, transporters, renters of residential brothels, chiropractors who lend their name to massage parlors, etc. Treating johns as felons is problematic because these criminals provide valuable intelligence regarding how a trafficking organization is run, and usually have information regarding multiple locations. Any insight into these criminal enterprises is very valuable, especially since most criminal enterprises being so clandestine in nature, and their inner workings are extremely difficult to decipher based on surveillances and wire taps.

Nonetheless, these johns and peripheral participants develop, maintain, and form the foundation for the traffickers' client base—the demand side of the criminal equation. Perhaps it is time, for law enforcement to hold these trafficking agents more criminally accountable. Ekberg's (2004) description of the Swedish approach to anti-trafficking seems a case in point: when men in Sweden attempt to buy prostituted persons, they are considered to be perpetuating "a form of male sexual violence against women and children" (p. 1189).⁴ While the Swedish laws are more complex than presented here, the result has been a dramatic decrease in prostituted women and trafficking of persons (Ekberg, 2004, p. 1210). Perhaps it is time for local law enforcement to base their prosecution strategies on established research and best practice. Perhaps it is time to move johns from solicitors to conspirators.

The crime of conspiracy does not require new laws, as the states already have laws dealing with conspiracy. The crime of conspiracy allows for conspirators to be liable to the same penalties as human traffickers and pimps. The crime of conspiracy is already familiar to investigators, prosecutors, and judges, and its application has a long history of success. And, consistent use of the crime of conspiracy has a real chance, based on the research and best practices, of making these demanders of inhumane services cease their demands.

Conclusion

I have attempted to address four areas that impact, or that can potentially impact, local attempts to proactively address anti-human trafficking efforts. These areas were:

1. The semantics of the human trafficking laws still contribute to cases not being considered by federal and state prosecutors. Traffickers have developed an inspired strategy of allowing their victims to apparently possess money. This practice helps obfuscate the clear distinctions between trafficking victims and prostitutes, leading to cases that potentially lack jury appeal. Document servitude cases are being overlooked due to this trafficker strategy that is used across the country.
2. The dialogues and attempts to legalize prostitution are of great concern. Law enforcement agencies are stretched thin with budget cuts. Well meaning but myopic attempts to benefit from prostitution will prove to be a great detriment, and involve state and local governments in the sexual exploitation of adults and minors. Enacting such laws would add to the workload of law enforcement, social services, and health care agencies, while potentially creating a government advocacy for an industry associated with criminal enterprises and the sexual exploitation of adults and minors.
3. Enacting the federal model for anti-human trafficking is a challenge anti-human trafficking task forces welcome. However, the bifurcated funding stream for federally supporting these task forces can potentially hamper local efforts.

³ Macleod, J., Farley, M., Anderson, L. & Golding, J. (2008). *Challenging men's demand for prostitution in Scotland: A research report based on interviews with 110 men who bought women in prostitution*. Women's Support Project: Glasgow, Scotland. 1–38.

⁴ Ekberg, G. (2004). "The Swedish law that prohibits the purchase of sexual services: Best practices for prevention of prostitution and trafficking in human beings", *Violence Against Women*, vol. 10, no. 10, 1187–1218. Retrieved from www.prostitutionresearch.com.

Dual funding sources result in dual reporting requirements, and open the door for the potential duplication of data (or complete loss of data). Dual funding sources artificially separate task forces, which are—at their best—interrelated community and law enforcement partnerships developed in their local contexts to enact the federal anti-trafficking model. A single funding stream model, as if afforded in federal earmarks, may provide greater support of the federal model, support the interconnected locally diverse task forces, while allowing for more direct accountability with regards to funds expended and data collected and reported.

4. Holding the users and enablers of slavery services accountable is a vital component to successfully developing anti-trafficking enforcement strategies. Historically, the users of sexually exploited persons, or “johns,” have not been held criminally accountable to the same level as the pimp or trafficker. For instance, in California, it is a misdemeanor to solicit a prostitute. The situation is made even more complex, in that johns have information about brothels and massage parlors that law enforcement would not normally be aware of without debriefing them. Nonetheless, legal consideration of the john not as a solicitor, but a conspirator, appears to be supported in the anti-human trafficking research and best practice. In California law, this would allow for Johns to receive equal punishments to the traffickers themselves. While this discussion is at its infancy, I hope we can develop a unilateral strategy to deter, if not eliminate, the demand side of this trafficking equation.

I would like to take this opportunity to thank the panel for inviting me to appear on behalf of the Orange County Human Trafficking Task Force and the local law enforcement perspective. I continue to be impressed by the dedication and compassion of the law enforcement agencies and NGOs involved in the anti-human trafficking effort. I would also like to thank the OCHTTF's Administrator Sandra Morgan for her feedback in developing this position paper. In addition, I would like to thank Sgt. Thomas Finley for his feedback and efforts; he has been the cornerstone of our investigation efforts.

Ms. SANCHEZ. Thank you, Lieutenant.

And now we will hear from Ms. Brown for 5 minutes or less.

STATEMENT OF ANASTASIA BROWN, DIRECTOR, REFUGEE PROGRAMS, MIGRATION AND REFUGEE SERVICES, U.S. CONFERENCE OF CATHOLIC BISHOPS

Ms. BROWN. Thank you, Chairwoman Sanchez, for inviting me to testify today. And I would also like to thank Ranking Member Mark Souder and the other members of the subcommittee for their leadership on this issue.

The written testimony of the agency outlines a lot of recommendations. I will focus my oral remarks on special issues around child victims.

As you know, human trafficking is a horrific crime that destroys many lives. It is estimated that as many as 17,500 human beings are trafficked into the US each year to work in the sex trade or as slave labor. The State Department estimates that one-third of these are children, and yet there have been just a handful of children identified in our country since the year 2000. Our country needs to improve its record in the treatment of these most vulnerable victims.

Per contract with the Department of Health and Human Services, my agency oversees and provides services to trafficking victims throughout the nation. Since April of 2006, we have served 1,272 survivors, of which 691 are female adult victims and 29 are child trafficking victims.

Madam Chairwoman, the victims we serve have a high range of physical, emotional and psychological needs. They have experienced severe trauma, often require long-term mental and physical

healthcare services. Children in particular have been severely emotionally and psychologically damaged from their experiences.

I would like to express appreciation for the recent passage of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and I would like to point out several provisions of the legislation which we feel would better protect child victims, provided that the executive branch faithfully implements the law in a manner consistent with the intent of Congress.

First, the legislation requires that, as soon as a potential child trafficking victim is identified, they be referred to the Department of Health and Human Services for interim assistance prior to the determination that the crime of trafficking has taken place. This provision will serve a serious gap in services to children.

Immediate safety and long-term stability are the overwhelming needs of child trafficking victims regardless of age, background, type of enslavement or any other characteristic. Until now, the system sadly lacking for child victims.

There currently exists a memorandum of understanding between DHS and HHS that requires the support of federal law enforcement before a letter of eligibility for benefits is issued, and we have found that it can take an average of 6 months for DHS to sign off on eligibility decisions for ongoing services.

The new law explicitly states that HHS has the authority to make child victims eligible for benefits regardless of whether they cooperate with law enforcement. We ask the subcommittee to re-affirm this point with DHS so that children receive immediate assistance.

The key to accessing these interim benefits of course depends upon the identification of possible victims and referral to HHS. The law requires that DHS conduct screenings of children from contiguous countries, predominantly from Mexico, to ascertain whether they are possibly trafficking victims.

We strongly believe that DHS should enlist child welfare experts to make that determination. Children who have been trafficked are highly unlikely to be willing to speak with law enforcement about their experiences. In fact, they often withdraw in the face of such authority. We recommend that non-governmental organizations partner with DHS to carry out these screenings.

We are pleased that section 235-E of the new law requires DHS to provide specialized training for federal law enforcement personnel on identifying victims and referring them for services. In October of 2006, I accompanied members of the Bishop's Committee of Migration to our southwestern border and northern Mexico.

And during this trip, the bishops found that there is a high risk that child trafficking victims might be returned to their home country without effective screening. We encourage this subcommittee to require DHS to outline how they intend to comply with this requirement and to include recommendations from NGOs in the creation of these trainings.

Additional recommendations from our written testimony include that the committee should use its oversight to ensure functions that DHS transfer the custody of potential child victims to the Department of Human Services within 48 hours of apprehension, that DHS not delay the process by which HHS makes these determina-

tions about eligibility of trafficking victims, that DHS provide assistance to Health and Human Services in their new responsibility relating to unaccompanied alien children's access to special immigrant juvenile status.

We have also recommended longer service periods for victims of trafficking, better coordination among federal agencies, that the federal government should provide more education and guidance to federal, state and local law enforcement agencies, and that more funding should be available to victims.

In conclusion, the federal government has made great strides in addressing human trafficking since the year 2000, but much more needs to be done. Working together, the U.S. Catholic Bishops strongly believe that we can drastically reduce, if not eliminate, this horrific crime against humanity, and we look forward to working with you and all members of Congress until this goal is achieved.

Thank you for this opportunity, and we will be happy to answer any questions.

[The statement of Ms. Brown follows:]

PREPARED STATEMENT OF ANASTASIA K. BROWN

I am Anastasia Brown, Director of Programs of Migration and Refugee Services of the U.S. Conference of Catholic Bishops (USCCB/MRS). I am pleased to be here today before the subcommittee to testify on trafficking in human persons.

I would like to thank you, Madam Chairwoman Sanchez, for inviting us to testify today. I also want to thank Ranking Member Souder and other members of this committee and other committees for your leadership over the years on this important and vital humanitarian issue.

Through a contract with the Department of Health and Human Services' Office of Refugee Resettlement (ORR), USCCB/MRS provides services to survivors of trafficking in the U.S. and its territories. USCCB/MRS administers the program through partnerships with local social service organizations across the country by subcontracting with them to provide comprehensive case management services to survivors. USCCB/MRS offers coordination, training, per-capita funding, and monitoring to subcontractors, as well as with experts in the field to provide specialized assistance to trafficking victims. In operation since April of 2006, we have served 1,272 survivors of trafficking and their family members with derivative status, including 691 female adult and 29 child trafficking victims. USCCB/MRS is the only non-governmental organization to contract with the U.S. government to provide these services.

Our purpose in testifying today is to provide the perspective of the United States Conference of Catholic Bishops (USCCB) on the U.S. government response to human trafficking and to make recommendations regarding the implementation of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which was signed into law by President Bush on December 23, 2008 and is scheduled to be implemented fully on March 23, 2009.

In my testimony, I will focus mainly on child trafficking victims, who are particularly vulnerable to exploitation. I also will address advances in the treatment of trafficking victims that have been made as a result of the Trafficking Victims Protection Act of 2000 and its 2003 and 2005 reauthorizations; assess the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008; and outline a number of changes in law and practice that the Bishops recommend be made in order to more fully protect such victims.

At this point, Madam Chairwoman, I would like to summarize the recommendations that are contained in my testimony:

First, with regard to the just-enacted TVPRA, we recommend that, working with other committees of jurisdiction, you use your oversight and responsibilities to ensure that -

- as required by Section 235(a)(4) of the new law, DHS transfers custody of potential child trafficking victims to the Department of Health and Human Services (HHS) within 48 hours of apprehending them.

- DHS establishes protocols to determine, as required by the new law, whether an unaccompanied alien child from a contiguous country who is apprehended at the border is a child victim or otherwise would be at risk of being victimized should the child be returned to that country. DHS should consider the use of appropriate child welfare experts to make this determination.
- consistent with Section 212 of the recently enacted TVPRA, the Department of Homeland Security (DHS) immediately refers potential child trafficking victims for interim benefit assistance rather than waiting until a final determination is made about their status.
- DHS provides specialized training for federal enforcement personnel on identifying and referring for service trafficking victims, as required by Section 235(e) of the new law.
- consistent with section 212 of the new law, DHS not be permitted to interfere with the process by which the Department of Health and Human Services (HHS) makes determinations about the eligibility of victims for services under the TVPA.
- the subcommittee should ensure that DHS provide assistance to HHS in their new responsibilities relating to unaccompanied alien children's access to Special Immigrant Juvenile Status (SIJS).

We also recommend broader actions regarding the treatment of trafficking victims:

- Services to victims should be made available from the point they are rescued to the point they are self-sufficient and in good health. The TVPRA of 2008 addresses some of these concerns in Section 212, but we suggest that services be made available for much longer than the current four months allowed after certification.
- Federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims.
- The federal government should provide more education and guidance to federal, state and local law enforcement agencies on their authority to recommend that trafficking victims be referred for services. The TVPRA of 2008 addresses some of these concerns in Section 212.
- More funding should be made available to victims of human

The Scourge of Human Trafficking

At least 700,000 persons are trafficked annually within or across international boundaries. They mostly come from less-developed countries and regions, such as India, the former Soviet Union, Central and South America, and throughout Africa. Their destinations span the globe; they often end up in Germany, Italy, the Netherlands, Israel, Australia, Japan, Canada, and the United States.

It is estimated by the U.S. State Department that as many as 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. They are also connected by their desperation and urge to escape the double trap of privation and their perception of migration as an accessible escape route. Often they seek to escape life in a dreary village or oppressive slum, with the hope of finding opportunity and a brighter future in a more developed land.

It is in these environments that human traffickers flourish, promising unsuspecting victims an opportunity to travel to a foreign land, at no immediate expense, for employment and housing. At the end of the journey, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, an illicit factory, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse in the roles of prostitutes, domestic servants, or manual laborers. Many become ill with disease or become infected with HIV. Some lose their lives.

The Church Response to Human

As I mentioned earlier in my testimony, Madam Chairwoman, the Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services to trafficking victims. We are working to raise awareness within the Catholic community about the problem, including training to help diocesan staff identify and assist victims of trafficking. We have sponsored roundtables and conferences on the subject and held public meetings on several occasions to educate the Catholic faithful and others on human trafficking. It is important to note, Madam Chairwoman, that all of our training and education is directed toward one end: the best interest of the victims. Our education

and training are intended to help people to identify victims when they see them, and to empower them to act on what they see.

Part of this effort is driven by the Catholic Coalition Against Human Trafficking, which consists of about twenty Catholic organizations which convene quarterly and work together on advocacy and public outreach. The coalition was instrumental in providing important input on certain provisions of the Trafficking Victims Protection Act of 2000 and its successors, the Trafficking Victims Protection Reauthorization Act of 2005 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

The Church and its service organizations, particularly Catholic Charities, also provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs. Through our networks, we also provide case management services, social service assistance, and legal assistance where appropriate. Since April of 2006, we have served 1,272 survivors of trafficking and their family members with derivative status, including 691 female adult and 29 child trafficking victims. In our experience, Madam Chairwoman, victims of trafficking need access to a continuum of services over a period of time which allows them to attain self-sufficiency and restored mental and physical health.

Trafficking victims also need, first and foremost, safety and security. Many are terrified of the traffickers who brought them to the United States and show signs of post traumatic stress disorder, among other mental health problems. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members.

Madam Chairwoman, let me add that faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking. First, faith-based organizations act from a theological and philosophical perspective. For example, the themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have national and international networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies, both domestic and international, which offer expertise and geography that expand the possibilities for outreach and service, an asset not to be underestimated. For example, the Catholic Church is present overseas, in the form of Catholic Relief Services and the universal Church, as well as domestically, in the form of Catholic Charities, local dioceses, and parishes. We also have access to other networks, such as religious congregations around the world.

Finally, faith-based organizations have resources, in the of human resources, in-kind donations, and other assets, which provide an important infrastructure which can assist in the fight against human trafficking. While we see the effort as a partnership with the U.S. government and other governments around the world, we would be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims.

U.S. Government Response to the Plague of Human Trafficking

Madam Chairwoman, in 2000 the U.S. Congress passed landmark legislation entitled the Trafficking Victims Protection Act of 2000 (TVPA), which provided the U.S. government the framework to respond to the plague of human trafficking in the United States. In 2003 and 2005, Congress reauthorized funding for original legislation and made major improvements to it, giving law enforcement authorities more tools to apprehend traffickers and giving trafficking victims, especially children, easier access to immigration benefits and services.

Specifically, the TVPA revamped U.S. law by making human trafficking a crime against an individual, allowing the U.S. government to focus on victims of trafficking. The government now provides funding to assist victims and issues a T visa, created under the law, to provide protection and permanency to victims. Reauthorization of the TVPA allowed minors to access the T visa without being forced to testify in open court against their persecutors and allowed for siblings of victims to come with their parents to the United States. We believe the T visa and its protection is a major feature of U.S. law which permits victims to remain in the United States and not be sent back to traffickers in their home country.

Since the enactment of the TVPA in 2000, the Departments of State, Justice, and Health and Human Services have made great strides in implementing the law. Because of their joint and individual efforts, general awareness about the reality of human trafficking has increased, more victims have been identified and referred for services, and more traffickers have been brought to justice. The passage of the TVPRA of 2008 further extended protections afforded to victims here in the U.S. and strengthened the safety net for children who are at risk of being trafficked. It also mandates increases in prevention efforts, both at home and overseas.

Despite the advancements made in the past several years and those we expect to see once the new law is effective, improvements will still need to be made in providing a continuum of services to victims and in identifying and referring victims for care. Your committee's leadership, Madam Chairwoman, and that of Congress will help improve these efforts even further in the years ahead.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008

Madam Chairwoman, I would like to take this opportunity to comment on the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which was signed into law by then President Bush on December 23, 2008. While my comments do not represent the totality of our interests in this law, we would like to highlight several provisions intended to help fill the gaps in the continuum of care for victims and for which we have specific implementation recommendations.

Provision of benefits to likely child trafficking victims before final victim status is determined Prior to passage of the TVPRA of 2008, DHHS was required to consult with DHS and DOJ and receive a positive determination that the child was viewed by one of the other agencies as a victim of human trafficking in order for that child to receive benefits. This is a process that can take months, even years, during the time when recently discovered child trafficking victims most need support, services, and protection. In some cases which were not thought likely to culminate in successful prosecution of the traffickers, this determination was never made, despite the fact that the child was trafficked. In those cases, a child trafficking victim was never provided any of these critical services.

Section 212 of the TVPRA authorizes the provision of interim assistance to child trafficking victims and reaffirms the intent of Congress that HHS not wait for authorization from other federal agencies prior to providing services or determining eligibility for services for children. The TVPRA requires that funding for services now be made available once a child victim is identified but before final eligibility determination by HHS. This is a critical time in the care of a trafficking victim, who is usually traumatized, physically and mentally abused, and insecure. Access to interim benefits will allow these vulnerable survivors to receive the care they need immediately after they have left the trafficking situation, instead of having no choice but to return to their traffickers in order to meet their basic needs.

This is a change we welcome and for which we have long advocated. It will make a huge difference in the lives of many victimized children. However, we have concerns about a lack of clarity in the letter of the law and want to make sure its spirit is not compromised when it comes to implementation. With respect to determining if a child is eligible for interim assistance, the law states that upon receiving "credible information" . . . "DHHS shall have exclusive authority" to make interim eligibility determinations for receipt of benefits. It is important to clarify what constitutes "credible information" and ensure that law enforcement is not the only entity qualified to provide such information, and that trained NGOs provide this "credible information".

We think it would make sense to use the same standard for making interim eligibility determinations for children as that which is utilized for adults. In order to enroll adult clients in our program, they do not need to have been issued a letter of certification. A case manager does an initial screening, after which they make the determination that the individual is a victim of human trafficking. In some cases, the results of a more in-depth interview with an attorney are used to make this determination. In all cases, the victims are referred to an attorney for this second screening, but not all clients must wait until this interview has been conducted to receive our services. As HHS/ACF is the agency with a mandate to protect children, it is important to make sure that DHHS maintains its "exclusive authority" and does not cede this authority to DHS or DOJ.

The law also does not specify which entity within DHHS will be making this determination. It is of the utmost importance that the responsibility for this function be given to an agency with child welfare experience which is able to respond to newly identified victims 24 hours a day, seven days a week. We recommend that this function be carried out by the Child Welfare division of HHS/ACF or by State

Departments of Human Services, which are responsible for investigating allegations of child abuse and neglect (referred to as Child Protective Services (CPS) in many states). This should be done in coordination with non-governmental organizations that have experience in the provision of services to unaccompanied alien children. Additionally, HHS should develop standardized criteria and screening tools for making these determinations in consultation with non-governmental organizations with experience in child welfare and human trafficking.

The law does not explicitly state what “Interim Assistance for Children” means. We believe that, for unaccompanied refugee minors, interim assistance should include placement in the Unaccompanied Refugee Minor (URM) foster care program administered by the Office of Refugee Resettlement (ORR), and access to public benefits and legal services. In instances in which placement into URM care can not immediately be made, an emergency placement into a short-term state foster care arrangement should be arranged in the interim. For accompanied minors, this should include all the benefits that are available to certified child victims, including foster home placement through the state if it is determined that the caregiver was involved in the trafficking of the child. Accompanied children should also be granted access to public benefits and legal services. To ensure compliance at the state level, it would be helpful for HHS to issue an “interim letter” listing all of the benefits for which these children are eligible.

Additional funding will be necessary in order to provide services during this interim period. Under the new law, the number of unaccompanied trafficked children needing residential care will rise considerably. Along with funding to provide care for these children, these programs will also require training and capacity development, as many of them will not have much previous experience serving trafficked children.

Under the TVPRA of 2008, children do not have to cooperate with law enforcement in the investigation and prosecution of their traffickers if they have suffered physical or psychological trauma. While this was codified into law in the TVPA of 2003, in practice children have had to cooperate with law enforcement and be determined to be a victim before receiving these vital services. Since many traumatized children are unwilling or unable to discuss their experience and have considerable fear of their traffickers, this change will make it more likely that child victims will receive support and help bring their traffickers to justice over the long term.

Screening of unaccompanied children at U.S. borders

We are aware of, and applaud, the Department of Homeland Security’s efforts to train its law enforcement officers, including first responder Border Patrol officers, in the identification and screening of potential victims of trafficking. We are also hopeful of positive change in the protection and screening efforts of child victims of trafficking due to the passage of the TVPRA of 2008. The TVPRA mandates the development of policies and procedures to ensure that unaccompanied children are safely repatriated to their country of nationality. The TVPRA also enhances the screening of unaccompanied children contiguous countries by mandating that, before return, a determination on a case-by-case basis be made that each child (a) is not a victim of a severe form of trafficking or at risk of being trafficked upon return, (b) does not have a fear of return, and (c) is able to make an independent decision to withdraw his or her application for admission to the United States.

We recommend that non-governmental organizations, particularly those with trafficking and child welfare expertise, assist in the development and implementation of the screening mechanisms for unaccompanied alien children from contiguous countries. We believe that non-governmental organizations can augment the capacity of the immigration enforcement agencies responsible for this new function. We are concerned that, due to the inherent law enforcement functions of Homeland Security immigration enforcement officers, as a country we may miss the identification of child victims of trafficking at our borders—despite the best efforts of law enforcement training. We believe that non-governmental agency staff members, in particular staff with child welfare expertise, are in a better position to build trust with an unaccompanied alien child who may be at risk of being trafficked, or who may be coached to avoid discussing their situation with anyone, let alone U.S. federal law enforcement officers. In addition, non-governmental staff could assist with separating the law enforcement function from a child vulnerability screening function, which we do not believe is a law enforcement function. It is our hope that, working together as U.S. federal agencies and non-governmental organizations, we can identify more children who are at risk of human trafficking, exploitation and abuse.

Training for federal personnel

Section 235(e) of the TVPRA requires DHS, DOS and DHHS to provide specialized training for all federal personnel and for all state and local personnel if they request

training, on working with victims of trafficking and UACs, including identification of victims of trafficking. While we applaud the inclusion of this requirement in the law, we have found that many federal, state and local officials, including Border Patrol agents, are unaware of the certification process and the services available to trafficking victims. Many are not trained in recognizing a trafficking victim. Since state and local authorities as well as U.S. Custom and Border Protection often encounter trafficking rings and victims without recognizing them as such, more education should be provided to federal authorities and by federal government to state and local governments for this purpose. This training should be provided by individuals and agencies with expertise in child welfare and human trafficking. At the very least, these training programs should be developed in consultation with these entities. Additionally, we believe that training of government personnel should be far reaching, to include government contractors, public hospital staff, health care providers, school personnel, state child welfare staff, and others that may come into with trafficking victims.

In October 2006, members of the Bishops' Committee on Migration directed a finding trip to the Southwest border region of the United States and Northern Mexico to examine the situation and treatment of unaccompanied alien children and victims of human trafficking. During this trip, the Bishops met with a number of Border Patrol, Inspections, and Immigration and Custom Enforcement officers to learn about their role in law enforcement and responsibilities dealing with children and victims of trafficking. We understand that, being Homeland Security enforcement agencies, CBP and ICE are focused on law enforcement. However, during this trip the Bishops saw that there is a high risk that child trafficking victims or other vulnerable child migrants might be returned to Mexico without effective screening since Mexican children are routinely returned in an expedited process under these agreements. As a result of this fact finding trip, the Bishop's Committee on Migration recommended in their report that "federal and state law enforcement agencies, including border patrol and customs enforcement, should develop training programs in consultation with non-governmental agencies and trafficking service providers that address human trafficking topics and interviewing techniques for victims of trauma and crime." ("The Lost Dream" Report from USCCB/MRS October 2006).

Enhancement of efforts to protect vulnerable children. Madam Chairwoman, we strongly supported the inclusion of Section 235 of the law, which takes steps to strengthen the protection regime for children who are often prey for human traffickers. We applaud the administration's commitment to upgrade the care and custody of these children, including the provision of safe and secure placements for children and the conduct of home studies once a child is placed with an individual or family in a least restrictive setting. This provision ensures that home studies are conducted prior to the placement of a child, especially when a potential sponsor has no familial relationship with the child. Such sponsors could have connections to smugglers or traffickers or a history of criminal convictions, domestic violence, or drug abuse. Home studies are also now mandated for victims of severe forms of trafficking, children with disabilities, and child victims of physical or sexual abuse under circumstances that indicate a child's health or welfare has been significantly harmed.

USCCB is one of the two voluntary agencies which contract with DHHS to make assessments of potential sponsors of UACs make placement recommendations, and provide follow up services to those children who most need support and monitoring over the long term so as not to fall victim to traffickers or other predatory individuals. This ongoing support to families who may find reunification difficult makes it much less likely that children will leave their sponsors and fall prey to traffickers. The law now states that these services must be provided throughout the duration of the child's immigration court proceedings if a placement situation merits longer term follow-up. In order to provide this safety net for these children as the law suggested, the extended follow up services should be conducted at regular intervals and should consist of in-home visits throughout the pendency of the child's removal proceedings. This will ensure that children who may fall victim to traffickers do not slip through the cracks after they are released from the custody of DHHS.

We are pleased that the determination of a special consent decree to permit children to become eligible for a T visa has been transferred from DHS to DHHS, where it is more appropriately lodged. This ensures that child welfare experts, rather than enforcement personnel, determine whether a child is subject to severe abuse and neglect, rather than enforcement personnel. We ask the subcommittee to ensure that this responsibility is transferred to DHHS expeditiously.

We are extremely pleased that certain children with a special immigrant juvenile visa are now eligible for services in the unaccompanied refugee minor program.

These children currently fall through a gap in the care continuum, since they are not accepted into state foster care but become ineligible for federal foster care once they are granted a special immigrant juvenile visa. Haitian and Cuban children will remain eligible for this program, regardless of whether they obtain special immigrant juvenile status.

In addition to recommending the TVPRA of 2008 be implemented in these ways, we support the following policies:

1. *Services to adult and accompanied trafficking victims should be made available to victims from the point they are rescued to the point they are self-sufficient and in good health.*

While the Congress has appropriated funds for services to trafficking victims through the Office of Refugee Resettlement of the Department of Health and Human Services (ORR/HHS) and the Department of Justice through 2011, there exist gaps in funding and services for victims which should be addressed. While the TVPRA of 2008 made many improvements to the structure and availability of services, more can still be done to better support trafficking survivors while they get back on their feet and start rebuilding their lives.

As we mentioned earlier, the TVPRA of 2008 provides interim assistance to trafficking victims prior to certification. Consideration also should be given for the care of victims post-certification, at least until they have achieved self-sufficiency and good health. Currently, support programs provide for initial health screening, care, employment referral, and other services, but do not follow the victim beyond the initial stages of assistance. While trafficking victims are currently eligible for four months of basic services after victim certification, we believe that the length of the service period should be two to three times longer so that victims can utilize necessary services until they are back on their feet after suffering the effects of such a horrendous crime.

We recommend that the subcommittee examine the continuum of care given to trafficking victims and work to fill the gaps which undermine the potential success of victims in leading self-sufficient lives.

2. *Federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims.*

The creation of a State Department Office to Monitor and Combat Trafficking in Persons in the TVPA has helped focus the efforts of the U.S. government in the last several years. The initiatives undertaken by the office include an interagency task force to coordinate efforts and initiatives to combat trafficking and the sponsorship of conferences to educate the public and others about the issue. The office also issues an annual Trafficking in Persons report, which identifies sending countries and holds them accountable for not addressing the issue in their countries. The office also speaks for the U.S. government on trafficking issues, raising awareness domestically and abroad.

Despite significant progress in this area since 2000, coordination between federal agencies, such as the Department of Homeland Security, the Department of Justice and the Department of Health and Human Services, could be improved. For example, information on victims and prosecutions should be more readily shared between the agencies, and questions about implementation of the law should be jointly considered and addressed. Increased collaboration between these agencies and the non-governmental agencies that serve trafficking victims is also needed.

3. *The federal government should provide more education and guidance to federal, state and local law enforcement agencies on their authority to recommend that victims be referred for services and on the identification of victims.*

Although as many as 17,500 persons are trafficked into the United States each year, approximately 1,500 have been identified and certified since 2000. This is primarily because of the lack of awareness among law enforcement agencies, the general public, and community organizations, which should improve in the months and years ahead. While the reauthorization of the TVPA in 2003 included a provision which allows referrals by state and local law enforcement authorities of trafficking victims for certification, federal guidance on this provision has not been forthcoming. We are pleased that the TVPRA of 2008 requires law enforcement to refer child trafficking victims for care.

However, we have found that many federal, state and local officials, including Border Patrol agents, are unaware of the certification process and services available to trafficking victims. While we applaud increased efforts in recent years to train Border Patrol agents in victim identification, many agents are still following procedures which would not enable them to recognize a potential trafficking victim. Since state and local authorities as well as U.S. Custom and Border Protection officials

often encounter trafficking rings and victims without recognizing them as such, more education should be provided to federal authorities and by the federal government to state and local governments for this purpose.

4. More funding; should be made available to victims of human trafficking;

As human trafficking becomes more public and more victims are identified, more funding is needed to provide services to trafficking victims. Due to competing interests and limited funds, ORR/HHS is compelled to set limitations on the length of services for foreign national victims, leaving them vulnerable to potential exploitation and undocumented status.

There are a number of reasons foreign national trafficking victims would benefit greatly from a service period lasting longer than the current four months. First of all, participation in the criminal investigation and trial often delays self-sufficiency. Due to the time required of the victim witness by law enforcement and the U.S. Attorney, as well as the anxiety, acute stress, and re-traumatization suffered by the victim as they have to continually re-tell their story and anticipate facing the trafficker, clients are often unable to maintain employment and, therefore, face eviction. Additionally, the lack of a familial and social support network makes it more difficult for the client to quickly secure housing, employment, and medical and mental health services.

The application process for immigration relief via the T visa is lengthy and complex. In many states, U.S. Attorneys prosecuting cases have advised immigration attorneys to delay the filing of the T visa until the culmination of the trial to prevent information in the T visa from becoming discoverable. At this point, the client is often no longer eligible for services, increasing the likelihood that the client may not ever apply for the T visa and will thus become undocumented, putting them at risk for trafficking.

Trafficking victims, traumatized by their experience, require comprehensive care, not just emergency assistance and help in finding a job. Because the TVPRA of 2005 expanded programs to assist U.S. citizen and permanent resident victims, ORR has needed to serve a higher number of victims in recent years, while the number identified continues to grow. Passage of the TVPRA of 2008 will again increase the number of victims served. At the same time, current funding levels are not adequate to serve the number of victims that request them, and those that are being served would benefit greatly from a longer service period. Additionally, we believe that ORR/HHS should direct more of their funds to services for victims instead of toward infrastructure needs.

Conclusion

Madam Chairwoman, the issue of trafficking in human persons is perhaps one of the most important human rights issue facing the world community today. The United States, and Congress, has taken significant steps in the past several years to address this problem. The historic passage of trafficking legislation in 2000 established the framework for the U.S. response and places the United States as a moral leader in the effort to eradicate the scourge of trafficking from the face of the earth. The 2008 reauthorization of the law was another significant step in the right direction, as it broadened and strengthened the protections afforded to victims.

It is important, Madam Chairwoman, that the Department of Homeland Security cooperate with other federal agencies to ensure that trafficking victims receive the appropriate care and legal status. Too often we do not take steps to preserve the well-being of the victims in the federal government's care.

Specifically, as outlined, DHS should immediately refer child trafficking victims for interim benefits and not interfere with their receipt of benefits immediately after identification, a determination which is now completely the purview of the Department of Health and Human Services. DHS also should establish protocols to screen children from contiguous countries to ensure that they are not trafficking victims or at risk of being trafficked, preferably by allowing child welfare experts, including NGOs, to conduct the screenings. Finally, DHS and associated agencies must do a better job in training enforcement personnel on identifying and assisting potential and real victims of human trafficking.

Madam Chairwoman, I appreciate the opportunity to testify today on behalf of the Conference of Catholic Bishops (USCCB) and would be happy to answer any questions.

Ms. SANCHEZ. Thank you, Ms. Brown.

And in convention with the rules of the committee, each of our members will have 5 minutes to ask a series of questions. I will begin by asking my questions of the panel.

Mr. Kibble, how important is it that states or localities enact anti-trafficking legislation? Does the lack of such legislation in some localities affect any investigative efforts that you have? And how do you think that the federal government should get states and local agencies—what types of incentives could we give them in order for them to take a look at this issue?

Mr. KIBBLE. Chairwoman Sanchez, of course those decisions are for state and local governments. But certainly, ICE would welcome any tool, any actions that leverage more resources to bear on this critical problem.

The partnerships in approaching this particular threat of human trafficking rely heavily on our first responders, including NGOs, including public safety personnel. And any emphasis, legislation or tools that would help to leverage and concentrate those resources on human trafficking and get us to collaborate more aggressively would be welcome.

With respect to incentives, I think it is just—my sense is is that we tend to be more effective the more we can co-locate, so any tools that allow us to bring people together—I mean, for example, reimbursable positions. We have, for example, a model of the Human Trafficking Task Force down in south Florida, where Homestead Police Department is the grantee, but we have got within that task force co-located full-time 15 ICE agents that are also augmented by representatives from Health and Human Services, from the Diplomatic Security Service, from several state and local agencies.

And working shoulder to shoulder, we are able to harness all those varying authorities and bring them to bear. So I think any mechanisms that can bring us together and to co-locate more and work together in more of a full-time basis is the way we need to go.

I happen to have run the field office in Orange County and actually worked very closely with Lieutenant Marsh. He exercised heroic leadership in trying to marshal people together to try to focus on this crime. And yet, that was always a challenge. I think he would concur in terms of trying to get the folks together and get us shoulder to shoulder focusing on the particular issue.

Ms. SANCHEZ. With so many other issues that local enforcement has to do, I mean, get the bad criminals and with all the scarce resources, especially right now, and the new issues after 9/11 of worrying about people who want to hurt us in a terrorist sort of situation, do you see a large knowledge base in local governments with respect to trafficking?

Or is it so far down on the list that it is—they are not even, in any sense, focusing on it? Is it more located on the western coast, where people may be coming in from other countries more frequently? What do you see is the knowledge base at the local level, and do we have to do an outreach to local agencies to make them understand this may be happening right in their own back yard?

Mr. KIBBLE. Absolutely, Chairwoman Sanchez. First off, there are varying levels of the knowledge base, depending on where you are. But one of the things we have recognized with the finite resources we have is that, the more we can raise awareness, public awareness—I mean, there is a paradox here in that this crime occurs in the shadows, but, by the same token, it is in plain sight.

I mean, going through the course of our normal responsibilities, if we can sensitize to what the human trafficking indicators are, they may be more inclined to identify a potential human trafficking situation and refer that so that it can be further investigated.

So for example, with respect to raising awareness among our state and local partners, we have had a very aggressive outreach and awareness program where we have provided—we trained over 12,000 law enforcement officers from more than 1,400 agencies worldwide, not just domestically but foreign as well, so that we can, again, enlist additional eyes and ears to try to uncover this issues.

Ms. SANCHEZ. And Lieutenant Marsh, can you describe the relationship that Orange County Human Trafficking Task Force has with Immigration and Customs Enforcement or the other federal agencies engaged in combating trafficking? Do you have contact with the Human Smuggling and Trafficking Center? And how can that relationship between the federal agencies and the local agencies be better enhanced?

Lt. MARSH. Well, Congresswoman Sanchez, like Mr. Kibble mentioned, we have been working closely with ICE since the inception of the task force and enjoy a very good relationship with them. They have gone with us on surveillances. They have gone with us during our arrests. It is been a very positive relationship from day one.

And as being the federal component to our task force, it also helps with regards to federal prosecutions, preparing the proper documentation, et cetera. We also work closely with the FBI, the Department of Labor, to include them in our efforts, investigatively speaking, to make sure we have the most robust cases we can present.

Could it be better? Sure. I think that, when you have people in the same room, I think that is probably the ideal situation. What Mr. Kibble referred to in southern Florida is a model I think that has worked for us with gang enforcement, worked with us for domestic violence. It would also work for us with human trafficking.

I think from the federal level, because of the mandate for those agencies, becomes more simple for those agencies to commit people to it. From the local level, like you alluded to earlier, it becomes difficult to get people to get assigned from local police departments to human trafficking because of local agendas.

Human trafficking being both hidden and in plain sight doesn't cross the radar of a lot of chiefs of police and local politicians and, as such, it is hard to get dedicated full-time personnel committed to those particular efforts.

We try. We do the best we can, but I think that raising of awareness you were speaking of earlier is critical to getting these task forces that are actually all sitting in the same room, enforcement, NGO support, social services, even judicial branches, so everyone is on the same page as far as what we have to do to make it a success.

Ms. SANCHEZ. Ms. Brown, let me ask that question before I pass the baton over to our chairman here.

I have a lot of people saying, we have got a lot of problems. We are going to get attackers, terrorists, people who want to bomb us.

Why are we spending our time trying to stop this trafficking into our nation? What would be your answer to that?

And secondly, in your testimony, you said that you thought as many as 17,500 people probably trafficked into the US annually, and yet there are not a lot of prosecutions going on. And by your own numbers, you help a lot, but it doesn't get anywhere near that number of people that are out there. So what is the disconnect? What are we—why is it so difficult? Why are we not getting to these 17,500 people?

Ms. BROWN. Thank you.

On the issue of why should we care, these are individuals who have been subjected to the most horrific crimes here in our own nation, and it would be completely irresponsible not to care for these populations.

And as was already pointed out, the traffickers are, in fact, making a great deal of money on this crime. An individual—a gun can be sold once. A drug can be sold once. A person can be sold until they die, and the victim is re-victimized over and over and over again.

On the issue of why are there gaps in the number that are estimated by the Department of State and the number that we actually see served, I would say that we have seen improvement. In the past several years, there have been more victims identified.

But we as a country are still in very early stages in our response and identification. There is need for additional education. We find that, where there is a task force operating, often that is where you will see the most victims identified, but that same level of understanding is not throughout the country, and we need to be sure that that education reaches all levels of our law enforcement so that they understand when they have, in fact, come into contact with a victim.

And identification cannot be the job of law enforcement. Their own training needs to be throughout all levels of society. We are all potentially looking at victims that we do not recognize as such.

Ms. SANCHEZ. I now recognize the full chairman of the committee, Mr. Thompson, for his questions.

Mr. THOMPSON. Thank you very much, Madam Chair.

Ms. Brown, you made reference in your testimony your concern about children. And you further talked about the fact that—and many times children were returned back without any hearing or whatever. Can you elaborate a little bit on that for me?

Ms. BROWN. Thank you for that question.

On the issue of children being returned, there is an agreement between the United States and Mexico, as an example, that an unaccompanied child crossing the border would be immediately returned, and the border patrol and our Department of Homeland Security has tried to protect the children until such time as the return.

But unfortunately, there hasn't been a screening for that child to, in fact, ascertain whether they are a victim of human trafficking. The border patrol and our federal authorities are very concerned on the issue of the smuggler and are concentrating their efforts, rightly so, on protecting victims who are being smuggled, yet the actual victim themselves is not receiving a great deal of screening. In fact,

no screening for these children coming across from Mexico, yet Mexico is one of the highest countries that we see victims served through our trafficking program for adults.

Mr. THOMPSON. Okay.

Mr. Kibble, you have heard Ms. Brown's concern. Has the Department shared similar concerns about children in this—we will call it in this human trafficking web?

Mr. KIBBLE. Sir, I can't speak to CBP and the Border Patrol, but I can tell you, within ICE, it has certainly been an issue of concern for us, to the point where, as I had mentioned during my statement, we have continued to expand training for our victim witness coordinator so that, when we encounter victims of all types, but in particular children as well during the course of an investigation, we have agents that have been specifically trained to focus on taking care of those victims' needs.

We have actually brought on—we are in the process of bringing on two full-time staff at headquarters that specialize in dealing with child victims. So we continue to build that capacity, having gone from 300 victim witness coordinators a year or so ago up to 350, and continue to build that program so that it is actually to our benefit from the standpoint of prosecution, because the better we can take care of the victims and stabilize that situation, the more successful we will be ultimately at dismantling the human trafficking network.

So it only makes sense. I mean, just from the standpoint of the human factor in terms of taking care of that child, taking care of that—or that adult that has been victimized, but also to build the case.

Mr. THOMPSON. Lieutenant Marsh, one of the hallmarks of this committee is we have tried to make the whole process of homeland security seamless so federal, state and locals can share information and resources and what have you. With respect to the human smuggling issue, are you satisfied with the level of cooperation involved in this? Do you see some areas that could improve to make your job, as well as the whole effort to combat this issue, more successful? I would just like to hear from you.

Lt. MARSH. Thank you, sir, for the question.

We don't deal a lot with human smuggling. That is usually the province of ICE and other federal agencies, predominantly ICE. Those cases that we do get, we forward to ICE almost immediately because of the level of expertise that they have in that area.

We find that our information exchanged back and forth is high, and we are very satisfied with it. Could we get more? I would love to be able to sit down at the ICE computers and find out what is going on, but there are obviously problems with that overall.

However, the information we do need to follow through with prosecutions and identify victims and to provide services is more than sufficient at this time.

Ms. SANCHEZ. Will the chairman yield just for—

Mr. THOMPSON. I yield back—go ahead.

Ms. SANCHEZ. You said you didn't deal with human smuggling, that ICE did that. So are you saying that, once these people are smuggled into the country and they are actually in your neighborhood, that what you deal with is the actual how they are being

used and how you find them? I mean, I am trying to see what the delineation was between what you left in Mr. Kibble's court and what you really take on.

Lt. MARSH. Well, we will take on any crime that occurs against a person who is being exploited. I don't want to say that we are not involved with it. But I would say if you are looking for primary responsibility in a case of smuggling, we would defer to ICE on that level.

Ms. SANCHEZ. So if you found a hothouse in Westminster, let's say, or Garden Grove where there were people just in transit to be smuggled, where they had paid a coyote, let's say, and they have come across the States, and now they were sitting in a home waiting to be dispersed in Nebraska or wherever the jobs supposedly were, you would just call ICE on that.

But if you found—what if you found people who were there who were going to be dispersed for the sex trade. Would you also call ICE, or would you—when do you call ICE and when don't you? What if you find the sex trade actually happening right there in Westminster, I mean, the actual actions of using women, for example?

Lt. MARSH. I understand what you are saying, Congresswoman. I think that I have made a distinction that really doesn't exist in our world, and it is hard for me to—it is like separating Solomon's baby.

We team so closely with ICE when it comes to investigations, we participate all the way, whether it is smuggling or human trafficking. When we do human trafficking investigations, ICE is with us on surveillances. They are with us when we go in and serve search warrants. They are with us during the course of the follow-up investigation, as well.

If it is human smuggling, we approach it the same way. Human smuggling and human trafficking usually aren't determined until later on in the investigation. It all looks the same on the face value.

And because of that, that is why we team with the federal agencies, to make sure that we are covering all of our bases efficiently, as well as with our NGOs to supply support for those victims, because we have to assume the worst-case scenario, that there is human trafficking going on. And if it turns out to be something different, so be it.

But again, having—what Mr. Kibble mentioned, having that safety and security provided by the social service providers, by our NGOs, is critical to getting the actual information regarding the criminal organizations that do smuggling and do perpetuate human trafficking, as well.

Ms. SANCHEZ. Thank you, Lieutenant.

Thank you, Mr. Thompson, for yielding.

Mr. THOMPSON. Thank you.

Ms. Brown, as an NGO involved in the process, are you duty-bound to keep private some of the information you pick up from some of the victims, or is there a thin line between what you pick up and what you share with authorities?

Ms. BROWN. Client confidentiality is, of course, extremely important. However, in our contract, which is a federal contract, certain

information is collected, but with removing specific identification of the individual.

Mr. THOMPSON. The individual victim, but you can share information on the smuggler?

Ms. BROWN. Yes. In our work, we were working with the victim already identified. However, on the local levels, they would be working very closely with law enforcement to be sure that the victim is served, but also that the prosecution goes forward.

Mr. THOMPSON. Mr. Kibble?

Mr. KIBBLE. Sir, if I could just expand on that, on a routine basis, we get referrals from the NGOs on human trafficking matters, the most prominent being the case I know that has been discussed before this subcommittee in the past, the Caredo family, where we uncovered roughly 60-plus victims, and then the NGO that we had partnered with also identified 25 additional, and we continued to build the investigation and get services to the victims.

But they are critical source of information for us to initiate our human trafficking investigations to the point where we, as part of our awareness and our outreach, we have trained almost 28,000 people from roughly—it is about 1,200 NGO organizations, again globally, so that we can try to demonstrate how we can partner with them to solve this problem.

And even from my days in Orange County, we had such a close partnership with representatives from the NGO in terms of trying to do what is right for the victim, because it has got to always be centered on the victim, but also to further the investigations just so we can put away the bad guys.

Mr. THOMPSON. Thank you, Madam Chair.

Ms. SANCHEZ. Thank the chair.

I will recognize the gentleman from Laredo, Mr. Cuellar, for 5 minutes.

Mr. CUELLAR. Thank you, Madam Chair. Thank you for having this meeting, and certainly also want to thank the witnesses for being here.

Mr. Kibble, let me ask you this question. ICE Office of Investigations has a wide array of responsibilities, and I want to follow up with what the chairman said a few minutes ago. You have investigated immigration violations. You have smuggling narcotics, weapons, people financial crimes, cyber crimes.

Where does human trafficking fit in this priority if you have to somehow fit it on a one to 10? And I understand there are competing interests. I know there are limitation of resources. But on a one to 10, where does it fall, one being the most important one? And keep in mind—and other things that you mentioned.

Mr. KIBBLE. It is a tough question, Congressman. And I think the way that plays out is, when we look at all of the things we do with respect to cross-border—

Mr. CUELLAR. On a one to 10, where would it fit?

Mr. KIBBLE. I really couldn't place it a number, because what happens is, for example, during the course of a human smuggling investigation, where we have significant resources devoted to that, our victim witness coordinators may identify a human trafficking situation. And the moment we identify something that threatens

public safety or national security, all the necessary resources are leveraged towards that.

Now, I think to get to the intent behind your question, is there more that could be done proactively—I mean, because, obviously in a reactive situation, we are going to do everything that is necessary to save that victim. We operate within a finite world of resources. With additional resources, we could do more proactively to uncover, to expand our outreach.

I think, though, an important part of this is the partnership, because law enforcement isn't the total solution. So the more we can partner with the first responders and the NGOs, then we can leverage the unique capabilities we bring to the issue.

Mr. CUELLAR. Well, then let me go back to a point that I talked to the chairman about, is coordination. Remember the line of question I asked you last time, on the border, namely how many border sheriffs you have, name me how many police departments you have. Name me the number of states that have the different plans.

On human trafficking, as an example, you have, what, the State Department. You have the Department of Justice. How do you coordinate this? Well, let me ask you, is there a comprehensive plan out there that coordinates everybody together?

Mr. KIBBLE. Well, certainly through the TVPA, I mean, starting at the very top, you have the inter-agency task forces you are familiar with, sir, that meets annually. And then, you have the SPOG, the Senior Policy Operating Group, that meets quarterly to coordinate our efforts across the federal government.

And then, I think one of the best mechanisms are the DOJ funded Human Trafficking Task Forces, 42 of them now. ICE participates in every one of them. And those are excellent platforms to bring the national effort into it, the state and local participation, the NGO participation.

Mr. CUELLAR. Again, to ask you the same question, how do you coordinate? I mean, are you coordinating right now? For example, one of the questions you answered a while ago, you said, "I don't know about the border patrol," so that assumed that you are not coordinating in a specific way with different agencies, state, federal and local.

Mr. KIBBLE. Sir, I only meant by that comment I am just not familiar with their protocols in terms of handling when they encounter child victims. That is the only point I make.

Mr. CUELLAR. But if you are coordinating, you would know what every agency, or even the local folks—well, no. For example, if you ask Lieutenant Marsh, if you have this type of situation, does he have a protocol to know who to call, or is it just a "Call ICE?"

Mr. KIBBLE. I know certainly from my time in the Human Trafficking Task Force and my association, we had worked out protocols in terms of how notifications would go out to all of the stakeholders so that they could leverage their unique capabilities.

If you are asking about a national coordination mechanism or platform such as some sort of fusion center or something like that, I am not aware of anything along those lines, sir.

Mr. CUELLAR. Okay. All right.

Well, again, I appreciate the work that you all do. I know it is a tough—but I am one of those I have been saying that I have been

pushing for coordination, where the feds and the local folks and even the nonprofits also get involved, because if everybody has their own individual plan, and that—even if you just take the federal government and then look at what the state and the local folks and the nonprofits, I feel very strongly about having a coordinated effort, a comprehensive coordinated effort, where the left hand knows what the right hand is doing, and that applies not only horizontally, but vertically also.

Thank you for the work that all of you all do.

Ms. SANCHEZ. I thank the gentleman. Just wanted to reiterate that the task force in Orange County was set up as a pilot project to take a look at how we could, in fact, include the whole array of agencies and nonprofits and law enforcement, et cetera, that we need, as well as even neighborhood watch groups or people who are trained to sort of look at that. So, hopefully by what we see happening in Orange County, we might be able to develop that across-the-board sort of look at this problem.

I will now recognize Mrs. Kirkpatrick for her 5 minutes.

Mrs. KIRKPATRICK. Thank you, Madam Chair.

Thank you to all of our panelists for being here today. I represent a huge portion of Arizona, which is a border state. And Mr. Kibble, you were here last week. We were talking about the drug smuggling, that there are three components of that—the money laundering, the drug smuggling, and then the arms smuggling across the border, and now you are here today to talk about human trafficking.

Do you think the same organizations that are involved in the drug grade, those cartels in Mexico, are the same ones that are doing the human trafficking? Do you see a connection there?

Mr. KIBBLE. Congresswoman, from the standpoint that the drug cartels control access corridors into the US, they of course—they influence all of those illicit flows, guns, money, drugs and people. What we have seen are, as was referenced earlier during the hearing, some of the same routes, some of the same human smuggling organizations may be used to introduce trafficking victims into the US, and that can play out in several different ways. In some instances, people may voluntarily contact with a human smuggling organization to come into the US to find work, and then discover that they have unwittingly placed themselves in a human trafficking situation that now involves force, fraud or coercion.

So from that standpoint, we do see some crossover. I mean, it is one of the advantages, I think, to having the broad portfolio that we do, because we are not just focused on one particular commodity. We look at the full spectrum of what we may find with respect to an organization and try to attack every aspect of it.

It makes particular—again, I can't emphasize enough how important it is to be victim centered and really focus on the victim. And it is why we have taken it so seriously and expanded our victim witness coordinator program, because I would hate to hear that we had approached a human smuggling investigation and, because we hadn't thought about some of the other human trafficking indicators, we in essence wound up re-victimizing someone that had been submitted to force, fraud or coercion.

So we take it so seriously and really are trying to look at all aspects of cross-border crime that may be involved.

Mrs. KIRKPATRICK. Thank you.

I am sure that—I mean, there is so much fear and apprehension that it is very difficult initially to get accurate information, so I appreciate the work that you are doing with your victims.

Again, Mr. Kibble, Phoenix has the second highest kidnapping rate in the world. And I wondered if you feel that the human trafficking is a significant cause of that.

Mr. KIBBLE. Generally speaking, from what I have been told by our special agent in charge in Arizona, is that from the standpoint of the cross-border aspect, the kidnappings tend to focus more on rival smuggling organizations ripping off each other's human cargo. As we have tightened the border, the value of that human cargo has gone up, and they are essentially trying to cut out the logistics associated with actually smuggling them across the border and, sadly, steal the human cargo from a rival organization and then try to even, then, extort more money from the relatives to secure their release.

And then, the other aspect of that, of course, is the drug-related kidnappings, where rival drug organizations are holding each other accountable or stealing each other's drug loads, and that accounts for, I am sure, at least more than 50 percent of the kidnappings that we see in Arizona.

Mrs. KIRKPATRICK. Thank you. Thank you.

Thank you, Madam Chair. I yield back my time.

Ms. SANCHEZ. I Thank the gentlewoman.

We have been joined by Mr. Green of Texas, who I know has a few questions for the panel. And as he said to me as we walked in, all day long he is going to have to be in two places at once. So if you figure out how to do that, please let me know how you do.

Mr. GREEN. Oh, thank you. Thank you, Madam Chair. You are so gracious and so kind.

And I thank the witnesses for their testimony as well.

I am, indeed, in Financial Services right now as we speak, so you see my double here today. But I thank you for your testimony again, and I would like to go right to a couple of things.

Perhaps you have already given some explanation, but I believe it bears repeating if you have. Because of the magnitude of this problem, and because of the heinous crime that it is, what is our budget, our overall budget, for dealing with it? And if you have accorded us that, I apologize, but I would like to get it, if I may.

Mr. KIBBLE. Sir, speaking for ICE, we don't have a dedicated budget associated with it that breaks out exclusively for human trafficking. We have a broad PPA within which we operate to deal with cross-border crime more generally.

If you are trying to get a sense of the investment of resources from ICE, I would say when you consider—we have the equivalent of roughly 100 folks that are working full-time on this. When you consider even our human smuggling groups that may uncover human trafficking situation and then start to investigate that aspect of it, when you pull it all together, it is roughly 100 or so agents.

Mr. GREEN. Quickly, would it be advantageous to have a line item for this? Would that be helpful?

Mr. KIBBLE. Sir, I guess that is—

Mr. GREEN. Well, it would be my decision as a policymaker, but what I am trying to find out is, before I make a policy decision, I need to know whether it is needed, something is needed. So would it be helpful to have line item monies for this?

Mr. KIBBLE. I can't really comment on the line item, sir, but what would be helpful is, with the resources we have—I mean, really, this is about resources—with the resources we have, we have tried to be as creative and as aggressive as we can in terms of partnering with others, because really, again, I think we have been saying it over and over today, so much of the effort involves enlisting the—

Mr. GREEN. My time is halfway finished. Let me just ask this, then. Would more resources for this problem be of benefit to you?

Mr. KIBBLE. Yes, sir.

Mr. GREEN. Okay.

And now, let's move to Mr. Marsh. Sir, what is your budget, please?

Lt. MARSH. Again, we don't have a specified budget. We are fortunate to be one of the 42 funded task forces federally. And so, in that sense, we have a \$650,000 budget over the 3 years from the Bureau of Justice Assistance.

But if you are going to follow up with the question, "Could we use more," sure. I mean, I would love to have a dedicated task force of people that just did that full-time, and that level of money, while very generous and we will use it to its maximum, does not afford for that type of—everyone in the same room focusing on that problem full-time.

Ms. SANCHEZ. Would the gentleman yield for a minute?

Mr. GREEN. Yes. Of course, Madam Chair.

Ms. SANCHEZ. Of that 650,000 over 3 years, so that is about 200,000 or so, what does that do? What are the different components of your task force, and what do you do with that money?

Lt. MARSH. In our third iteration, Congresswoman Sanchez, basically we are going—about two-thirds of that will be dedicated to law enforcement, probably part-time civilian investigators, reserve officers and coordination with our intel unit, which is in our age-old criminal enterprise unit to focus on trafficking, both proactively searching for sexual exploitation and labor trafficking.

And the other third of that will go towards training support for a task force administrator, in this case Etta Morgan, who I know you have met in the past, to actually take care of the—help take care of data collection, running the task force and helping coordinate law enforcement outreach efforts.

Mr. GREEN. All right.

Thank you, Madam Chair.

And finally, Ms. Brown, please?

Ms. BROWN. The Victims Services budget is within the Office of Refugee Resettlement in Health and Human Services, and they currently have about 10 million a year for victim's services. We believe that this is completely insufficient and would ask for an increase to more in the order of 15 million.

With regard to our services right now, the limitation on funding has meant that victims only receive services for about 4 months. Their needs are extreme, and we find that the service period is not sufficient, let alone if we have additional child victims identified, which we are all hoping will come to pass, the services would need to be more robust for them.

Mr. GREEN. Thank you.

My time is up. I thank you, Madam Chair.

Ms. SANCHEZ. —additional questions?

Mr. GREEN. Yes, I do. Thank you, Madam Chair.

And Madam Chair, this question relates to my wanting to be of help and possibly offering legislation. My question is, would a rewards program be of benefit? And let me quickly tell you what I mean.

We have found that offering, for want of better terminology, a “bounty,” a reward for persons who do things, who engage in certain activities, has been helpful. Throughout the ages, this has been helpful.

Would a program that has a reward, let’s say, of \$100,000 for a person who is indicted and convicted of human trafficking, would that help us in two areas—deterrence and also in apprehension and conviction? And you can each just tell me yes or no, and that will give me some idea as to whether I should proceed with my idea.

Mr. Kibble?

Mr. KIBBLE. Yes, sir. Based on our experience across other programs where that has been effective, yes, sir.

Mr. GREEN. Mr. Marsh?

Lt. MARSH. I agree. It would be helpful.

Mr. GREEN. Ms. Brown?

Ms. BROWN. I wouldn’t be able to comment on whether that would be helpful. I do know that the victims, when they see justice has been brought against the perpetrators, it is extremely beneficial for them. So anything that would help to make sure that the perpetrators are convicted would be helpful.

Mr. GREEN. All right.

Madam Chair, with your consent and permission, I will move forward, but not until I get it, so I will talk to you when we have—

Ms. SANCHEZ. We can have a discussion about that. We would be interested in what your ideas would be—

Mr. GREEN. Thank you.

Ms. SANCHEZ. —to put something forward.

Mr. GREEN. Thank you.

Ms. SANCHEZ. Thank you, Mr. Green.

I have a couple more questions that I would like to ask. I would like to begin with Mr. Kibble.

With so many trafficking victims estimated to be in the United States, why are there so few prosecutions?

Mr. KIBBLE. Ma’am, it is so hard to determine what the baseline is. I know the estimates have ranged anywhere from 14,500 to 17,500 trafficked into the US. I am not sure what the methodologies were behind that to arrive at that baseline for trafficking activity. And I don’t really have a direct answer for you. All I can say is that what we have seen is that, as we have applied more re-

sources to this problem and more attention and more focus, as you are doing with this hearing today, our numbers have gone up.

For example, if we were to assess the victims who ICE's issuance of continued presence through the law enforcement parole branch, we have had an 84 percent increase over the previous fiscal year. I had mentioned before during my statement that we had a 24 percent increase in our investigations initiated so that there is—certainly, regardless of what the baseline number is, we know that there is more that needs to be done, and that more resources and more attention need to constantly be applied to this problem.

And if I could add one other thing, this is such a difficult problem, unlike other criminal problems that ICE deals with, for example, because there are disincentives for the victims, and others could probably speak to this more eloquently than I, but there may be fear because of cultural biases from their own countries, where they are unwilling or fearful of approaching law enforcement officers.

There are the threats that have been leveraged by the traffickers against their families back in the countries from where they originated. All of these things really complicate and challenge uncovering these crimes.

Ms. SANCHEZ. Do you see that claw-back as a reality? In other words, I am trafficked here. You tell me, oh, "If you try to leave, if you tell on me, your family is going to be decimated back at home," is that—I know that is used as a threat. Is that a reality?

Mr. KIBBLE. Off the top of my head, I don't have a specific situation in mind where someone has actually been hurt. But I can tell you that the threats go beyond just the verbal threats in the sense that we have seen cases where the trafficked women's children are held by the traffickers in the source country. So that of course is great leverage in controlling the victim that is now within the US.

Ms. SANCHEZ. And do you conduct—how do you conduct outreach directly to those who are being held in enslavement for whatever services they are forced to provide? How do you get to them? How do you educate them that, you know, run, get out, it will be better?

Mr. KIBBLE. What we have tried to do is, again through this public awareness campaign, we have tried to place, again, billboards.

Ms. SANCHEZ. Are there investigations because of the billboard campaign?

Mr. KIBBLE. Actually, Congresswoman, we are assessing right now. That is a fairly new campaign, and we have actually started implementing program codes so that we can assess how effective that has been in terms of our referrals. The challenge we have had is that, when we get a call on our tip line, we haven't been able to capture whether that call came because someone saw the billboard. We are also approaching the NGOs to ask them, based on the referrals we have received, whether that came—whether they could query the victims and see whether that came as a result of the exposure that came from the billboards in the 10 cities that we have launched that campaign.

Ms. SANCHEZ. Ms. Brown, in your work, have you seen where some campaign, or some information campaign, has actually been found by the victim in order to try to come to you, or try to come to law enforcement, or try to get out of that cycle of enslavement?

Ms. BROWN. I would say that the reality is that the campaign is more directed towards the individual who might identify the victim. The victim very rarely understands that there are laws to protect them in the United States.

Given where they have come from and what they have been through, they often don't even realize that a crime is being perpetrated against them. They have been told repeatedly that law enforcement is only there to return them, that if they are returned, there will be threats against their family. We have, in fact, made contact occasionally with a family member in the country of origin to try to assure them that their family is safe, and that is done through NGO contact and has been very helpful.

But the victim often also is a woman whose child is being held against them in the country they came from, or here in the United States. The trafficker has removed the child from the victim here, or has stated that their child will be victimized as well.

So the terrible irony of it is that the victim very rarely understands the law is there to protect them, or that they can, in fact, come forward. The campaigns should be, and are, more targeted toward the individual who might come into contact with them.

Ms. SANCHEZ. And Lieutenant Marsh, do you have anything to add to that, or is that your understanding of what you have seen over the years?

Lt. MARSH. Our efforts from our task force's experience have been more focused towards community awareness and reporting to the national hotline manned by the Polaris Project. We have been very successful with tips on that level. We work every single one we have.

But I would also say, from a victim perspective, I have yet to have one victim say they have heard of anything like that. Between their physical isolation, their cultural isolation, their language isolation, the reality is it is because they are being so victimized so repeatedly they are in almost like a post-traumatic stress disorder mentality. They are in survival mode.

And even when we try to help them, sometimes it doesn't work because all they want to do is get the heck out and go back. And so it is very frustrating from a service perspective to help them, because they are the key to our cases, in many instances, and if they don't cooperate, whether it is because they don't want to cooperate or because they are just not mentally in that frame of mind to cooperate, our cases suffer as a result.

Ms. SANCHEZ. Mr. Kibble, I know that you have a comment, but I also want to follow up—you should follow up on what happens to this person who is a victim, and how are they—are they churned by the process in the sense that—or do they get to stay in the US? Are they sent back? What would be the typical type of situation for someone who would be in that situation and would testify against somebody here in the United States?

Mr. KIBBLE. Sure.

Chairwoman Sanchez, there are a number of mechanisms that are available to them. ICE generally relies on an interim immigration relief through the continued presence issued by our law enforcement parole branch that gives them up to a year's time of status and also documents so that they can find employment.

There is also the T visa and the U visas that are adjudicated by CIS that afford them 4 years, and also the opportunity to ultimately convert to lawful permanent resident status as well.

To go back to the—just one other thing I wanted to add, during a couple of investigations, we have identified a particularly vulnerable area in Mexico where we have made plans to actually—in collaboration with others to go to those communities to sensitize them to how they could be subject to exploitation.

And I think that is a model that we are going to adopt more and more, particularly with our reach with our international presence around the world. As we identify patterns where particular communities are being exploited or lured into trafficking situations, we can try to assist with prevention and in sensitizing them to those risks.

Ms. SANCHEZ. That was my next question. What are you doing in the countries of origin to stop this? What is the type of cooperation you are getting from these foreign governments? Because when I think about Vietnam, I mean, most people would say the Vietnam government is in cahoots with trafficking some of these people to other countries.

Mr. KIBBLE. Ma'am, I don't have the specifics by country, but generally from what I have been told by our Office of International Affairs, and based on the types of investigations we have mounted, we have generally gotten good support in terms of exploiting—obviously, we seek to dismantle the entire scheme, the entire network, and we have received support from the countries in which we are in in addressing the part of the conspiracy that is based in that particular country. But I couldn't speak to particular countries, and I am quite sure that that level of support will vary from place to place.

Ms. SANCHEZ. —you talked about the importance of confiscating traffickers' assets sometimes to compensate victims or to deter other traffickers. How often does that happen?

Mr. KIBBLE. The amounts generally range—well, let me say this. We are always looking at the financial component of every investigation we approach, and that includes human trafficking. So, for example, as we identify assets associated with a human trafficking organization, we will take our asset identification removal groups and have them focus on that financial infrastructure so that we can try to deprive them of those assets.

If you were to look at the numbers, that tends to range somewhere around anywhere from 1 to 3 million during the course of any given fiscal year, just to give you an idea of the level of activity.

Ms. SANCHEZ. My last question—and first I will give Mrs. Kirkpatrick a chance to ask, if you have any other questions to ask of the panel?

Mrs. KIRKPATRICK. Thank you, Madam Chair, I do.

I just saw a documentary about human trafficking, and one of the video clips was of a 5-year-old, looked like she was about 5 years old, being sold by her mother. So I think that to really—we need to go to these vulnerable places and educate them on that, because it is being done for economic reasons.

And later, the little girl was found in a house of prostitution. They were rounding up these little girls, 12, 13 years old, taking care of 5—, 6—, 7—, 8-year-olds. And again, I thank you for your good work.

We last week looked at the good cooperation that ICE has with Mexico in terms of fighting the drug cartels. Do you see that same level of cooperation with fighting human trafficking?

Mr. KIBBLE. Indeed we do. Through the Global Trafficking In Persons program, we actually have vetted units, vetted partners that we can work with to pursue the investigation within Mexico as well. And so that is a combination of joint operational collaboration, but also capacity building where we are providing a lot of best practices and training and so on to build up their ability to focus on the problem.

Mrs. KIRKPATRICK. Thank you.

I yield back my time, Madam Chair. Thank you very much.

Ms. SANCHEZ. I thank the gentlewoman from Arizona.

To the panel, what can we do to make your job easier? What do you need from us? Is there anything we should do to change the law, any resources we should put in, any particular area we should be taking a look at?

And I will start with Ms. Brown.

Ms. BROWN. Well, I do believe that the recommendations in the testimony do outline some of those areas. But certainly, the need for greater education and resources to be sure that task forces such as the excellent one in Orange County exists, to ensure that the victims who are not likely to come forward and necessarily identify themselves to a Department of Homeland Security official have an ability to speak and be screened by an NGO.

I am speaking specifically with regard to the children at the border who may, in fact, be a victim of trafficking but will not ever say such a thing to the Customs and Border Patrol agent who intercepted them. And again, additional funding for victim's services and compensation for the victim during this process to ensure that, in fact, the prosecution does have a good witness.

Ms. SANCHEZ. Thank you, Ms. Brown.

Lieutenant Marsh?

Lt. MARSH. Thank you, Congresswoman Sanchez.

I think I spoke to a couple of the issues in my testimony. I still believe that, from a funding perspective, I think the single-stream funding streamlines our efforts administratively and focuses us to make sure that we continue to reinforce our interconnectedness and our collaborative style that we have been able engage, at least in Orange County, and any task force I have spoken with has the same issues regarding that.

I would also say that when it comes to the—I keep harping on the severe definition of trafficking, and that the law has gone a long way to minimize that, and I appreciate it. I think some of the prosecution perspectives lag a little bit behind the TVPA, and I think the issue of money, when it comes to the traffickers paying a pittance, or just a little bit to offset and to muddy the waters could potentially be explicitly mentioned in the law that it is not an issue if you can't pay a slave to be a slave. That might help out

as far as perspectives go when it comes to building cases and doing prosecutions.

And finally, if we are going to have task forces that sit around the same area—and I don't mean sit around—but are able to collaborate, look face-to-face, especially from a law enforcement perspective, it is an expensive proposition. And if we were to have greater funding to create such a task force, it not only allows to pay for people full-time to participate from a local level, but also sends a message from the federal level to the local level that it is an issue of high priority, that if we could have a continued commitment over 3 years like our federally funded task forces have, would allow for that type of law enforcement collaboration from the federal, state and local levels, which would include state and federal prosecutors. I think that would send a message across the board about the level of importance.

And as Mr. Kibble mentioned earlier, the more resources you put into it, the more victims and the more cases you are going to get. And that is the bottom line of that.

Ms. SANCHEZ. Mr. Kibble?

Mr. KIBBLE. And I would just add that anything that can be done to increase awareness, because you—I think of the case of—the slavery case in Irvine, where it was—the only reason it was uncovered, a 12-year-old girl that was enslaved in a very upscale neighborhood in Irvine, the only reason it was uncovered because of an alert neighbor that noticed that the kid was never sent to school and never played outside.

The more we can get the general public, and again, the folks that would potentially encounter these folks, that ask a few additional questions when someone comes to a doctor's office or wherever the situation may be, the more we will uncover these situations.

Because again, from the standpoint of law enforcement, because of the very reasons that have been discussed today, there is not the same willingness on the part of the victim to come to law enforcement because, in their own countries, they may be victimized in some instances by law enforcement. So it is really broadening that awareness to the general public.

Ms. SANCHEZ. Thank you, Mr. Kibble.

Well, I thank the witnesses for their valuable testimony, and, of course, the members for their questions. The members of the subcommittee may have additional questions for the witnesses, and we would ask you that you respond quickly in writing to those questions.

Hearing no further business, the subcommittee stands adjourned. [Whereupon, at 11:20 a.m., the subcommittee was adjourned.]

Appendix I—Orange County Human Trafficking Task Forces' Suggestions

Lilly Nguyen (Field Representative, Office of Congresswoman Loretta Sanchez) led OCHTTF Topic suggestions and discussion. With the assistance of OCHTTF's Administrator Sandra Morgan, the following list of issues was compiled:

- **Education**—getting the word out to organizations, law enforcement, etc. getting people to understand that we are here to help the victims, flyers, posters. Educate the cops and first responders, firemen, paramedics, those are people who are in contact with civilians more than investigators. If they call 911 and a sheriff gets there first they may not know what you are talking about.
- **BSCC**—(Tobi Aclaro) we need to show that we are united.
- **Public education**, local, identification tools, need a marketing tool to get people to identify it more quickly.
- **Education at national level**, have mandated education for law enforcement.
- **Question: Globally**, in the protection act is the US govt. paying attention to the victims in the other countries?
- **ICE**—Get law enforcement to go out and doing training, outreach to public so people will be able to see that we are on their side. It is very important for people to be able to meet the law enforcement
- **Internet safety component**
- **No funding for domestic trafficking victims**
- The message that US citizens are victims as well.
- **Citizen and immigration services (CIS)** is the first to see visa applications so they need someone who would **screen the files** for potential human trafficking and follow up on cases that are denied.
- **Prevention**—anyone who is involved with children needs to have prevention training including, school teachers, school nurses, youth workers
- **Immigration laws** need to be loosened up—refugees screaming asylum and they can't go back because they have these open cases and we can't send them back because of this situation.

Appendix II—“Severe” Human Trafficking

[from Congressional testimony given in March of 2007]

The emphasis on “severe” human trafficking has undermined many potential human trafficking investigations. The federal severe definition has cascaded into the state definitions, and has become a crutch, used predominantly during commercial sex trafficking, to nullify local efforts to charge suspects with human trafficking. A reassessment of the severe definition of human trafficking is warranted to determine if it can be modified to address the realities local law enforcement is more likely to encounter.

As the panel knows, the federal law regarding human trafficking (HT) originated as a grassroots concern regarding domestic and international trafficking. Non-government organizations (NGOs) led the campaign to have the Trafficking Victims Protection Act of 2000 (TVPA) adopted as law. Before 2000, federal prosecutors had no law directly addressing human trafficking; instead other federal statutes had to be applied in order to prosecute suspects in human trafficking. NGOs and supporters used testimonies of trafficking victims to provide an international and domestic viewpoint underscoring the imperative to have a federal law created. They relied on egregious examples of human trafficking to make their points. General and personal narratives of beatings with hangers, gang rapes, murders, kidnapping, threats of death, chaining victims to beds, extended isolation, forced abortions, food, water and medical deprivation and inescapable debt were used to demonstrate the compelling need for HT laws and victim support. The fact these stories were true added a crucial human dimension to the issue.

Severe human trafficking cases, both domestic and transnational, provide compelling narratives. During the course of my relatively short involvement with human trafficking, every seminar and training I have attended emphasizes these cases, creating an expectation of extreme, inhumane treatment leveled against unwitting immigrants. Federal agencies in Orange County, California, recently completed our first human trafficking prosecution involving child slavery. The case facts paralleled many of the severe depictions of human trafficking: the female child was sold into slavery by her parents in Egypt, kept in the garage on a urine soaked mattress for years, had to perform menial chores at the private residence, was not allowed outside contact, including education, and had to wash her clothes out of a bucket while the traffickers and their children enjoyed all the modern amenities. This case shocks the conscience of most people.

This case, however, is not representative of the commercial sex exploitation cases involving illegal immigrants we have encountered and attempted to develop at the local level. Instead of outright force and physical coercion, we are finding victims who are subjected to more psychological and situational coercion and duress tactics. In one case, we discovered residential brothels using women from Malaysia and Singapore. Before we knew all of the information below, we offered to have the local ICE agents and Assistant United States Attorney take the case, but it was rejected. In this case, which is still undergoing prosecution for state charges of pimping and pandering, the following conditions were found to exist:

- Their passports, identification of all types, and valuables were immediately taken
- The women are naturally isolated by language, social and cultural barriers
- Brothels were secured with closed circuit TV, cameras surrounding the location, and staff
- The money the women took in and received was controlled by the traffickers
- The victim’s movements were controlled by the suspects (escorted everywhere)
- Consequence for taking a day off—placed off site at a bad motel at their expense with an escort.
- They were required to work 21 day cycles, with 7 days off, in accordance with their menstrual period.

In further contrast to severe trafficking, they received significant monetary compensation for their “services.” This case was considered a pimping and pandering case due to the lack of “severe” elements associated with the prostitution of the women.

This case is not atypical of the cases we have found when attempting to proactively pursue commercial sex exploitation of illegal immigrants. I had the privilege to participate in a panel with Dr. Laura Lederer (of the State Department) and Lisa Thompson (trafficking advocate for the Salvation Army) a month ago (February of 2007). Both claimed all human trafficking is necessarily severe, and that the term severe was added to the TVPA of 2000 to ensure its passage. I appreciate the need for legislative compromises, but would question the need to keep this terminology seven years after the statute has been in effect.

Regarding commercial sex exploitation, Farley et al. (2003)⁵ surveyed prostitutes in nine countries (including the United States) and found that 87% had experienced at least one incident of violence, 57% of prostitutes have been raped, a majority (68%) showed clinical symptoms associated with post traumatic stress disorder, and 89% responded that they needed to get out of prostitution. These findings and others led the authors to conclude their report disputes the contention “that prostitution is qualitatively different from trafficking” (Farley et al., 2003).

My personal perspective on the situation is this: The federal government did not want to get into the business of enforcing prostitution in the domestic arena, but was compelled to take a stand in reference to confirmed reports of severe human trafficking. The severe terminology and the transnational emphasis on victims addressed the need to condemn human trafficking without getting involved with pimping and pandering at the local-state levels. However, human trafficking has evolved over the seven years of the statute, and now we have domestic trafficking of citizens, with a special focus on juveniles, who are considered trafficking victims based on their age (less than 18 years old). In the meantime, states began adopting human trafficking laws, predominantly mimicking the severe language of the federal law.

But the application of human trafficking into the domestic venue has muddied the perception of its relevant elements, especially with regards to the immigrant emphasis and egregious acts. How do you claim a 17 year old American citizen who is a prostitute with a pimp is a human trafficking victim and an 18 year old American citizen who is a prostitute with a pimp is not? In application of the law over time, human trafficking has transformed into protecting children, women and men from labor and sexual exploitation, regardless of citizenship. If there is no qualitative difference between a prostitute and a trafficking victim as Farley et al. (2003) assert, and teenage prostitutes who are American citizens are human trafficking victims, then pimps are human traffickers—exploiters of people who prostitute.

A logical next step is to draw parallels between American pimps and panders (domestic human traffickers exploiting citizens) who are able to create psychological dependency in their prostitutes (exploited citizens) and the pimps and panders (transnational human traffickers exploiting immigrants) who are able to create psychological dependency in their prostitutes (exploited immigrants). And how much easier must it be to psychologically entrap a foreign national with severe language, social and cultural limitations (especially if they are here illegally with no documents) than it is to entrap an American citizen? The severe definition of trafficking, along with the many egregious narratives substantiating it, serve to undermine the less dramatic but significantly more prevalent exploitations of immigrants and citizens. The language of the federal law is overdue to be changed to reflect the current research findings and federal enforcement practices.

The good news at the local level is we do not require a human trafficking law to arrest traffickers. We have an array of local laws and some federal laws that can provide significantly more jail time than typical human trafficking convictions. From a local perspective, I have still made an arrest and provided the opportunity for victim services to exploited people. And, if a local law enforcement agency becomes aware of a rare egregious case involving severe human trafficking, I have no doubt they would actively pursue the case, collaborating with as many federal and local agencies as necessary in order to complete the investigation and prosecution.

The bad news at the local level is local law enforcement is reticent to engage their limited resources in pursuit of human trafficking suspects and victims when previous state laws suffice and local political and organizational imperatives do not necessarily seek to forward the vague and apparently contradictory federal statutes. Based on my experience, federal agencies will not collaborate unless juveniles are

⁵Farley, M., Cotton, A., Lynne, J. et al. (2003). “Prostitution & trafficking in nine countries: An update on violence and posttraumatic stress disorder”, *Journal of Trauma Practice*, vol.2, 33–74. Retrieved from www.prostitutionresearch.com.

identified or severe elements can be proven before arrests are made. In the end, extreme legal definitions mitigate local and federal enthusiasms from a daily commitment perspective.

