



Testimony  
Before the Committee on the Judiciary,  
U.S. Senate

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# HUMAN TRAFFICKING

## Implementation of Related Statutory Provisions, Law Enforcement Efforts, and Grant Funding

Statement of Gretta L. Goodwin, Acting Director,  
Homeland Security and Justice

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Chairman Grassley, Ranking Member Leahy, and Members of the Committee:

I am pleased to be here today to discuss our recently completed work on human trafficking.

Sometimes perceived to be a foreign issue, human trafficking— the exploitation of a person typically through force, fraud, or coercion for such purposes as forced labor, involuntary servitude or commercial sex—is occurring in the United States. Human trafficking victims include women, men and transgender individuals; adults and children; and foreign nationals and U.S. citizens or nationals who are diverse with respect to race, ethnicity, and sexuality, among other factors. Human trafficking can take place in rural, suburban, and urban settings throughout the country, and often involves victims who are already vulnerable—such as missing and runaway youth or persons dealing with substance abuse addictions.

Over the past few decades, Congress has taken numerous legislative actions to help combat human trafficking and ensure that victims have access to needed services. The Justice for Victims of Trafficking Act of 2015 (JVTA) contained a provision for GAO to assess federal and selected state efforts to implement provisions in six human trafficking-related statutes— JVTA, Trafficking Victims Protection Reauthorization Act of 2005, Trafficking Victims Protection Act of 2000, Victims of Child Abuse Act of 1990, Runaway and Homeless Youth Act, and Missing Children’s Assistance Act. Federal agencies, including the Departments of Justice (DOJ) and Homeland Security (DHS), have taken steps to combat human trafficking in the United States and to assist victims, often through grant programs.

My testimony today summarizes our analysis of federal agencies’ efforts to implement provisions and our observations regarding federal and selected state law enforcement efforts to combat human trafficking in the United States. Specifically, this testimony addresses:

- (1) actions federal agencies have taken to implement programs and initiatives that were authorized by the six statutes;
- (2) challenges federal and selected state law enforcement and prosecutorial agencies have faced when combating human trafficking in the United States; and

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- (3) grant programs intended to combat human trafficking and assist victims in the United States, and federal agencies' efforts to reduce the potential for duplication across those grant programs.

This statement is based on a report that we issued in May 2016 and another report that we issued earlier today.<sup>1</sup> For our work on efforts to implement provisions in certain human trafficking-related statutes, we reviewed the six statutes and identified the provisions that called for the establishment of a program or initiative. We identified the federal entities designated as the lead or co-lead for implementing the provisions and asked them to identify any actions taken to implement the provisions and to provide supporting documentation of those actions. Given the number of provisions included in the six statutes, the multiple federal entities responsible for implementing the provisions, and the timeframe in which we were to complete this review, we did not independently assess the extent to which the provisions were implemented. Instead, we reviewed the documentation provided by each entity to determine whether they had taken any action or no action towards implementing the provision. For those entities that did not take any action, we asked them to explain the reason why. For our work on law enforcement efforts and grants to combat human trafficking, we reviewed trafficking data and agency documents, and conducted 32 interviews with federal, state and local law enforcement officials and prosecutors in four jurisdictions. We selected those jurisdictions based on the number of human trafficking tips they received, receipt of human trafficking task force funding and geographic variation. These officials' perspectives cannot be generalized to all jurisdictions but they provide insights into anti-trafficking efforts. For our work on grant programs, we reviewed grant documentation and interviewed federal officials responsible for administering human trafficking-related grant programs and grantees. Further details on the scope and methodology for our previously issued reports are available within each published product. We conducted the work on which this statement is based in accordance with generally accepted government auditing standards.

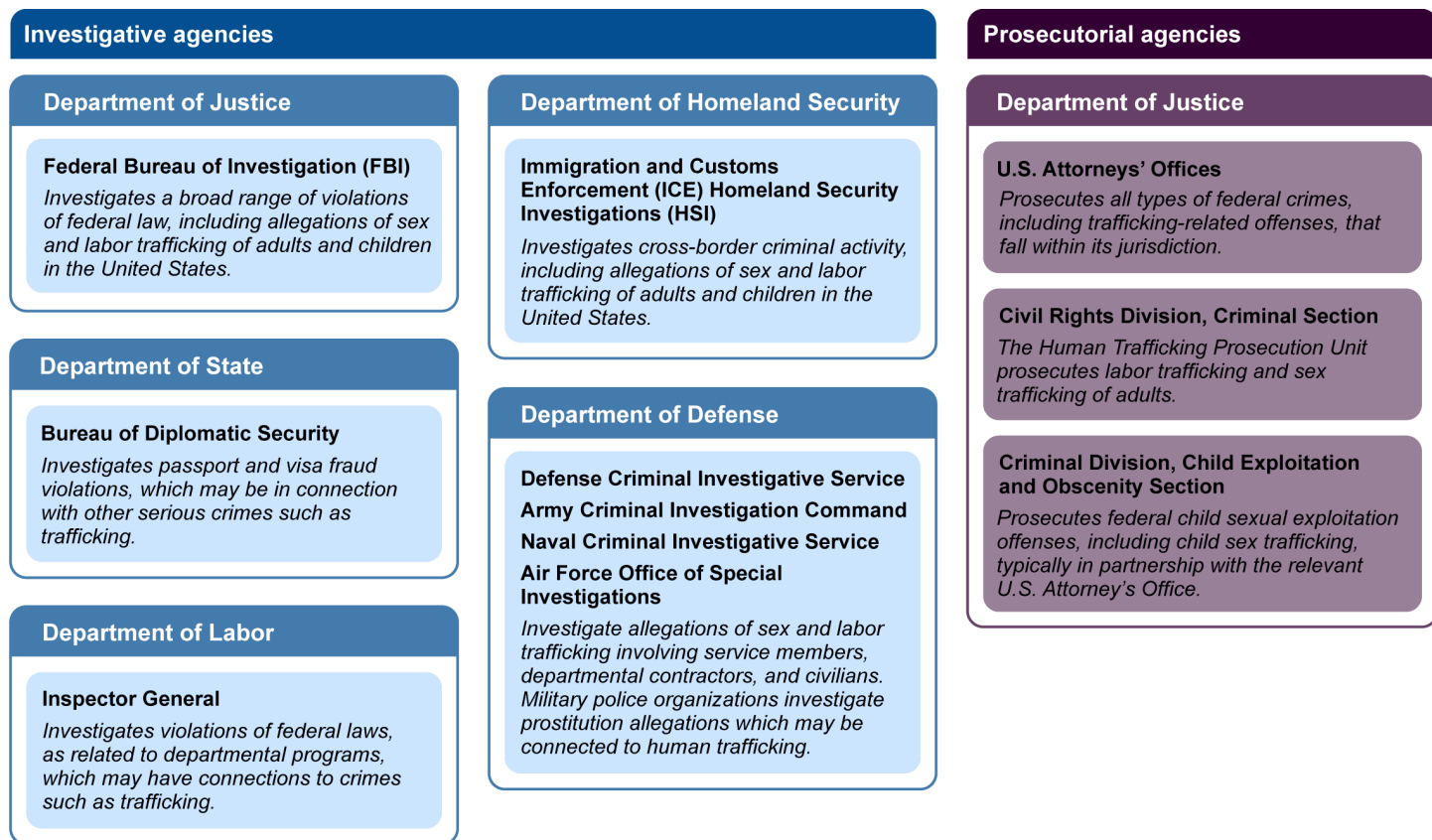
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<sup>1</sup>GAO, *Human Trafficking: Actions Taken to Implement Related Statutory Provisions*, [GAO-16-528R](#) (Washington, D.C.: May 26, 2016), and GAO, *Human Trafficking: Agencies Have Taken Steps to Assess Prevalence, Address Victim Issues, and Avoid Duplication*, [GAO-16-555](#) (Washington, D.C.: Jun. 28, 2016).

## Background

Several components within DOJ, DHS, and the Departments of Defense, Labor, and State have responsibility for investigating and prosecuting human trafficking crimes, as shown in figure 1.

**Figure 1: Federal Agencies Responsible for Investigating and Prosecuting Human Trafficking Crimes in the United States**



Source: GAO analysis. | GAO-16-748T

In addition to federal investigative and prosecutorial agencies, other agencies play a role in helping to identify human trafficking, such as DHS's Transportation Security Administration (TSA), U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection, Federal Emergency Management Agency, and Coast Guard. These agencies may encounter human trafficking victims in their daily operations, including at airports, land borders, and seaports. The Equal Employment Opportunity Commission (EEOC) and the Department of Labor's Wage and Hour Division may encounter human trafficking when conducting investigations related to their statutory authority. For example, EEOC investigates alleged violations of Title VII of the Civil Rights Act of

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1964, which prohibits employment discrimination based on, race, color, religion, sex, and national origin, which in certain circumstances involve human trafficking victims.

In addition to investigating and prosecuting human trafficking crimes, federal agencies, primarily DOJ and the Department of Health and Human Services (HHS), support state and local efforts to combat human trafficking and assist victims. Several components within DOJ's Office of Justice Programs, including the Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crime, Bureau of Justice Assistance (BJA), and National Institute of Justice (NIJ), administer grants to help support state and local law enforcement in combating human trafficking and to support nongovernmental organizations and others in assisting trafficking victims or conducting research on human trafficking in the United States. HHS also provides grant funding to entities to provide services and support for trafficking victims, primarily through components of the Administration for Children and Families (ACF), including the Children's Bureau, Family and Youth Services Bureau, and Administration for Native Americans.<sup>2</sup> Further, ACF established the Office on Trafficking in Persons in 2015 to coordinate anti-trafficking responses across multiple systems of care. Specifically, HHS supports health care providers, child welfare, social service providers, and other first responders likely to interact with potential victims of trafficking through a variety of grant programs. These efforts include integrated and tailored services for victims of trafficking, training and technical assistance to communities serving high-risk populations, and capacity-building to strengthen coordinated regional and local responses to human trafficking.

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<sup>2</sup> See, e.g., 18 U.S.C. § 3014(a)-(h); 22 U.S.C. § 7105(b)(1), (f)(1), (2), (3); 42 U.S.C. § 5714-41; Pub. L. No. 114-22, tit. VII, 129 Stat. at 261-63.

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## Federal Entities Have Taken Actions to Implement Most of the Provisions across Six Human Trafficking-Related Statutes

In our May 2016 report, we identified 105 provisions across the six statutes that we reviewed that called for the establishment of a program or initiative.<sup>3</sup> Many of the provisions identified more than one entity that is responsible for implementing the programs or initiatives. The breakdown of whether or not federal entities reported taking actions to implement these provisions is as follows:

- For 91 provisions, all responsible federal entities reported taking action to implement the provision.
- For 11 provisions, all responsible federal entities reported that they had not taken action to implement the provision.
- For 2 provisions, at least one of the responsible federal entities reported that they had not taken action to implement the provision or they did not provide a response.
- For 1 provision, none of the responsible federal entities provided a response.

The provisions cover various types of activities to address human trafficking and related issues, including: Grants (33), Coordination and Information Sharing (29), Victim Services (28), Reporting Requirements (26), Training and Technical Assistance (25), Research (24), Criminal Justice (20), Public Awareness (14), and Penalties and Sanctions (7).<sup>4</sup>

Agency officials provided various explanations for why they had not taken any actions to implement certain provisions for which they were designated as the lead or co-lead. For example, in three cases, officials cited that funding was not appropriated for the activity.

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<sup>3</sup> GAO, *Human Trafficking: Agencies Have Action to Implement The Related Statutory Provisions*, [GAO-16-528R](#) (Washington, D. C.: May 27, 2017), 3-4.

<sup>4</sup>One provision could authorize more than one type of activity; therefore, the numbers in parentheses total more than 105.

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## Selected Law Enforcement Officials and Prosecutors Reported Lack of Victim Cooperation, Limited Services, and Difficulty Detecting Victims as Challenges, and Have Taken Steps to Mitigate Them

In June 2016, we reported that federal, state and local law enforcement officials and prosecutors identified several challenges with investigating and prosecuting human trafficking, including a lack of victim cooperation, limited availability of services for victims, and difficulty identifying human trafficking. The officials told us that obtaining the victim's cooperation is important because the victim is generally the primary witness and source of evidence. However, the officials said that obtaining and securing victims' cooperation is difficult, as victims may be unable or unwilling to testify due to distrust of law enforcement or fear of retaliation by the trafficker, among other reasons. According to these officials, victim service programs, such as those that provide mental health and substance abuse services have helped improve victim cooperation; however, the availability of services is limited. Further, the officials reported that identifying and distinguishing human trafficking from other crimes such as prostitution can be challenging. Federal, state, and local agencies have taken or are taking actions to address these challenges, such as increasing the availability of victim services through grants and implementing training and public awareness initiatives.

With respect to training, we reported that federal agencies have implemented several initiatives to train judges, prosecutors, investigators and others on human trafficking. For example, in accordance with the JVTA, the Federal Judicial Center provided training to federal judges and judicial branch attorneys, including judicial law clerks, on human trafficking through a webinar in August 2015.<sup>5</sup> The training walked participants through the provisions of the JVTA and addressed how child exploitation manifests in human trafficking cases, among other things. According to Federal Judicial Center officials, 1,300 registered viewers participated in the webinar, which is now available for on-demand viewing on the Federal Judicial Center website. In addition, DHS's Immigration and Customs Enforcement, Homeland Security Investigations provides a human trafficking training course that uses video scenarios and group discussions to teach its agents how to identify human trafficking, how to distinguish human trafficking from smuggling, and how to conduct victim-centered investigations, among other things. Similarly, the Federal

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<sup>5</sup> The Justice for Victims of Trafficking Act of 2015 required the Federal Judicial Center to provide training for judges on ordering restitution for victims of certain trafficking-related offenses under chapter 77 of title 18, U.S. Code. See Pub. L. No. 114-22, tit. I, § 114, 129 Stat. at 242 (section 114 is known as the Combat Human Trafficking Act of 2015, and is classified to 42 U.S.C. § 14044g).

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Bureau of Investigation provides annual specialized training in the commercial sexual exploitation of children and dealing with victims of child sex trafficking.

We reported that some federal agencies also have efforts related to increasing public awareness of human trafficking. For example,

- In January 2016, DOJ's Office for Victims of Crime released resources to raise awareness and serve victims, including a video series called "The Faces of Human Trafficking" and posters to be used for outreach and education efforts of service providers, law enforcement, prosecutors, and others in the community. The video series includes information about sex and labor trafficking, multidisciplinary approaches to serving victims of human trafficking, effective victim services, victims' legal needs, and voices of survivors.
- Since 2010, DHS, through the Blue Campaign, reported it has worked to raise public awareness about human trafficking, leveraging partnerships with select government and nongovernmental entities to educate the public to recognize human trafficking and report suspected instances. According to DHS officials, Blue Campaign posters are displayed in public locations including airports and bus stops.
- HHS established the "Look Beneath the Surface" public awareness campaign through its Rescue and Restore Victims of Human Trafficking program. These materials, which included posters, brochures, fact sheets, and cards with tips on identifying victims, were available in eight languages.



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## Some Overlap Exists Across Human Trafficking Grant Programs, but Agencies Have Processes to Minimize Grant Duplication

In June 2016, we also reported that in addition to training and public awareness, federal agencies have established grant programs to, among other things, increase the availability of services to assist human trafficking victims. We identified 42 grant programs with awards made in 2014 and 2015 that may be used to combat human trafficking or to assist victims of human trafficking, 15 of which are intended solely for these purposes. According to our prior work addressing overlap and duplication:<sup>6</sup>

- Overlap occurs when multiple granting agencies or grant programs have similar goals, engage in similar activities or strategies to achieve these goals, or target the same or similar beneficiaries.
- Duplication occurs when a single grantee uses grant funds from different federal sources to pay for the exact same expenditure or when two or more granting agencies or grant programs engage in the same or similar activities or provide funding to support the same or similar services to the same beneficiaries.

Each of the 15 grant programs that are intended solely to combat human trafficking contained at least some potential overlap with other human trafficking grant programs in authorized uses. For instance, funding under each of the 15 grant programs can be used for either collaboration or training purposes. Similarly, 9 of the 15 grant programs provide support for direct services to victims of human trafficking. Further, of the 123 organizations that were awarded grants specific to human trafficking in fiscal years 2014 or 2015, 13 received multiple grants for either victim services or for collaboration, training, and technical assistance from DOJ and HHS. Of the 13, 7 had multiple grants that could be used for victim services, and 3 had multiple grants that could be used for collaboration, training, and technical assistance.<sup>7</sup>

We also reported in June 2016 that there are circumstances in which some overlap or duplication may be appropriate. For example, overlap can enable granting agencies to leverage multiple funding streams to serve a single purpose. However, coordination across the administering

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<sup>6</sup>GAO, *Fragmentation, Overlap, and Duplication: An Evaluation and Management Guide*, GAO-15-49SP (Washington, D.C.: April 14, 2015).

<sup>7</sup> The remaining 3 organizations received one grant for victim services concurrently with one grant for collaboration, training, and technical assistance.

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granting agencies is critical for such leveraging to occur. On the other hand, there are times when overlap and duplication are unnecessary, such as if a grantee uses multiple funding streams to provide the same services to the same beneficiaries. DOJ and HHS each have intra-agency processes in place to prevent unnecessary duplication. According to DOJ and HHS officials, each agency operates an internal working group to allow the components administering human trafficking grants to communicate on a regular basis. For example, HHS officials indicated that offices that administer human trafficking grant programs meet monthly to exchange information, which may include grant-related announcements and coordination of anti-trafficking activities. DOJ has taken action to implement recommendations from a prior GAO report to identify overlapping grant programs and mitigate the risk of unnecessary grant award duplication in its programs.<sup>8</sup> In response to these recommendations, DOJ also requires grant applicants to identify in their applications any federal grants they are currently operating under as well as federal grants for which they have applied.

DOJ and HHS officials also reported that they routinely shared grant announcements with one another in an informal manner. For instance, HHS officials noted that DOJ and HHS meet bi-weekly during co-chair meetings for the Senior Policy Operating Group (SPOG) Victim Services Committee and both agencies participate in the SPOG Grantmaking Committee meetings, which provide opportunities to share information for the purposes of coordination and collaboration.<sup>9</sup> Since 2006, the SPOG

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<sup>8</sup> GAO, *Justice Grant Programs: DOJ Should Do More to Reduce the Risk of Unnecessary Duplication and Enhance Program Assessment*, [GAO-12-517](#) (Washington, D.C.: July 12, 2012).

<sup>9</sup> The Trafficking Victims Protection Act of 2000 (TVPA), as amended, established the Senior Policy Operating Group (SPOG), consisting of senior officials from 14 federal agencies and the White House National Security Council and the Domestic Policy Council, to coordinate activities of federal departments and agencies regarding policies (including grants and grant policies) involving international human trafficking and the implementation of the TVPA. Pub. L. No. 106-386, div. A, § 105, 114 Stat. 1464, 1473-74, as amended by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, § 6, 117 Stat. 2875, 2881 (22 U.S.C. § 7103(g)). In addition to the Domestic Policy Council and the National Security Council, the 14 SPOG agencies are the Departments of State, Defense, Justice, the Interior, Agriculture, Labor, Health and Human Services, Transportation, Education, and Homeland Security, the Office of Management and Budget, the Office of the Director of National Intelligence, the Federal Bureau of Investigation, the U.S. Agency for International Development, and the U.S. Equal Employment Opportunity Commission.

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has provided a formal mechanism for all agencies administering human trafficking grants to communicate with one another. According to the SPOG guidance, which was updated in March 2016, participating agencies are to share information with members of the grants committee prior to final decisions in at least one of the following ways: (1) share plans for programs containing anti-trafficking components during the grant program development process; (2) notify the SPOG of grant solicitations within a reasonable time after they are issued; or (3) notify SPOG partner agencies of proposed funding recipients prior to announcing the award. Further, agencies are also to share information with members of the Grantmaking Committee after final decisions are made.

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Chairman Grassley, Ranking Member Leahy, and Members of the Committee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

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## GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Gretta L. Goodwin, Acting Director, Homeland Security and Justice at (202) 512-8777 or [goodwing@gao.gov](mailto:goodwing@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Kristy Love, Assistant Director; Kisha Clark, Analyst-in Charge; Paulissa Earl; Marycella Mierez; and Amanda Parker. Key contributors for the previous work on which this testimony is based are listed in each product.

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