

**THE GAO REPORTS ON HUMAN TRAFFICKING  
OF NATIVE AMERICANS IN THE UNITED STATES**

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**HEARING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS**

**UNITED STATES SENATE**

**ONE HUNDRED FIFTEENTH CONGRESS**

FIRST SESSION

SEPTEMBER 27, 2017

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# CONTENTS

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	Page
Hearing held on September 27, 2017 .....	1
Statement of Senator Cortez Masto .....	48
Statement of Senator Flake .....	47
Statement of Senator Franken .....	5
Statement of Senator Heitkamp .....	8
Statement of Senator Hoeven .....	1
Statement of Senator McCain .....	8
Statement of Senator Murkowski .....	6
Statement of Senator Schatz .....	7
Prepared statement .....	7
Statement of Senator Tester .....	5
Statement of Senator Udall .....	4

## WITNESSES

Goodwin, Gretta L., Ph.D., Director, Homeland Security and Justice Issues, U.S. Government Accountability Office .....	9
Prepared statement .....	11
Matthews, Nicole, Executive Director, Minnesota Indian Women’s Sexual As- sault Coalition .....	28
Prepared statement .....	30
McCain, Cindy, Co-Chair, Arizona Governor’s Human Trafficking Council .....	32
Prepared statement .....	34
Thompson, Jason, Acting Deputy Director, Justice Services, Bureau of Indian Affairs, U.S. Department of the Interior .....	24
Prepared statement .....	27
Toulou, Tracy, Director, Office of Tribal Justice, U.S. Department of Justice ...	20
Prepared statement .....	21

## APPENDIX

Barrasso, Hon. John, U.S. Senator From Wyoming, prepared statement .....	53
Kear, Alison, Executive Director, Covenant House Alaska, prepared state- ment .....	53
Response to written questions submitted by Hon. Catherine Cortez-Masto to:	
Gretta L. Goodwin, Ph.D. ....	57
Jason Thompson .....	60
Response to written questions submitted by Hon. Steve Daines to Tracy Toulou .....	61
Response to written questions submitted by Hon. Tom Udall to:	
Gretta L. Goodwin, Ph.D. ....	55
Cindy McCain .....	62
Jason Thompson .....	58
Written questions submitted by Hon. Hon. Catherine Cortez-Masto to:	
Nicole Matthews .....	66
Tracy Toulou .....	66
Written questions submitted by Hon. Tom Udall to:	
Nicole Matthews .....	64
Tracy Toulou .....	65



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**WEDNESDAY, SEPTEMBER 27, 2017**

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:30 p.m. in room 628, Dirksen Senate Office Building, Hon. John Hoeven, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. JOHN HOEVEN,  
U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. We will call this Committee meeting to order.  
Good afternoon.

Today, the Committee will hold an oversight hearing on The GAO Reports on Human Trafficking of Native Americans in the United States. Previously, the Committee held a listening session on this important issue in 2014. Now it is time for a more in-depth examination.

Human trafficking is a truly despicable activity aimed at exploiting vulnerable people, usually women and girls. It has been defined as the exploitation of a person typically through force, fraud or coercion for purposes involving forced labor, involuntary servitude or commercial sex. The victims affected by poverty, abuse and other crimes may not have anywhere to turn and become easy targets.

That is not always the case. Victims may also come from good families, be educated, but misled, manipulated or kidnapped by these predators. A difficult crime to detect, human trafficking is often underreported due to a multitude of factors. Victims remain hidden from detection, in part, because they fear either arrest or possible retaliation by their trafficker.

The invisibility of this crime has led it to become a multi-billion-dollar illicit industry worldwide. As we will likely hear today, Indians are considered to be one of the most vulnerable populations in the Country for a host of reasons. American Indian and Alaska Native women suffer sexual violence at the highest rate per capita in the Country, whether it is trafficking, assault or violent crime.

Recently, a young Native girl in Fargo, North Dakota was murdered and her baby taken by neighbors. What happened in this case is beyond tragic and heartbreaking. Unfortunately, the vio-

lence and violent deaths occur far too often among Indian women and girls. Our joint efforts are needed to fight these problems.

Just last week in Geneva, Switzerland, Monica Mayer, a councilwoman from the Three Affiliated Tribes in North Dakota, addressed the United Nations Human Rights Council on the human trafficking that occurs on tribal lands in the United States and requested the UN to inquire on this issue.

We will start by examining two Government Accountability Office reports. The first report was issued on March 30, 2017. The second report was released on July 24, 2017. These reports were requested by the former Chair and Vice Chair of this Committee, Senators Barrasso and Tester, the current Vice Chairman, Senator Udall, and myself.

The March 30 report provided a thorough review of the applicable Federal agencies that investigate or prosecute human trafficking in Indian Country. Three Federal agencies investigate and prosecute human trafficking-related crimes but do not require their agents or attorneys to consistently collect or record the rape or ethnicity of victims.

This information is potentially significant to identifying trends or tracking other criminal activity. The information in the reports is only a baseline number for how many victims are being assisted or served. There are likely more victims that are unknown and remain victimized.

Collection of data is only the first step in addressing these crimes and helping these victims.

According to the GAO report, there were only two Federal prosecutions of human trafficking offenses in Indian Country from 2013 to 2016. Based on the testimony submitted to the Committee, that is not enough, especially in light of what we already know.

We know that the Department of Health and Human Services collects data for victims of human trafficking. We also know that the Department of Homeland Security can tell us almost everything about an individual victim's identity but why not the rest of our law enforcement partners?

The disturbing conclusion from these reports indicates that it is really tough to confirm the extent of the trafficking problem in Indian Country without more data and better metrics. Without knowing the extent of the problem, it is much more difficult to adequately address it.

This data identification really starts with the Department of Justice. To date, the agency has been unwilling to collect that data and track this data on Native Americans, something we will inquire about and discuss today.

How is it that agencies can collect data on non-Indian traffickers in this Country, especially those victims coming from Eastern Europe and Asia but however, the same agencies cannot track the activities in Indian Country for tribes and for the people where there is a trust responsibility.

We have had this similar issue with the Department of Justice. As a result, we have determined to look into it through data collection requirements in the Tribal Law and Order Act. The Tribal Law and Order Act, TLOA, is legislation we will be introducing again and working to reauthorize in this Congress.

It is important that the agencies track the appropriate data and adequately investigate and prosecute these crimes. This legislation is designed to help make sure we do that.

The July 24 report provides the perspective from the law enforcement agencies and victims service providers as they encountered human trafficking in Indian Country or of Indians. Over 350 participants from across the Country completed the GAO survey.

The most significant item in the second report is the inability to identify human trafficking by law enforcement. For example, an individual may be arrested and prosecuted for prostitution instead of being recognized as a victim of trafficking.

In addition, the second report noted the reluctance for victims to participate in the investigations and the prosecutions. The survey also indicated that more training and resources are required to increase awareness and victim services as well as victim and trafficking activity identification and reporting.

To address victims assistance and services, today I have introduced Senate Bill 1870, the Securing Urgent Resources Vital to Indian Victim Empowerment, better known as the SURVIVE Act. Senators McCain, Heitkamp, Daines, Cortez Masto, Franken, Tester and Barrasso also join me in co-sponsoring this legislation.

The SURVIVE Act seeks to address the high victimization rates, authorizing tribal-specific services and infrastructure vital to victims in Indian Country. The SURVIVE Act does three things. First, it would create a tribal grant program that includes a five percent set aside from Victims of Crime Fund for Indian tribes to assist victims and offer critical services for crime victims in their communities.

Second, it would require a negotiated rulemaking between tribes and the Department of Justice on how the program should be administered. Third, it allows tribes to use funding for culturally-specific resources to care for victims. Tribes need that flexibility to tailor their services for the victims in the community as well as build much needed capacity to administer victim services.

I intend to hold hearings on the bill as well as the Tribal Law and Order reauthorization next month. I urge Congress, the Administration and Indian Country to get behind both bills and see them signed into law in this Congress.

In addition, on September 21, 2017, I joined Vice Chairman Udall and seven other members of this Committee in sending a letter to the Department of the Interior, the Department of Health and Human Services and the National Indian Gaming Commission. The letter requested these agencies provide additional training for employees to recognize and respond to activities involving human trafficking and domestic violence. I want to thank the Vice Chairman for his efforts on this letter.

In the meantime, I look forward to hearing from our witnesses today. Again, thank you very much for being here. We appreciate it. We look forward to your recommendations on how we can improve the work of the agencies and your recommendations to address the problem of human trafficking of Indian people.

I want to welcome all our witnesses which I will do in a minute. But first, I am going to turn to the Vice Chairman, Senator Udall, for his opening statement.

**STATEMENT OF HON. TOM UDALL,  
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Chairman Hoeven, for holding this oversight hearing to discuss GAO's reports on human trafficking of Native Americans in the United States.

Human trafficking affects every community, regardless of age, gender, ethnicity or socioeconomic background. GAO's latest reports highlight challenges around tracking, combating, and responding to human trafficking in Indian Country.

These reports also reveal that Native American human trafficking victims have an overwhelming need for more supportive services, including health care. As I reviewed the report published by our witness, Ms. Matthews' organization, the Minnesota Indian Women's Sexual Assault Coalition, I was struck by the alarming statistics.

Forty-eight percent of Native victims in Minnesota do not have access to sufficient health care. Fifty-eight percent reported needing substance abuse treatment. Seventy-five percent requested greater access to counseling and mental health services. Native victims' services are plainly hurt by the lack of access to quality health care in Indian Country.

As the members of this Committee, and all the members of this Committee, understand these challenges and are very active in working to resolve them. Yet, the Senate almost considered legislation yesterday that would have clawed back health care advances for Native Americans.

The Cassidy repeal bill would have slashed funding to Medicaid services provided under Medicaid. Services provided under Medicaid are exactly the types of medical and mental health services most needed by human trafficking victims. The bill would have dismantled Federal guarantees for essential health benefits like behavioral health.

While I am glad the GOP leadership decided not to vote on the bill, we must remain vigilant to ensure that any future health care bill does not cut into the health care needs of human trafficking victims in Indian Country or undermine the Federal Government's obligation to meet its trust and treaty obligations to tribes. For years, tribal leaders and Native activists have reminded us of these obligations by sharing their powerful and often heartbreaking human trafficking stories, reminding this Committee of the need for more information and resources to combat human trafficking in Indian Country.

We must work together to ensure that Native victims of human trafficking get the support they urgently need and to provide Federal and law enforcement agencies with enough resources to keep Indian Country safe.

The Federal Government could do more now to help Native victims who are slipping through the cracks. Federal agencies should do all they can to collect and monitor data on human trafficking in Indian Country. In doing so, they should be held accountable for working with tribal governments to end human trafficking and to make sure these data gathering efforts do not jeopardize victim confidentiality.



In the long term, individuals working in Indian Country, including BIA law enforcement, IHS health care providers and Indian gaming personnel must receive proper training to spot, stop and respond to human trafficking in communities they serve.

I strongly believe that interagency coordination through training will be critical to effectively address human trafficking. That is why last week, I, along with Chairman Hoeven and Senators McCain, Cantwell, Tester, Franken, Schatz, Heitkamp and Cortez Masto, wrote to DOI, HHS and the National Indian Gaming Commission calling on them to provide more education to their employees on how to identify human trafficking and domestic violence victims.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Vice Chairman Udall.

I will turn to other members for opening statements. I would also like to inform Admiral McCain that I will turn to him to also introduce one of our witnesses. He can pick one but only one, whichever one he wants but, you may want to hold your opening statement until we turn to you for the introduction.

Are there other opening statements before we proceed? Senator Tester.

**STATEMENT OF HON. JON TESTER,  
U.S. SENATOR FROM MONTANA**

Senator TESTER. Thank you, Mr. Chairman.

I want to thank you and the Vice Chairman for holding this important hearing.

I was one of those that requested the GAO report back in 2015, so I am glad we are taking up this issue today. Hopefully the White House and Congress can work together to tackle what I believe is a very, very serious issue.

The Chairman talked about the SURVIVE Act and the components of it. I want to touch on one of them, the five percent tribal set aside for tribal governments.

I have talked face to face with tribal leaders around the Country. I can tell you when money flows through the States, sometimes it does not get to the tribal government, so it is long past the time we deal directly government-to-government with local tribes and get that money on the ground where it can do the most good to help survivors, to hire more policemen, to have more prevention and prosecute the crimes in Indian Country.

We all know this on this Committee but what goes on in Indian Country, if it was going on anywhere else, it would not be tolerated at all. Consequently, today is the day we are going to have a conversation about human trafficking and hopefully tomorrow is the day we will do something about it.

Thank you.

The CHAIRMAN. Senator Franken.

**STATEMENT OF HON. AL FRANKEN,  
U.S. SENATOR FROM MINNESOTA**

Senator FRANKEN. Thank you, Mr. Chairman. Thank you and the Vice Chairman for holding this important hearing today.

Thank you to our witnesses for your testimony.

I am honored to introduce Nicole Matthews of Minnesota as a witness today. Nicole Matthews, a member of the White Earth Band of Ojibwe, is the Executive Director of the Minnesota Indian Women's Sexual Assault Coalition, a statewide tribal coalition for American Indian sexual assault advocates in our State.

Nicole received her Bachelor of Science Degree at St. Cloud State University in Applied Psychology including a Minor in Human Relations and Multicultural Education. Nicole is the proud mother of three beautiful children, Jasmine, Keora and Keante. As Nicole has said, her girls give her the strength and motivation to continue working to end violence perpetrated against women and children. Nicole's commitment to her community, to her culture and to her work will shine through today.

Thank you, Nicole, for your testimony this afternoon. I hope Nicole and our other witnesses can help us on this Committee to inform our colleagues in the Senate about the issue of human trafficking in Native communities. I think that is a job for us.

Thank you again, Chairman Hoeven and Vice Chairman Udall, and all the witnesses today toward that end. I look forward to hearing your testimonies.

Thank you.

The CHAIRMAN. Senator Murkowski.

**STATEMENT OF HON. LISA MURKOWSKI,  
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman.

When we had scheduled this hearing back in July, we were due to have an Alaska witness, Allison Keir. Allison is a good friend of mine. She is currently the Executive Director of Covenant House Alaska. Her testimony was provided to the Committee for the record but I think there are a couple statements within Allison's testimony that bear repeating here.

Covenant House participated in a human trafficking study, a multicity study. Out of that study, Alaska respondents reported more trafficking than both New Orleans and New York. There is more human trafficking coming out of Anchorage, Alaska than you see coming out of New York, New Orleans, Los Angeles, Detroit, and Atlanta. Some of the most horrific stories they heard were from trafficking victims in my hometown.

We talk a lot about statistics around here. It seems like we cannot get away from the horror stats. Twenty-eight percent of the respondents in the interviews from Covenant House Alaska were identified as victims of human trafficking. In other words, in that study, one in four homeless youths in Anchorage, Alaska were trafficked, one in four homeless youths. Of those, 42 percent were Alaska Natives.

As I look to the issue we have before the Committee, as I look to our experts and Mrs. McCain, thank you for your leadership in this, this is something that is as dark, evil and as insidious as anything that is out there.

I thank you for your efforts, all of you, to help make a difference. I would like to think that sometimes our geography allows us to be far enough away that we are away from the scourge and the evil and yet, I am reminded that sometimes we are so far away that

people think they can get away with it. They cannot be allowed. We must make sure that the light is shown brightly on this and work to eradicate it.

Thank you all for what you are doing. I look forward to testimony this afternoon.

The CHAIRMAN. Senator Schatz.

**STATEMENT OF HON. BRIAN SCHATZ,  
U.S. SENATOR FROM HAWAII**

Senator SCHATZ. Thank you, Chairman and Vice Chairman Udall for scheduling this hearing.

I have a longer statement I would like to put in the record but wanted to point out that when we did research into the scope of this problem in the State of Hawaii, we talked to the Honolulu-based anti-trafficking organization, the Pacific Alliance to Stop Slavery, and they shared with us that of the child sex trafficking survivors referred to their agency, more than 90 percent were Native Hawaiian and some as young as 11 years old.

Anything we can do together as a Committee and anything we can do with our office in terms of convening and learning from the experts on the panel to try to get at this problem in the State of Hawaii, I will do whatever I can.

Thank you, Mr. Chairman.

[The prepared statement of Senator Schatz follows:]

PREPARED STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

Thank you, Chairman Hoven and Vice Chairman Udall, for scheduling this hearing today. I think everyone in this room knows that, when it comes to gender-based violence, the numbers for Native communities are always worse. Over 80 percent of American Indian and Alaska Native women experience violence in their lifetime, including over 50 percent who have experienced sexual violence.<sup>1</sup> Human trafficking is no exception to this trend. Research by the Minnesota Indian Women's Sexual Assault Coalition found that about half of studied Native women in prostitution were victims of trafficking.<sup>2</sup> There is a correlation with child sexual abuse, as 79 percent of participants had also been sexually abused as children.<sup>3</sup>

Victims of trafficking who are minors face additional challenges. More than 1,000 victims of child sex trafficking are arrested and charged with prosecution each year, despite the fact that these victims are too young to give consent.<sup>4</sup> This problem has only been growing. The Bureau of Justice Statistics found that the number of individuals being charged with child sex trafficking increased by 111 percent between 2004 and 2013.<sup>5</sup>

We also know that human trafficking is an issue that disproportionately impacts native youth in particular. The National Center for Missing & Exploited Children estimates that 1 in 6 of the 18,500 runaways reported to their agency in 2016 were likely sex trafficking victims.<sup>6</sup> This is over 3,000 children just last year alone.

In my home state, the Hawai'i affiliate of the National Center for Missing & Exploited Children documents approximately 300 runaways per month. The Honolulu-based anti-trafficking organization, The Pacific Alliance to Stop Slavery (PASS), estimates that 50 to 100 of these 300 children are at a high-risk for trafficking and that 12 to 25 of them, nearly a quarter, are actually trafficked every month. PASS also notes that up to 95 percent of the trafficked minors referred to their agency are Native Hawaiian. These youth range in age from 11 to 18 years old. While a significant proportion of adult victims of trafficking in Hawai'i are foreign-born citi-

<sup>1</sup> <http://www.niwrc.org/sites/default/files/documents/Resources/VAWA%20Factsheet.pdf>

<sup>2</sup> [http://www.prostitutionresearch.com/pdfs/Garden\\_of\\_Truth\\_Final\\_Project\\_WEB.pdf](http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf)

<sup>3</sup> Ibid.

<sup>4</sup> <https://rights4girls.org/wp-content/uploads/r4g/2015/03/No-Such-Thing-one-pager11.pdf>

<sup>5</sup> <https://www.bjs.gov/content/pub/pdf/fpcsecc0413.pdf>

<sup>6</sup> [http://www.missingkids.com/en\\_US/documents/Fact\\_Sheet\\_Child\\_Welfare2017.pdf](http://www.missingkids.com/en_US/documents/Fact_Sheet_Child_Welfare2017.pdf)

zens or foreign nationals, child sex trafficking victims are overwhelmingly US-born children of Native Hawaiian descent.

This is clearly a huge challenge for Native communities, not only in Hawaii but across the country. I look forward to hearing more about the findings of this report, and how we can help by working with Native communities, governmental entities and grassroots non-profit organizations.

The CHAIRMAN. Senator Heitkamp

**STATEMENT OF HON. HEIDI HEITKAMP,  
U.S. SENATOR FROM NORTH DAKOTA**

Senator HEITKAMP. Thank you, Chairman Hoeven and Vice Chairman Udall for having this hearing.

I have worked to try to improve conditions for Native children pretty much my entire public life. The scourge of human trafficking is yet another chapter in ongoing challenges.

I think it is important that as we are looking at this and thinking about law enforcement, thinking about interventions, that we begin to look at the root causes of what is actually happening here.

It is important on this Committee that we not turn a blind eye to those on the margins and that we address the root cause that has led many of these victims to be so available and vulnerable in the first place.

As you all know, human trafficking of Native Americans is intrinsically linked to historic trauma, to homelessness, poverty, drug and sexual child abuse and jurisdictional challenges. The latest challenge we are confronting in Indian Country is the incredible expansion in the number of children who are in foster care. We know that foster care children are particularly vulnerable, especially when they run away.

In Turtle Mountain, a reservation in my State, I was recently visiting and the tribal chairman there told me just in a couple years, we have increased the foster care population from 150 children, which is outrageous to begin with, to 300. Those are 300 vulnerable children who need our assistance.

We cannot solve this problem by prosecuting alone. We have to have law enforcement so that these folks cannot act with impunity and think it is open hunting season. We have to address the root causes, fundamentally poverty and family issues and issues of child sex abuse, drug abuse and all the things that make our children very, very vulnerable.

The work of this Committee goes beyond anti-trafficking, it goes beyond simply what we are talking about today. Everything we do to build resilience within Indian Country is an anti-trafficking move.

Thank you, Mr. Chairman.

The CHAIRMAN. I will turn to Senator McCain for any opening statement as well as his introduction.

**STATEMENT OF HON. JOHN McCAIN,  
U.S. SENATOR FROM ARIZONA**

Senator McCAIN. Thank you, Mr. Chairman. Thank you for holding today's oversight hearing on the human trafficking of American Indians and Alaska Natives.

I am proud and humbled to introduce my wife, Cindy, who will be testifying about her many years of experience combating trafficking and her difficulties in our marriage.

[Laughter.]

Senator FRANKEN. Give her more than the five minutes then.

[Laughter.]

Senator MCCAIN. Thank you very much for inviting her.

As has already eloquently been said by other members, human trafficking enslaves an estimated 41 million people in the United States and abroad. Traffickers, as we all know, target the most vulnerable and at-risk individuals in our society. Tragically, that includes Native women and children.

Websites like backpage.com are knowingly exploiting Native Americans and Alaska Natives. I am thankful that a number of my colleagues in the Senate are working on legislation like the Stop Enabling Sex Trafficking Act to hold on-line traffickers accountable for their crimes.

Today, the Committee will hear from the Government Accountability Office about the lack of Federal data on trafficking cases involving Natives. I look forward to hearing GAO's testimony and the testimony of the other witnesses.

I would just like to add, Mr. Chairman, this is a special issue with our Committee given the trafficking that goes across our Mexican-Arizona border. It is rampant and as the situations become more and more involved with things like opioids, human trafficking goes right along with it. I am sure the Chairman and the Senator from New Mexico are very aware. This problem is getting a lot worse than better.

I want to thank you, Mr. Chairman and Vice Chairman, for your leadership on this issue. There are very few things as gripping as seeing these young girls who are entrapped and enslaved, usually drugs being a big part of that entrapment.

I thank you for holding the hearing. I want to thank all my colleagues for their commitment to a lot of young people who are not able to defend themselves.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

We will now turn to our witnesses. First, we have Dr. Gretta L. Goodwin, Ph.D., Director of Homeland Security and Justice Issues, U.S. Government Accountability Office. We also have Mr. Tracy Toulou, Director, Office of Tribal Justice, U.S. Department of Justice, Washington, D.C.; Mr. Jason Thompson, Acting Deputy Director, Justice Services, Bureau of Indian Affairs, U.S. Department of the Interior; Ms. Nicole Matthews, Executive Director, Minnesota Indian Women's Sexual Assault Coalition, St. Paul, Minnesota; and Mrs. Cindy McCain, Co-Chair, Arizona Governor's Human Trafficking Council, Phoenix, Arizona.

We will start with you, Ms. Goodwin. Thank you for being here.

**STATEMENT OF GRETTA L. GOODWIN, PH.D., DIRECTOR,  
HOMELAND SECURITY AND JUSTICE ISSUES, U.S.  
GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. GOODWIN. Chairman Hoeven, Ranking Member Udall, and members of the Committee, I am pleased to be here today to dis-

cuss GAO's recent reports on human trafficking in Indian Country or involving Native Americans.

Human trafficking is the exploitation of a person through force, fraud or coercion for such purposes as forced labor, involuntary servitude or commercial sex. Trafficking victims span all age, gender, race, ethnicity, sexuality, citizenship and nationality categories. Human trafficking takes place throughout the Country and often involves victims who are already vulnerable. Native Americans are a vulnerable population.

GAO's recent reports focused on human trafficking that occurred in Indian Country or that involved Native Americans. I am here to talk with you about one, whether Federal agencies collect and maintain data on investigations and prosecutions of human trafficking; two, whether law enforcement agencies or service providers encounter human trafficking and what factors affected their ability to identify and investigate it; and three, the grant programs that are available to combat trafficking and assist victims and how well positioned the agencies are to know the number of Native American trafficking victims they serve.

Federal agencies generally maintain data on human trafficking cases in Indian Country. However, they do not maintain data on whether the victims are Native American. The four Federal agencies that investigate or prosecute human trafficking in Indian Country, the FBI, the BIA, ICE and the U.S. Attorney's offices, are required to record whether a human trafficking offense was involved in any of their cases.

The FBI, the BIA and the U.S. Attorney's offices also record whether the crime took place in Indian Country, but they do not record the race or ethnicity of the victims because, as they reported, doing so would have no impact on their investigations and prosecutions. However, according to information provided to us by BIA and DOJ, from fiscal years 2013 to 2016, there were 14 Federal investigations and 2 Federal prosecutions of human trafficking offenses in Indian Country or of Native Americans. Human trafficking is considered to be an underreported crime, so these figures may not represent the full extent to which this crime is occurring.

We conducted three surveys of tribal law enforcement agencies, major city law enforcement agencies and victim service providers to gain their perspectives on human trafficking. Some reported encountering human trafficking from 2014 to 2015. Of the 132 tribal law enforcement agencies that responded to our survey, 27 reported they had initiated investigations.

Of the 61 major city law enforcement agencies that responded to our survey, 6 reported initiating human trafficking investigations that involved at least one Native American victim. Law enforcement agencies cited victim reluctance to participate as one of the barriers to investigation and prosecution.

Service providers cited shame and a lack of services as barriers to victims obtaining services. Some of the agencies we surveyed believed human trafficking of Native Americans was occurring more often than was reported. DOJ, HHS and DHS administered 50 grant programs from fiscal years 2013 to 2016 that could help address human trafficking of Native Americans. However, the total number of Native American victims served is unknown.

While HHS has efforts underway to capture information on the number of Native Americans served, DOJ could do more. Specifically, we recommended that DOJ require its grantees to report the number of human trafficking victims served and as appropriate, the Native American status of those victims.

DOJ did not completely agree with our recommendation and my fellow panelists will discuss the department's reasons why, but GAO maintains that without collecting data on the race and ethnicity of the victims served, DOJ will not know the extent to which it is providing and improving upon services to vulnerable populations, including Native American trafficking victims.

Chairman Hoeven, Ranking Member Udall and members of the Committee, this concludes my remarks. I am happy to answer any questions you have.

[The prepared statement of Ms. Goodwin follows:]

PREPARED STATEMENT OF GRETTA L. GOODWIN, PH.D., DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

WHY GAO DID THIS STUDY

Human trafficking is the exploitation of a person typically through force, fraud or coercion for purposes such as forced labor or commercial sex, and it involves vulnerable populations including Native Americans. Several components within DOJ, DHS, and the Department of Interior investigate and prosecute human trafficking in Indian country, and federal agencies provide grant funding to support efforts to combat trafficking and assist victims.

This testimony focuses on trafficking occurring in Indian country or involving Native Americans and addresses the extent to which: (1) federal agencies collect and maintain data on investigations and prosecutions; (2) tribal and major city LEAs encounter trafficking and the factors that affect their ability to investigate and prosecute such activities; and, (3) federal grant programs are available to help address trafficking and how well the granting agencies are positioned to know the number of victims served. This testimony is based on GAO reports issued in March and July 2017. To do this work GAO reviewed federal trafficking data and conducted three surveys. We surveyed the 203 known tribal LEAs, 86 major city LEAs, and 315 victim service provider organizations that received fiscal year 2015 DOJ or HHS grants that could be used to assist human trafficking victims.

HUMAN TRAFFICKING—INVESTIGATIONS IN INDIAN COUNTRY OR INVOLVING NATIVE AMERICANS AND ACTIONS NEEDED TO BETTER REPORT ON VICTIMS SERVED

**What GAO Found**

While federal agencies generally maintain data on human trafficking cases that occur in Indian country, they do not maintain data on whether the victims are Native American (Native American status). All four federal agencies that investigate or prosecute human trafficking in Indian country—the Federal Bureau of Investigation (FBI), the Bureau of Indian Affairs (BIA), U.S. Immigration and Customs Enforcement (ICE), and the U.S. Attorneys' Offices—are required to record in their case management systems whether a human trafficking offense was involved in the case. With the exception of ICE, these agencies are also required to record whether the crime took place in Indian country. ICE officials explained that the agency does not record this information because, unlike BIA and the FBI, ICE is not generally involved in criminal investigations in Indian country. Also, officials from the four agencies said they do not maintain data on Native American status of victims for various reasons, including that such data has no impact on their investigations and prosecutions.

Some law enforcement agencies (LEA) reported encountering human trafficking in Indian country or of Native Americans and cited victim reluctance to participate in investigations and other factors as barriers to investigation and prosecution. Of the 132 tribal LEAs that responded to GAO's survey, 27 reported initiating investigations they considered to have involved human trafficking from 2014 to 2016. Few major city LEAs—6 of 61 survey respondents—reported that they encountered human trafficking involving Native American victims from 2014 to 2016. Further,

among the 27 responding tribal LEAs, 18 indicated that they believe victims are reluctant to participate in investigations for reasons including drug addiction and distrust of law enforcement.

The departments of Justice (DOJ), Health and Human Services (HHS), and Homeland Security (DHS) administered 50 federal grant programs from fiscal years 2014 through 2016 that can be used to address human trafficking in Indian Country or of Native Americans, but DOJ could do more to identify the number of Native American victims served. For example, DOJ's Office on Violence Against Women requires grantees to report Native American status of victims served, but not by type of crime. DOJ's Office for Victims of Crime (OVC) and the Office of Juvenile Justice and Delinquency Prevention do not require grantees to collect and report Native American status of victims served. However, in fiscal year 2017, OVC began providing recipients of human trafficking—specific grant programs the option to report the race or Native American status of victims served. While Native American status may not generally be a factor for determining whether a victim can receive services, it may be a factor for determining how best to assist this demographic. GAO recommended that DOJ require its grantees to report the number of human trafficking victims served and, as appropriate, the Native American status of those victims. DOJ agreed to implement the first part of this recommendation, but did not agree to the second part, citing victim confidentiality and other reasons. In June 2017, DOJ reported ongoing and planned actions to better capture the number of victims served but reiterated its concerns about collecting Native American status. GAO maintains that collecting grantee information on both the number and Native American status of victims served is important and will continue to monitor implementation.

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee:

I am pleased to be here today to discuss our recently completed work on human trafficking in Indian country or of Native Americans.<sup>1</sup>

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.<sup>2</sup> According to the Attorney General's fiscal year 2015 annual report to Congress on human trafficking, traffickers seek out persons perceived to be vulnerable.<sup>3</sup> Vulnerability comes in many forms, including age (minors), poverty, homelessness, chemical dependency, prior experiences of abuse, involvement in foster care programs, and lack of resources or support systems. Native Americans are a vulnerable population.<sup>4</sup> For example, according to U.S. Census Bureau statistics, in 2010, 28 percent of Native Americans were living in poverty, compared to 15 percent of the general population. Also, according to the 2010 National Intimate Partner and Sexual Violence Survey, conducted by the Centers for Disease Control and Prevention, an estimated 27 percent of Native American women had been raped in their lifetime compared to 18 percent of American women,

<sup>1</sup>Federal law defines the term “Indian country” as all land within the limits of any Indian reservation under the jurisdiction of the U.S. government, all dependent Indian communities within U.S. borders, and all existing Indian allotments, including any rights-of-way running through an allotment. See 18 U.S.C. § 1151.

<sup>2</sup>Federal law generally recognizes two forms of human trafficking—sex trafficking and labor trafficking. The Trafficking Victims Protection Act of 2000 (TVPA), as amended, defines human trafficking under the term “severe forms of trafficking in persons,” which means: (1) sex trafficking involving the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for a commercial sex act through force, fraud, or coercion, or where the victim has not attained 18 years of age; or (2) labor trafficking involving the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. See Pub. L. No. 106–386, div. A, § 103, 114 Stat. 1464, 1469–70 (classified, as amended, at 22 U.S.C. § 7102(4), (9), (10)).

<sup>3</sup>Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2015.

<sup>4</sup>Throughout this report, we generally use the term “Native American” in reference to an American Indian or Alaska Native, including persons who have identified themselves as Native American or individuals whom federal agencies have identified as Native American based on relevant legal authorities and agency procedures. The terms “Indian” and “Alaska Native” are defined under federal law for various purposes. See, e.g., 16 U.S.C. § 3102(16); 20 U.S.C. § 1059c(b)(1); 25 U.S.C. § 1301(4), 1903(3), 2201(2), 4103(10), 5129; 42 U.S.C. § 13925(a)(13); 43 U.S.C. § 1602(b). The U.S. Census Bureau has noted that “American Indian or Alaska Native” refers to a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment. The Census Bureau collects race data according to U.S. Office of Management and Budget guidelines, and these data are based on self-identification. People may choose to report more than one race group. People of any race may be of any ethnic origin.



overall.<sup>5</sup> In addition, Indian children enter foster care at twice the rate of all American children.<sup>6</sup>

My testimony today summarizes our research on human trafficking in Indian country and of Native Americans, including federal efforts to address this issue and perspectives from tribal and local law enforcement agencies and victim service providers. Specifically, my statement addresses the extent to which:

- (1) federal agencies collect and maintain data on investigations and prosecutions of human trafficking in Indian country or of Native Americans regardless of location;
- (2) tribal and major city law enforcement agencies (LEA) have encountered human trafficking in Indian country or of Native Americans, as well as the factors that affect their ability to investigate and prosecute such activities; and
- (3) federal grant programs are available to help address human trafficking in Indian country or of Native Americans, and how well positioned agencies are to know the number of Native American trafficking victims served.

This statement is based on a report that we issued in March 2017 and another report that we issued earlier this week.<sup>7</sup> For the purposes of our reviews, our discussion of human trafficking relates to: (a) human trafficking that occurs in Indian country (regardless of whether the victim is Native American); and (b) human trafficking of individuals who are Native American (regardless of whether they were trafficked in Indian country or elsewhere).

For our March 2017 work on federal agencies' data collection, we obtained and reviewed data from federal investigative and prosecutorial agencies on the number of human trafficking investigations and prosecutions they conducted for which the crime occurred in Indian country or at least one of the victims was Native American. We obtained data for fiscal years 2013 through 2016, the most recently available data. We determined that the data, when available, were sufficiently reliable for the purposes of our reporting objectives. For our July 2017 work on tribal and major city LEAs' experiences, we conducted surveys of three groups: all known tribal LEAs (132 of 203 responded); major city LEAs (61 of 86 responded); and victim service providers (162 of 315 responded). For our work on federal grant programs, we reviewed fiscal year 2014 and 2015 human trafficking grant programs identified through our prior human trafficking work<sup>8</sup> and interviewed federal officials responsible for administering human trafficking-related grant programs to learn whether the granting agencies required grantees to report whether the victims they served were Native American (Native American status). 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. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

### Background

As of January 2017, there were 567 federally recognized American Indian and Alaska Native tribes and villages. According to the Department of the Interior's (DOI) Bureau of Indian Affairs (BIA), there are approximately 326 Indian land areas in the United States that are administered as federal Indian reservations or other tribal lands. According to the 2010 Census, 5.2 million people in the United States identified as Native American, either alone or in combination with one or more other races. Out of this total, 2.9 million people—0.9 percent of the U.S. popu-

<sup>5</sup> Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., and Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

<sup>6</sup> GAO, *Foster Care: HHS Needs to Improve the Consistency and Timeliness of Assistance to Tribes*, GAO-15-273 (Washington, D.C.: Feb. 25, 2015).

<sup>7</sup> GAO, *Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federally-funded Services*, GAO-17-325 (Washington, D.C.: Mar. 30, 2017), and GAO, *Human Trafficking: Information on Cases in Indian Country or that Involved Native Americans*, GAO-17-624 (Washington, D.C.: July 24, 2017).

<sup>8</sup> GAO, *Human Trafficking: Agencies Have Taken Steps to Assess Prevalence, Address Victim Issues, and Avoid Grant Duplication*, GAO-16-555 (Washington, D.C.: June 28, 2016).

lation at the time—identified as Native American alone. At the time of the 2010 Census, more than 1.1 million Native Americans resided on tribal lands.<sup>9</sup>

Several components within the Department of Justice (DOJ), Department of Homeland Security (DHS), and DOI have responsibility for investigating and prosecuting human trafficking crimes in Indian country. The Federal Bureau of Investigation (FBI), within DOJ, has investigative responsibilities in Indian country where the federal government has criminal jurisdiction. The FBI has assigned more than 100 agents and 40 victim assistance staff, located in 19 of its 56 field offices, to work Indian country cases full time.

BIA is statutorily responsible for enforcing federal law and, with the consent of the tribe, tribal law in Indian country.<sup>10</sup> BIA supports tribes in their efforts to ensure public safety and administer justice within Indian country, as well as to provide related services directly or to enter into contracts or compacts with federally recognized tribes to administer the law enforcement program.<sup>11</sup> To that end, BIA's Office of Justice Services (OJS) provides direct law enforcement services for 40 tribes. Unlike FBI and BIA, U.S. Immigration and Customs Enforcement (ICE)—a DHS component—is not generally involved in criminal investigations in Indian country but may assist with criminal investigations at the request of the tribe, according to DHS officials.

Forty-nine of DOJ's 94 U.S. Attorneys' Offices (USAO) include Indian country within their jurisdiction.<sup>12</sup> Each of these USAOs has at least one Assistant U.S. Attorney appointed as Tribal Liaison. Each Tribal Liaison is responsible for most dealings with tribes in their district. According to Executive Office for United States Attorneys officials, some districts with large amounts of Indian country have more than one Assistant U.S. Attorney assigned to the position of Tribal Liaison.

In addition to investigating and prosecuting human trafficking crimes, federal agencies, primarily DOJ and the Department of Health and Human Services (HHS), support efforts to combat human trafficking and assist victims.<sup>13</sup> Several components within DOJ, including the Office on Violence Against Women (OVW) and the Office of Justice Programs, which includes the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Office for Victims of Crime (OVC), the Bureau of Justice Assistance, and the National Institute of Justice, provide grants to help state, local, and tribal law enforcement agencies combat human trafficking and to support nongovernmental organizations and others in assisting trafficking victims or conducting research on human trafficking in the United States. HHS provides grant funding to entities to provide services and support for trafficking victims, primarily through the Administration for Children and Families, which includes the Office on Trafficking in Persons, the Children's Bureau, the Family and Youth Services Bureau, and the Administration for Native Americans.

**While Federal Agencies Generally Maintain Data on Human Trafficking Cases in Indian Country, They Do Not Maintain Data on Native American Status of Victims**

In March 2017, we reported that all four federal agencies that investigate or prosecute human trafficking in Indian country—the FBI, BIA, ICE, and the USAO—are required to record in their case management systems whether a human trafficking offense was involved in the case. With the exception of ICE, these agencies are also required to record in their case management systems whether the crime took place in Indian country. ICE officials explained that the agency does not record this information because, unlike BIA and the FBI, ICE is not generally involved in criminal investigations in Indian country.

<sup>9</sup> United States Census Bureau, *www.census.gov/prod/cen2010/briefs/c2010br-10.pdf*.

<sup>10</sup> 25 U.S.C. § 2802(c)(1). The statute notes that the responsibilities of the BIA's Office of Justice Services are subject to the provisions contained therein and other applicable Federal or tribal laws. See *id.* § 2802(c).

<sup>11</sup> Under the Indian Self-Determination and Education Assistance Act of 1975, as amended, federally recognized tribes can enter into self-determination contracts and self-governance compacts with the federal government to take over administration of certain federal programs previously administered on their behalf. Pub. L. No. 93-638, 88 Stat. 2203 (classified as amended at 25 U.S.C. §§ 5301-10). Self-determination contracts allow tribes to assume responsibility for managing the program's day-to-day operations, with BIA providing technical oversight to ensure that the tribe meets contract terms, as opposed to BIA administering the program on their behalf. Self-governance compacts transfer to tribes the administration of the program and provide the tribes with some flexibility in program administration.

<sup>12</sup> One additional USAO—the Eastern District of Virginia—has a federally recognized tribe in its jurisdiction, but no Indian country at this time.

<sup>13</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.

According to information provided to us by federal agencies that investigate or prosecute human trafficking in Indian country, there were 14 federal investigations and 2 federal prosecutions of human trafficking offenses in Indian country from fiscal years 2013 through 2016.<sup>14</sup> From fiscal years 2013 through 2015, there were over 6,100 federal human trafficking investigations and approximately 1,000 federal human trafficking prosecutions, overall.<sup>15</sup> In certain circumstances, state or tribal law enforcement may have jurisdiction to investigate crimes in Indian country; therefore, these figures likely do not represent the total number of human trafficking-related cases in Indian country. Also, considering that human trafficking is known to be an underreported crime, it is unlikely that these figures, or any other investigative or prosecutorial data, represent the full extent to which human trafficking is occurring in Indian country.

Three of the four federal agencies that investigate or prosecute human trafficking-related crimes do not require their agents or attorneys to consistently collect or record the race or ethnicity, including Native American status, of victims in their cases. Therefore, the total number of federal human trafficking investigations and prosecutions that involved Native American victims is unknown. Agents and attorneys may voluntarily collect this information and record it in their case management systems when there is a designated data field.<sup>16</sup> The FBI and USAOs that have Indian country in their jurisdiction are statutorily required to collect and report information on victims' Native American status when they decline to refer or prosecute an Indian country case, but not otherwise.<sup>17</sup> According to the limited data that were available, federal agencies initiated at least 6 human trafficking investigations that involved Native American victims from fiscal years 2013 to 2016—the FBI Civil Rights Unit initiated 5 investigations and BIA initiated 1.

Federal investigative and prosecutorial agencies provided two primary reasons why they generally do not collect information on the Native American status of victims. First, according to officials from DOJ's Executive Office for United States Attorneys, Native American status has no impact on whether the federal government can investigate or prosecute cases outside of Indian country. Officials told us that Native American status of victims is only relevant for Indian country cases because it is necessary for establishing which law enforcement agency has jurisdiction over the case. Similarly, FBI officials reported that they only collect information that is necessary for the investigation, which does not include the victim's race or Native American status. Further, officials from all of the investigative and prosecutorial agencies raised concerns related to either the sensitivity of asking victims about their race or Native American status or collecting additional personal information about the victim that could make them identifiable to the defendant or others during the discovery phase of a criminal trial.<sup>18</sup>

**Some Law Enforcement Agencies Reported Encountering Human Trafficking in Indian Country or of Native Americans, and Cited Victim Reluctance to Participate in Investigations and Other Factors as Barriers to Investigation and Prosecution**

*Tribal and Major City Law Enforcement Agencies Reported Encountering Human Trafficking in Indian Country or of Native Americans*

In our report released earlier this week, we found that of the 132 tribal LEAs that responded to our survey, 27 reported that they initiated investigations they considered to have involved human trafficking from 2014 to 2016, as shown in figure 1.<sup>19</sup>

<sup>14</sup>Prosecutions are cases where a charging document has been filed in district court. GAO-16-555. According to USAO officials, one of the two prosecutions resulted in a conviction.

<sup>15</sup>We obtained data on fiscal year 2013 through 2015 human trafficking investigations and prosecutions as part of our prior work; fiscal year 2016 data were not available at the time. See GAO-16-555. "Cases prosecuted" is when all appeals for all defendants in a case have been exhausted or when an office has relinquished its responsibility for the remaining appeal.

<sup>16</sup>For Indian country cases only, the case management systems for FBI and BIA have data fields to collect victim race or Native American status.

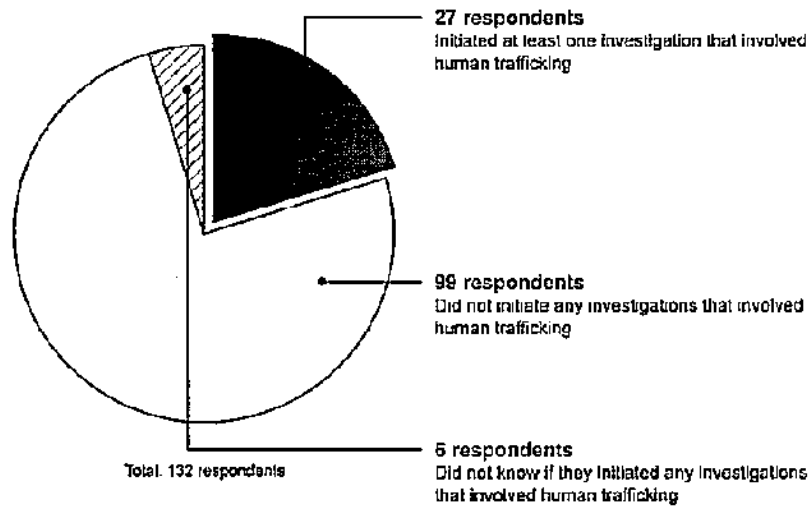
<sup>17</sup>Indian Law Enforcement Reform Act, Pub. L. No. 101-379, § 10, 104 Stat. 473, 477-78 (1990), as amended by Tribal Law and Order Act of 2010 (TLOA), Pub. L. No. 111-211, tit. II, subtit. A, § 212, 124 Stat. 2258, 2267-68 (classified, as amended, at 25 U.S.C. § 2809).

<sup>18</sup>The discovery phase is the pretrial evidence gathering process in which the federal prosecutor is to, among other things, determine what information is legally subject to disclosure to the defendant.

<sup>19</sup>We did not ask tribal and major city LEAs to use a specific definition of human trafficking when responding to our survey; rather, we asked that they respond based on what they considered to be human trafficking. We found variation in how LEAs define "human trafficking." Because of that variation, a crime reported as human trafficking by one respondent, may not have

Continued

**Figure 1: Number of Tribal Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking from 2014 – 2016**



Source: GAO analysis of survey results | GAO-17-762T

Note: Surveys were deployed in September 2016. Investigations initiated between survey completion and December 31, 2016 would not be captured.

Of the 27 tribal LEAs that reported initiating investigations involving human trafficking from 2014 to 2016, 24 provided the number of investigations that they conducted during that period. Those 24 reported a total of 70 human trafficking investigations from 2014 to 2016, ranging from 0 to 8 investigations for each tribal LEA in each year. Additionally, 22 of the 24 tribal LEAs reported a total of 58 victims from 2014 to 2016.<sup>20</sup> The number of victims encountered by each LEA ranged from 0 to 7 victims in each investigation.<sup>21</sup>

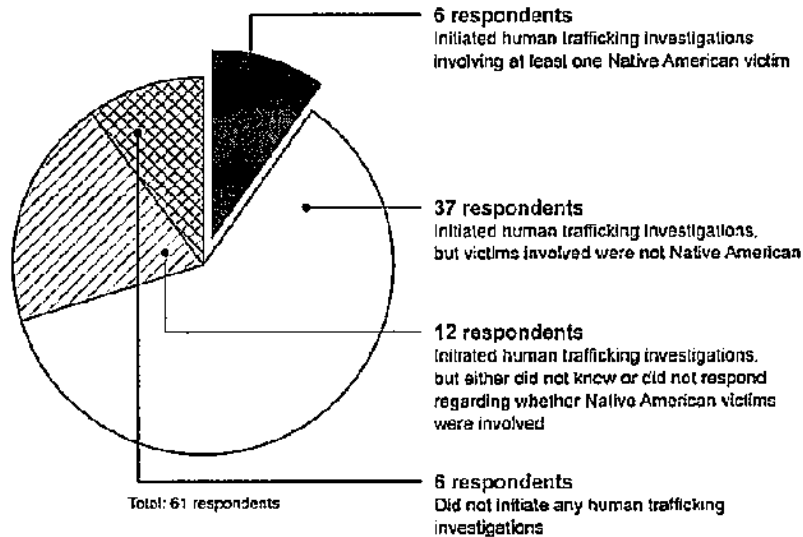
Few major city LEAs reported that they encountered human trafficking from 2014 to 2016 that involved Native American victims. Specifically, 6 of the 61 major city LEAs that responded to our survey reported initiating human trafficking investigations that involved at least one Native American victim during that period, as shown in figure 2.

been reported as such by another. For example, 13 of the 27 tribal LEA respondents that reported initiating investigations they consider to have involved human trafficking included prostitution as a criminal activity they consider to be human trafficking while other respondents did not report including prostitution. In addition, 4 of the 27 tribal LEA respondents included kidnapping as a criminal activity they consider to be human trafficking.

<sup>20</sup>Three of these 22 tribal LEAs reported 0 victims. The remaining 5 of the total 27 tribal LEAs did not report the number of victims from 2014 to 2016.

<sup>21</sup>Tribal LEAs may have reported an investigation with zero victims if, for example, they conducted a sting operation where law enforcement officials posed as traffickers to persons seeking to engage in a commercial sex act, but where victims did not actually exist.

**Figure 2: Number of Major City Law Enforcement Agencies that Reported Initiating Investigations Involving Human Trafficking of Native Americans or Others from 2014 – 2016**



Source: GAO analysis of survey results | GAO-17-762T

Note: Surveys were deployed in September 2016. Investigations initiated between survey completion and December 31, 2016 would not be captured.

Of the 6 major city LEAs that reported initiating any human trafficking investigations involving Native American victims, 5 also identified the number of investigations and victims involved. Those 5 LEAs reported a total of 60 investigations involving 81 Native American victims from 2014 to 2016. For each investigation, the number of Native American victims ranged from 0 to 31. Of those 5 LEAs, one respondent—the Minneapolis Police Department—reported the majority of investigations and victims. Specifically, the Minneapolis Police Department reported 49 of the 60 total investigations and 70 of the 81 total victims from 2014 to 2016. In meetings with officials from the Minneapolis Police Department, they stated that they made a concerted effort, starting in 2012, to meet with tribal elders and service providers who worked with the Native American population to demonstrate their willingness to investigate human trafficking crimes. The officials stated that, following those meetings, the number of human trafficking crimes involving Native American victims that were reported to the department increased.

*Some Tribal LEA Survey Respondents Believe More Human Trafficking Is Occurring but Is Not Being Reported*

Nearly half of tribal LEA respondents (60 of 132) reported that they believe human trafficking is occurring on tribal land in their jurisdictions beyond what had been brought to their attention.<sup>22</sup> Officials from two tribal LEAs told us during in-person meetings that in their experience some victims do not come forward to report their victimization because they are embarrassed or feel ashamed. Several survey respondents also indicated that they suspect there is more human trafficking than what has been reported to them because of the presence of casinos on their land (14 of 60). For example, officials from one tribal LEA explained that the tribal casino hotel may be used as a venue for sex trafficking. Some respondents (13 of 60) suspect that sex trafficking may be occurring as part of some of the drug crimes that they investigate. Officials from one county LEA we visited near a tribal com-

<sup>22</sup>Of the remaining survey respondents, 43 of 132 reported that they did not suspect more human trafficking was occurring on tribal land in their jurisdictions and 29 of 132 reported that they did not know.

munity told us that officers may not recognize that human trafficking is taking place, particularly when it occurs alongside another crime like drug trafficking.

Most major city LEA respondents (51 of 61) indicated that they did not suspect or did not know whether more human trafficking of Native Americans is occurring in their jurisdiction, beyond what has been reported to them. Of those 51 that responded, 24 explained that this was the consequence of having few, if any, Native Americans in their jurisdiction. Ten of the 61 major city LEAs reported that they believe more human trafficking of Native Americans is occurring and cited possible reasons for the lack of reporting. One major city LEA with a high concentration of Native American constituents reported that there is a social stigma associated with reporting crimes to the police among Native Americans. A third major city respondent cited the poor relationship between the Native American community and city police department as a reason for the lack of referrals of human trafficking crimes.

*Law Enforcement Agencies Cited Victim Reluctance to Participate in Investigations and Other Factors as Barriers to Investigating and Prosecuting Human Trafficking*

We asked survey respondents about barriers to investigating human trafficking cases. Of the 27 tribal LEAs that reported initiating investigations involving human trafficking, 18 indicated that they believe victims are reluctant to participate in the investigation or prosecution of their case. These respondents cited the following reasons for victims' reluctance to participate in investigations or prosecutions as "somewhat common" or "very common":<sup>23</sup>

- The victim fears retaliation from the trafficker (17 of 18 respondents),
- The victim is traumatized (16 of 18),
- The victim does not see herself or himself as a victim (16 of 18),
- The victim distrusts law enforcement (14 of 18),
- The victim is sentimentally attached to the trafficker (13 of 18),
- The victim is underage and does not want to return home (10 of 18), and
- The victim is addicted to drugs (17 of 18).<sup>24</sup>

In addition, one of the tribal LEA respondents told us during an interview that, in his experience, drugs are always associated with crimes involving human trafficking. On our survey, when asked how frequently tribal LEA survey respondents identified other crimes when investigating possible human trafficking, 21 of 27 tribal LEAs that initiated human trafficking investigations also reported encountering drug distribution and drug trafficking "sometimes" or "frequently."<sup>25</sup>

Over half of the tribal LEAs that responded to our survey (72 of 132) identified one or more types of assistance that they would like to receive to help identify and address human trafficking in their jurisdiction.<sup>26</sup> These were:

- *Additional training or technical assistance* (50 of 72 respondents). Officials from one tribal LEA we interviewed expressed interest in training that focuses on building trust between tribal and non-tribal representatives and helps make tribal law enforcement and community members aware of existing federal resources.
- *Additional funding* (28 of 72). Several tribal LEAs reported an interest in receiving additional federal funding to add staff support, including officers in some instances, to assist in investigations.

<sup>23</sup>We asked respondents whether seven reasons that we provided were "very common," "somewhat common," "not at all common," or "don't know." We compiled the list of reasons that victims may be reluctant to participate in an investigation based on our previous work and interviews with potential survey respondents. (See, GAO, *Human Trafficking: Agencies Have Taken Steps to Assess Prevalence, Address Victim Issues, and Avoid Grant Duplication*, GAO-16-555 (Washington, D.C.: June 28, 2016).) We also provided an opportunity for survey respondents to add additional reasons.

<sup>24</sup>For additional responses, see the electronic supplement to this report: GAO, *SUPPLEMENTAL MATERIAL FOR GAO-17-624: Survey Results for Selected Tribal and Major City Law Enforcement Agencies and Victim Service Providers on Human Trafficking*, GAO-17-626SP (Washington, D.C.: July 24, 2017).

<sup>25</sup>Other types of crimes that tribal LEAs reported identifying at least sometimes when investigating human trafficking include rape or sexual assault (13 of 27), domestic violence (12 of 27), and gang activity (12 of 27).

<sup>26</sup>Of the remaining 60 survey respondents, 33 did not respond or responded that they did not know, and 25 responded that they were not interested in federal assistance or the question was not applicable to them.

We also surveyed victim service providers about ways that the federal government could support their efforts to serve Native American human trafficking victims. The 42 service providers that reported providing services to Native American victims of human trafficking from 2014 to 2016 most frequently cited two areas in which the federal government could support them. Those areas were:

- *Additional funding for service provider programs* (19 of 42 respondents). Respondents cited a need for funding for additional staff and funding specifically targeted to tribal programs.
- *Additional information to increase public awareness and training for service providers and LEAs* (12 of 42). Respondents cited a need for training focused on identifying victims for both service providers and tribal LEAs, how to develop tribal trafficking statutes, and training on how to work with Native American populations effectively.

**Fifty Federal Grant Programs Can Be Used to Address Human Trafficking in Indian Country or of Native Americans, but DOJ Could do More to Identify the Number of Native American Victims Served**

In March 2017, we reported that DOJ, HHS, and DHS administered 50 grant programs from fiscal years 2013 through 2016 that could help address Native American human trafficking. For example, 21 of these grant programs, which were administered by DOJ and HHS, could be used to provide services to Native American human trafficking victims. However, the total number of Native American victims who received services under these grant programs is unknown because the agencies do not track this information. HHS officials told us they are developing a data collection tool that grantees can use to report information on human trafficking victims served, including Native American status of victims. We reported that DOJ's OVW requires grantees to report Native American status of victims served, but not by type of crime. DOJ's OVC and the OJJDP do not require grantees to collect and report Native American status of victims served. However, in fiscal year 2017, OVC began providing recipients of human trafficking-specific grant programs the option to report the race or Native American status of victims served.

While Native American status may not generally be a factor for determining whether a victim can receive services, it may be a factor for determining how best to assist this particular demographic. According to the 2013–2017 Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, which DOJ, DHS, and HHS jointly developed, expanding human trafficking data collection and research efforts for Native Americans and other vulnerable populations is an area for improvement for the federal government. Additionally, Standards for Internal Control in the Federal Government states that quality information should be used to achieve objectives based on relevant data from reliable sources.<sup>27</sup> Thus we concluded that without collecting data on the Native American status of victims served, federal agencies would not know the extent to which they are achieving government-wide strategic goals to provide and improve services to vulnerable populations, including Native American human trafficking victims. Therefore, we recommended in March 2017 that DOJ require its grantees to report the number of human trafficking victims served and, as appropriate, the Native American status of those victims.

DOJ partially agreed with our recommendation. In its comments, DOJ indicated it would implement the first part of the recommendation, which is to require grantees to report the number of human trafficking victims served with grant funding. However, DOJ disagreed with the second part of the recommendation, which is to require grantees to report the Native American status of those victims. DOJ identified several reasons why grantees should not be required to report the Native American status of trafficking victims, including a potential chilling effect on service delivery, victim confidentiality, and overburdening of grantees. When we published our March 2017 report, we acknowledged DOJ's concerns, but maintained that collecting grantee information on the Native American status of victims served would be useful to better serve this demographic. Following our report's issuance, DOJ reported in June 2017, that OVW already collects consolidated data on the number of American Indian and Alaska Native victims served who are victims of all crimes and it is in the process of revising grantee forms to collect information on the number of people served who are victims of sex trafficking. DOJ also explained that OJJDP human trafficking grantees will be required to report the number of human trafficking victims served beginning with progress reports ending December 31, 2017 and that OJJDP will update applicable solicitations beginning in fiscal year 2018

<sup>27</sup> GAO-14-704G.

to reflect this new measure. DOJ reported no new efforts from OVC, and maintained that it will not require grantees to report on the Native American status of their victims served using grant funding because of the concerns it cited initially. We continue to assert that collecting grantee information on both the number and Native American status of victims served is important and will continue to monitor implementation.

Chairman Hoeven, Vice Chairman Udall, 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.

The CHAIRMAN. Thank you, Ms. Goodwin.  
Mr. Toulou.

**STATEMENT OF TRACY TOULOU, DIRECTOR, OFFICE OF  
TRIBAL JUSTICE, U.S. DEPARTMENT OF JUSTICE**

Mr. TOULOU. Thank you, Chairman Hoeven, Vice Chairman Udall and members of the Committee.

It is an honor to appear before you today. Thank you for the opportunity to provide the Department of Justice perspective on this important issue.

There are numerous risk factors cited in studies about human trafficking, including poverty, homelessness, exposure to violence and substance abuse. The reality is that many of these risk factors occur at higher rates among American Indians and Alaska Native populations.

Recognition of the exceptional vulnerability of many American Indian and Alaska Native individuals has led to focused efforts of the Department of Justice to effectively respond to criminal activity, to support tribes' efforts to address trafficking in their communities and to address public safety issues that lead to trafficking.

I would like to talk about some of the department's resources to combat trafficking. The Department of Justice administers 41 grant programs that can be used to address human trafficking in Indian Country or the needs of Native American victims regardless of location.

These programs support a wide variety of activities including providing services, conducting research and launching public awareness campaigns. For example, the Department's Office for Victims of Crimes funded Project Beacon which is aimed at increasing the quantity and quality of comprehensive victim-centered services available to assist American Indian and Alaska Native victims of sex trafficking in urban areas.

Also, the reauthorization of the Violence Against Women Act in 2013 added sex trafficking to the tribal grant programs managed by the Department's Office on Violence Against Women. OVW efforts to implement this change include funding the Minnesota Indian Women's Sexual Assault Coalition to provide training and technical assistance for tribal communities and to increase overall awareness regarding sexual assault in Native communities.

The Department of Justice's commitment to addressing trafficking both in Indian Country and among the Native American population in general goes beyond grant programs. We are committed to a whole government approach to addressing trafficking, working closely with BIA, HHS and other partners.

For example, each U.S. Attorney's office either leads or participates in at least one district-based human trafficking task force.



U.S. Attorney's offices with Indian Country jurisdiction consult regularly with tribes and seek their input in crafting strategies to address Indian Country cases, including human trafficking. To facilitate tribal consultation, each U.S. Attorney's office with Indian Country jurisdiction has at least one Tribal Liaison who directly interfaces with tribal leadership and law enforcement.

In addition, the Executive Office for U.S. Attorneys provides training and guidance to Federal, state, local and tribal attorneys, law enforcement, and victim service specialists on trafficking and other law enforcement issues in Indian Country, including the National Indian Country Training Initiative. In February 2017, EOUSA sponsored a Human Trafficking in Indian Country Seminar with over 120 participants. In November, the department will sponsor new training focusing specifically on prosecution of human trafficking in Indian Country.

Also, the Department of Justice, in conjunction with BIA, has also formed the Federal Victims in Indian Country Working Group comprised of staff level experts on victim services, some of whom are very knowledgeable about human trafficking. This group was formed to share best practices, identify challenges and recommend agency actions.

Now I would like to turn to the GAO reports that underlie today's hearing. As my written testimony makes clear, the department is committed to working with tribes and our agency partners to better address human trafficking.

We support GAO's premise that additional data would be beneficial to agencies and lawmakers alike and are taking actions to ensure the appropriate reporting mechanisms are available to grantees, in addition to actively supporting broader efforts to better understand trafficking of Native American victims. We will continue to work with tribes, our grantees and Federal partners to better understand how Indian victims in Indian Country are impacted by human trafficking and how we can more effectively use law enforcement resources to address this issue. The Department of Justice maintains that challenges faced by tribes are best met by tribal solutions. The Office of Tribal Justice, tribal liaisons and the U.S. Attorney's Office and other Federal partners work together to ensure that tribes are able to communicate concerns and collaborate on solutions with the Department of Justice and other agencies. This network will continue to play critical roles in developing more effective strategies to combat trafficking in Indian Country and among Native American people.

I would be happy to answer any questions you may have.

[The prepared statement of Mr. Toulou follows:]

PREPARED STATEMENT OF TRACY TOULOU, DIRECTOR, OFFICE OF TRIBAL JUSTICE,  
U.S. DEPARTMENT OF JUSTICE

Chairman Hoeven, Vice-Chairman Udall, and Members of the Committee:

It is an honor to appear before you today. Thank you for the opportunity to provide the Department of Justice's perspective on this important issue. There are numerous risk factors cited in studies about human trafficking, including poverty, homelessness, and exposure to violence and abuse. The reality is that many of these risk factors occur at higher rates among American Indian/Alaska Native populations. Recognition of the exceptional vulnerability of many American Indian and Alaska Native individuals has led to focused efforts at the Department of Justice to effectively respond to criminal activity, to support Tribes' efforts to address traf-

ficking in their communities and to address systemic public safety issues that can lead to trafficking.

The Government Accountability Office issued a report, *Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federally-funded Services*, on April 6, 2017 that addressed Native American human trafficking victims. The study was focused on answering two questions: (1) the extent to which federal agencies collect and maintain data on the investigations and prosecutions of human trafficking in Indian country or involving Native Americans, and (2) the availability of federal grant programs to help address human trafficking in Indian Country or of Native Americans, and the number of Native American trafficking victims served through these programs; a companion study on investigations at the tribal and local levels and the availability of services for victims was released on July 24, 2017.<sup>1</sup>

### Resources To Combat Trafficking

The Department of Justice administers forty-one grant programs that can be used to address human trafficking in Indian country or of Native American victims regardless of location, which are cataloged in the April GAO report. These programs support a wide variety of activities including providing services, conducting research, and launching public awareness campaigns. Both GAO reports emphasize the importance of training for law enforcement and victim service providers on identifying victims and providing targeted services for them. The Department funds efforts in both of these areas, including efforts addressing the specific concerns and needs of American Indian and Alaska Native victims. For example:

- The Department’s Office for Victims of Crime funded “Project Beacon” which is aimed at increasing the quantity and quality of comprehensive victim-centered services available to assist American Indian and Alaska Native victims of sex trafficking in urban areas. All services provided as part of this program must respect the decisionmaking autonomy of victims of sex trafficking; support victim self-sufficiency; and promote victims’ feelings of increased safety and well-being. OVC awarded grants in FY 16 to the Seattle Indian Center, First Nations Community Health Source in Albuquerque, NM, and the American Indian Center of Chicago.
- The reauthorization of the Violence Against Women Act in 2013 added sex trafficking to the tribal grant programs managed by the Department’s Office on Violence Against Women (OVW). OVW efforts to implement this change include funding the Minnesota Indian Women’s Sexual Assault Coalition to provide training and technical assistance for tribal communities on responding to sex trafficking and to develop a resource manual for service providers on the dynamics of these crimes for native women and children.

The Department of Justice’s commitment to addressing trafficking both in Indian country and among the Native American population in general goes beyond grant programs. For example:

- The Department of Justice is committed to a “whole government” approach to addressing trafficking and works in close partnership with other federal agencies to develop policies and protocols that will more effectively prevent and respond to trafficking incidents.
- Each U.S. Attorney’s Office either leads or participates in at least one district-based human trafficking task force. U.S. Attorney’s Offices with Indian country jurisdiction prosecute federal crimes occurring on tribal lands and have victim assistance personnel assigned to provide services to victims in Indian country. They also consult regularly with tribes and seek their input in crafting strategies to address Indian country cases, including human trafficking. To facilitate tribal consultation, each U.S. Attorney’s Office with Indian country jurisdiction has at least one Assistant United States Attorney who serves as a designated Tribal Liaison and directly interfaces with tribal leadership.
- The Executive Office for U.S. Attorneys (EOUSA) provides training and guidance to federal, state, local and tribal attorneys, law enforcement, and victim

<sup>1</sup> GAO–17–624 “Human Trafficking: Information on Cases in Indian Country or that Involved Native Americans,” July 24, 2017. This report addresses (1) the extent to which tribal and major city Law Enforcement Agencies (LEAs) have encountered human trafficking in Indian country or of Native Americans; (2) factors affecting the ability of LEAs to identify and investigate this specific human trafficking, and (3) availability of services to Native American victims of human trafficking.

service specialists on trafficking and other law enforcement issues in Indian country.

- In July 2010, EOUSA launched the National Indian Country Training Initiative (NICTI) to ensure that Department prosecutors, as well as state and tribal criminal justice personnel, receive the training and support needed to address the particular challenges relevant to Indian country prosecutions. In February 2015, the NICTI, together with the Federal Bureau of Investigation, held the first-ever Human Trafficking in Indian Country Seminar. The seminar was for federal and tribal criminal justice professionals working in Indian country. The seminar enhanced participant's understanding of legal definitions, elements of federal offenses, and current issues and challenges of human trafficking enforcement. The training also included in-depth discussions of effective strategies for identifying, investigating, and prosecuting human trafficking cases, including prosecutors' roles in planning successful enforcement operations; strategies for developing victim testimony; pretrial litigation strategies; effective trial presentation in human trafficking prosecutions; and sentencing issues. The seminar focused primarily on sex trafficking. A similar training was held in February 2017, with over 120 federal prosecutors, federal agents, and state, local, and tribal law enforcement partners. In November 2017, the NICTI is offering a new training program for federal, state and tribal prosecutors titled the "National Institute on the Prosecution of Human Trafficking in Indian Country."
- Several DOJ components collaborated on a series of training videos focused on violence committed against Alaska Natives. One of the videos, released in October 2016, concerns the issue of sex trafficking committed against Alaska Natives. The target audience for the training video is tribal, state, and federal leadership and criminal justice and social service professionals who deal with cases of domestic violence, sexual assault and sex trafficking committed against Alaska Natives. The videos are available online at <https://www.ovc.gov/library/healing-journey.html>.
- The Department of Justice formed the Federal Victims in Indian Country Working Group, comprised of staff-level experts on victim services in Indian country from numerous agencies, to share best practices, identify challenges, and develop recommended solutions.

#### Addressing Data Limitations

In the April report, the GAO underscored the lack of reliable data on the number of American Indian and Alaska Native trafficking victims. Collecting data on American Indian and Alaska Natives has been a long-time challenge for the Department of Justice, and we agree that we need to improve our data collection on human trafficking of Native Americans. Indeed, the need to better understand patterns and map the impact of specific risk factors associated with human trafficking involving Native Americans and in Indian country is at the core of several leadership-driven efforts. For example, our most recent National Strategy to Combat Human Trafficking (January 2017) includes a section on trafficking in Indian country that describes risk factors, identifies areas with higher trafficking activity, and highlights some of the efforts by DOJ to address trafficking of American Indian/Native Alaska individuals. More recently, Attorney General Sessions established the Task Force on Crime Reduction and Public Safety, which includes subcommittees on human trafficking and Indian country.

The April GAO report made a two-part recommendation for action: to report the number of human trafficking victims served using grant funding, and, as appropriate, to report the Native American status of those victims. The Department of Justice has taken steps to ensure that our grantees serving this population are reporting the number of human trafficking victims served using grant funds. However, as noted in our formal response to the GAO, which was appended to the final report, the Department was not in agreement with the part of the recommendation that indicated we should mandate that grantees report on the Native American status of individual human trafficking victims.

The Department's objection to establishing a new mandatory reporting requirement is rooted in the fundamental need to protect a victim's right to privacy. Trafficking victims are understandably reluctant to disclose personal information for fear of discovery and retaliation. The Department of Justice's primary objective is to ensure that victims of crime are able to access appropriate services and have their immediate safety needs addressed. Adding an additional mandatory reporting requirement may result in collection of potentially public information so granular that it makes vulnerable crime victims easily identifiable, particularly in smaller communities. Indeed, certain grant programs include a statutory confidentiality pro-

vision that specifically prohibits grantees from sharing personally identifying information in order to meet federal reporting requirements.<sup>2</sup> From an administrative standpoint, we are concerned that adding new reporting requirements will overburden service providers and encroach on the already limited time they have to provide services to victims who are in desperate need.

The Department has additional concerns about treating performance data from grantees as a source of representative statistics. Consider that victim service providers funded in part by Department of Justice grants will only report on DOJ grant-related activity. The full breadth of service provided to trafficking victims will not be captured in such a report, nor are Department of Justice grantees representative of all service providers working with trafficking victims. The statistical and research arms of the Department are the best equipped of the grant-making components to manage statistical collections of data and conduct large-scale research on this issue. There are studies currently underway that will help us better understand victimization of Native Americans and Alaska Natives: the National Institute of Justice is currently funding a multi-year effort, the Violence Against Indian Women National Baseline study, to obtain an accurate national victimization rate of violence against American Indian and Alaska Native women living in tribal communities.<sup>3</sup> The Bureau of Justice Statistics is conducting a national census of victim service providers, followed by a survey of a nationally representative sample of victim service providers.<sup>4</sup>

The Department supports GAO's premise that additional data would be beneficial to agencies and lawmakers alike, and is taking action to ensure that appropriate reporting mechanisms are available to grantees and to actively support broader efforts to better understand trafficking of Native American victims. To this end, the Department is consulting with Tribal leaders on this topic at the annual government-to-government consultation under the Violence Against Women Act, which will take place on October 3–4 of this year.

The Department of Justice maintains that challenges faced by Tribes are best met by solutions that include Tribal input. The Office of Tribal Justice and the network of tribal liaisons in the United States Attorneys' offices and specialists located in field and headquarters offices help ensure that Tribes are able to communicate concerns and collaborate on solutions with appropriate Department personnel. This network and the guiding philosophy will play a critical role as we develop more effective strategies to combat trafficking in Indian country and among Native American people. We look forward to working with our partners here in D.C., in Indian country, and elsewhere to address these heinous crimes. I would be happy to answer any questions you may have.

The CHAIRMAN. Mr. Thompson.

**STATEMENT OF JASON THOMPSON, ACTING DEPUTY DIRECTOR, JUSTICE SERVICES, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR**

Mr. THOMPSON. Good afternoon, Chairman Hoeven, Vice Chairman Udall and members of the Committee.

My name is Jason Thompson and I am the Acting Director for the Office of Justice Services, Bureau of Indian Affairs at the Department of the Interior. I am pleased to provide a statement on behalf of the department on the topic of the Committee's oversight hearing on the Government Accountability Office's report, Human

<sup>2</sup>This provision permits grantees to share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with federal grant reporting requirements. However, it also specifically provides that no personally identifying information may be shared in order to comply with such federal reporting requirements. See 42 U.S.C. § 13925(b)(2)(D)(i)(I), (ii)(II). "Personally identifying information" is defined to include any information, "including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify an individual." 42 U.S.C. § 13925(a)(20)(E).

<sup>3</sup>Information on the National Baseline Study can be found here: <https://www.nij.gov/topics/tribal-justice/vaw-research/Pages/baseline-study.aspx>.

<sup>4</sup>For more information on the census and survey, see <https://www.bjs.gov/index.cfm?ty=tp&tid=98>.

Trafficking of American Indians and Alaska Natives in the United States.

The BIA has a service population of about 1.7 million American Indians and Alaska Natives who belong to 567 federally-recognized tribes. The BIA supports 191 law enforcement programs with 40 BIA-operated programs and 151 tribally-operated programs.

Approximately 79 percent of the total BIA OJS programs are contracted with tribes as authorized in Public Law 93-638, as amended, or compacted with tribes as authorized under Title IV of the Indian Self Determination and Education Assistance Act, as amended.

Additionally, many tribes supplement OJS funding with funding from the tribes' treasury, grants from the Department of Justice or other sources. Under Public Law 83-280 and similar legislation, the remaining tribes rely on State and local law enforcement to combat major crimes.

OJS provides a wide range of law enforcement services to Indian Country. These services include uniformed police services, criminal investigations, detention program management, tribal courts, drug enforcement, internal affairs, and officer training by the Indian Police Academy.

OJS is statutorily responsible for enforcing Federal law and with the consent of tribes, tribal law within Indian Country. With this great responsibility, OJS takes every opportunity to enhance our ability to protect our tribal citizens and communities.

As human trafficking has grown in areas across the United States, Indian Country has not been immune to the criminal elements exploiting the vulnerabilities of Native Americans and the lack of law enforcement presence in some areas.

Since human trafficking knows no borders, interagency collaboration is vital to our efforts to foster safe and thriving Native communities. To combat human trafficking, the Division of Drug Enforcement within OJS has been tasked with leading investigations of human trafficking violations affecting Indian Country.

Due to the close association of trafficking to drug and prostitution cases, the Division of Drug Enforcement is most closely aligned to these types of crimes.

Over the past three years, OJS has been contacted by tribes reporting an increase in prostitution and human trafficking activity occurring on the reservations. OJS has also reported an increase in sex trafficking occurring on or near Indian Country enterprises.

The most prevalent activity occurs around areas with high transient populations such as tribal gaming operations, hotels and travel plazas. It is OJS' experience that prostitution networks target highly populated tribal venues for their operations, sometimes traveling from out of State to commit these acts. Although prostitution and human trafficking are not the same, the presence of prostitution networks can indicate high levels of vulnerability, exploitation and coercion that contribute to trafficking.

In addition, over the past three years, OJS has made an effort to improve the collection and maintenance of its data on human trafficking. The improvements allow for the collection of more specific data on human trafficking investigations, thus providing OJS

with the ability to better track and evaluate the level of human trafficking violations occurring in Indian Country.

Regarding our investigative efforts, OJS has partnered with other Federal, State and local enforcement agencies in efforts to identify and dismantle human trafficking operations occurring in and around Indian Country. Over the past four years, OJS has conducted 12 human trafficking investigations. That number as of this morning is 14. Below are the combined results for the 12 investigations and I will skip to the summary. Of the 23 defendants from these 12, now 14, cases, two were sentenced to incarceration; 6 received suspended sentences; 12 received deferred sentences, 1 received a fine; 3 are awaiting court proceedings; and 2 have outstanding warrants.

As to our training efforts, the Indian Police Academy provides human trafficking training to new BIA and tribal police officers attending the Indian Country Police Officer Training Program or our basic Police Academy. Field supervisors are doing advanced training. The course familiarizes officers with the issue of human trafficking in Indian Country, legal considerations, identification of indicators and how to assist victims and effectively initiate an investigation.

To date, the academy has trained 414 officers in human trafficking training and basic and/or advanced training programs. Additionally, the Indian Police Academy has partnered with the Department of Homeland Security, Blue Campaign, and the Federal Law Enforcement Training Center for the development of a human trafficking in Indian Country training video for inclusion in future, instructor-led and online training program.

The OJS Victim Assistance Program also provides Native American human trafficking training throughout Indian Country communities at both the local and regional levels. For instance, this year, OJS partnered with the National Indian Gaming Commission to provide Native American human trafficking training at each of its regional conferences with the target audience including gaming commissioners, operations staff, hotel and casino staff, as well as tribal leaders and community leaders. These training sessions include information on the dynamics of human trafficking victimization, indicators, vulnerabilities and strategies communities can take to prevent or respond to human trafficking.

Through educational training, OJS will continue to educate the public and tribal enterprise on how to identify indicators of human trafficking and reporting to law enforcement. OJS agents will continue to sharpen their investigative skills by identifying new ways to target criminal networks that exploit our most precious resource, our Native American men and women.

Mr. Chairman, thank you for the opportunity to address this important matter. The department will continue to work closely with our Federal, tribal and State partners to strengthen our efforts to combat human trafficking in Indian Country.

[The prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF JASON THOMPSON, ACTING DEPUTY DIRECTOR, JUSTICE SERVICES, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Hoeven, Vice Chairman Udall and members of the Committee. My name is Jason Thompson and I am the Acting Director for the Office of Justice Services (OJS) in the Bureau of Indian Affairs (BIA) at the Department of the Interior (Department). I am pleased to provide a statement on behalf of the Department on the topic of the Committee's oversight hearing on the Government Accountability Office's Report: "Human Trafficking of American Indians and Alaska Natives in the United States."

The BIA has a service population of about 1.7 million American Indians and Alaska Natives who belong to 567 federally recognized tribes. The BIA supports 191 law enforcement programs with 40 BIA-operated programs and 151 tribally-operated programs. Approximately 79 percent of the total BIA OJS programs are contracted with tribes as authorized under Public Law 93-638, as amended, or compacted with tribes as authorized under Title IV of the Indian Self Determination and Education Assistance Act, as amended. Additionally, many tribes supplement OJS funding with funding from the tribe's treasury, grants from the Department of Justice (DOJ), or other sources. Under Public Law 83-280 and similar legislation, the remaining tribes rely on state and local law enforcement to combat major crimes.

OJS provides a wide range of law enforcement services to Indian country. These services include uniform police services, criminal investigations, detention program management, tribal courts, drug enforcement, internal affairs and officer training by the Indian Police Academy. OJS is statutorily responsible for enforcing federal law and, with the consent of a tribe, tribal law within Indian country. With this great responsibility, OJS takes every opportunity to enhance our abilities to protect our tribal citizens and communities.

As human trafficking has grown in areas across the United States, Indian country has not been immune to the criminal elements exploiting the vulnerabilities of Native Americans and the lack of law enforcement presence in some areas. Since human trafficking knows no borders, inter-agency collaboration is vital to our efforts to foster safe and thriving Native communities. To combat human trafficking, the Division of Drug Enforcement (DDE) within OJS has been tasked with leading investigations of human trafficking violations affecting Indian country. Due to the close association of trafficking to drug and prostitution cases, the Division of Drug Enforcement is most closely aligned to these types of crimes.

Over the past three years, OJS has been contacted by tribes reporting an increase in prostitution and human trafficking activity occurring on their reservations. OJS has also reported an increase in sex trafficking occurring on or near Indian country enterprises. The most prevalent activity occurs around areas with high transit populations, such as tribal gaming operations, hotels, and travel plazas.

It is OJS's experience that prostitution networks target highly populated tribal venues for their operations, sometimes traveling from out of state to commit these acts. Although prostitution and human trafficking are not the same, the presence of prostitution networks can indicate high levels of vulnerability, exploitation, and coercion that contribute to trafficking.

In addition, over the past three years OJS has made an effort to improve the collection and maintenance of its data on human trafficking. The improvements allow for the collection of more specific data on human trafficking investigations, thus providing OJS with the ability to better track and evaluate the level of human trafficking violations occurring in Indian country.

#### **Investigative Efforts**

OJS has partnered with other federal and state law enforcement agencies in efforts to identify and dismantle human trafficking operations occurring in and around Indian country. Over the past four years, OJS has conducted 12 human trafficking investigations.

Below are the combined results from the 12 investigations:

12 of 23 defendants were charged with Engaging in Prostitution

- 1 was sentenced to 5 years incarceration with the first 4 years suspended
- 3 received a suspended sentence for 1 year
- 5 received a deferred sentence for 1 or 2 years
- 1 was fined and fine was paid in full
- 2 have outstanding warrants

6 of 23 defendants were charged with Solicitation of Prostitution

- 5 received deferred sentences for either 1, 2 or 3 years

- 1 received a suspended sentence for 10 years, 2 years supervised probation
- 5 of 23 defendants were charged with Pandering
- 1 was sentence to 10 years incarceration
  - 1 has a suspended sentence for 20 years
  - 1 has a deferred sentence for 10 years
  - 2 defendants cases were dismissed in tribal court and the state and federal courts declined to prosecute

Sentencing summary of 23 defendants

- 2 were sentenced to incarceration
- 6 received suspended sentences
- 12 received deferred sentences
- 1 received a fine only
- 3 awaiting court proceedings
- 2 have outstanding warrants

**Training Efforts**

The Indian Police Academy (IPA) provides human trafficking training to new BIA and tribal police officers attending the Indian Country Police Officer Training Program and to field supervisors during advanced training. The course familiarizes officers with the issues of human trafficking in Indian country, legal considerations, identification of indicators, and how to assist victims and effectively initiate an investigation. To date, the academy has trained 414 officers in human trafficking training in basic and/or advanced training programs.

Additionally, IPA has partnered with the Department of Homeland Security- Blue Campaign and Federal Law Enforcement Training Center for the development of Human Trafficking in Indian Country training videos for inclusion in a future, instructor-led, and online training program.

The OJS Victim Assistance Program also provides Native American Human Trafficking training throughout Indian country communities, at both the local and regional levels. For instance, this year OJS partnered with the National Indian Gaming Commission to provide Native American Human Trafficking training at each of its regional conferences, with the target audience including gaming commissioners, operations staff, hotel and casino staff, as well as tribal leaders and community members.

These training sessions include information on the dynamics of human trafficking victimization, indicators, vulnerabilities, and strategies communities can take to prevent or respond to human trafficking. Through education and training, OJS will continue to educate the public and tribal enterprises on how to identify indicators of human trafficking and reporting to law enforcement. OJS agents will continue to sharpen their investigative skills and identify new ways to target criminal networks that exploit our most precious resources; our Native American men, women and children.

Mr. Chairman, thank you for the opportunity to address such an important matter. The Department will continue to work closely with our federal, tribal and state partners to strengthen our efforts to combat human trafficking in Indian country.

I will be happy to answer any questions you may have.

The CHAIRMAN. Thank you.

Ms. Matthews.

**STATEMENT OF NICOLE MATTHEWS, EXECUTIVE DIRECTOR,  
MINNESOTA INDIAN WOMEN'S SEXUAL ASSAULT COALITION**

Ms. MATTHEWS. Thank you, Chairman Hoeven, Vice Chairman Udall, Senator Franken and distinguished members of the Committee.

[Greeting in Native tongue.]

Ms. MATTHEWS. Greetings, my relatives. My English name is Nicole Matthews. My Indian name is Spirit Bird Woman. I am Eagle clan and I am from the White Earth Band of Ojibwe.

I am truly honored to have the opportunity to speak with you today about human trafficking of American Indian and Alaska Natives in the United States.



I was one of five interviewers for our research on prostitution and trafficking of American Indian and Alaska Native women in Minnesota where we interviewed 105 of our Native sisters about their experiences of being used in prostitution and trafficking. The title of our report is Garden of Truth: the Prostitution and Trafficking of Native Women in Minnesota.

The women we interviewed had been trafficked on and off the reservation in urban and rural areas and nearly all met the legal definition of trafficking. About half the women said they gave most of their money to a pimp and 86 percent of the women reported deception and trickery as their entry into trafficking.

We learned that oftentimes historical trauma and childhood sexual abuse were a precursor or antecedent for the women who were used in trafficking. In fact, 79 percent of the women we interviewed were sexually abused as children by an average of four perpetrators. Sixty-seven percent of victims reported that they had family members who were sent to boarding schools and most of them were abused in those boarding schools.

We also learned that women faced incredible violence, including rape, physical violence and racial violence. When we asked the women who they saw buying and selling American Indian and Alaska Native women, the overwhelming response was White, followed by African American men.

These statistics are consistent with Federal DOJ reports on violence against American Indian and Alaska Native women which state that the primary perpetrators of violence is perpetrated by non-Indian men. The victims we interviewed talked at length about their needs, which are consistent with the GAO reports released this year. There is a need for culturally-specific programs by and for American Indian and Alaska Native women to specifically address sex trafficking.

Many victims are not accessing victim service programs for domestic or sexual violence because of perceived stigma and shame. The victims also fear losing their children or being arrested and charged with prostitution.

Services also need to address housing. Short term and long term housing is a huge issue for victims. In fact, 98 percent of the women we interviewed were currently or previously homeless. Being homeless is a major risk factor in being vulnerable to pimps and traffickers.

I am concerned with the GAO report finding that for the years 2013 to 2016, there were only 14 Federal investigations and 2 Federal prosecutions of human trafficking offenses in Indian Country. Only two Federal prosecutions for this three-year period are disturbing given the realities of our research and information from those we work with in tribal communities.

The GAO report also highlights the lack of adequate resources to support culturally-specific services for Native victims of trafficking. The report states that of the 45 grant programs that mention human trafficking as an allowable issue to devote resources, only two address human trafficking in tribal communities exclusively. Given this minimal response to trafficking, I am also particularly concerned about the trafficking of Alaska Native women and girls

given the lack of any law enforcement services and very limited services in many Alaska Native villages.

Twenty-one percent of the women we interviewed mentioned being trafficked on reservations. Since we know that primary buyers and sellers are non-Indian, we must address the jurisdictional challenges that prevent tribes from holding these perpetrators accountable.

We need increased accountability for buyers and sellers and increased safety for American Indian and Alaska Native victims in sex trafficking. Nearly all the women spoke of other women they knew who had been taken by pimps and traffickers and never heard from again.

There are also major gaps in the available information. We have heard anecdotal information about the high rates of trafficking for Two Spirit/LGTBQ relatives but there is no concrete data to tell the full story yet.

Two Spirit relatives are even further invisibilized and harmed by trafficking and we each have a responsibility to be good relatives and ensure we are doing everything we can to address violence experienced by all our relatives and community members.

Another gap in data is around labor trafficking. We know it is happening, we hear anecdotal stories but we just do not have any data to provide a full understanding of the problem.

I invite each and every one of you to reach out to the Native community to meet with and listen to American Indian and Alaska Native victims and survivors of trafficking. They can teach us so much. We must be open to listening to them as we continue to address human trafficking.

In closing, I want to end with a quote from one of the survivors we interviewed from our Garden of Truth report who also passed away this last month. In our research, the women chose flower names as their identifiers. This woman chose the name Violet.

Violet was kidnapped at age 12 and taken to another State where she was trafficked. She said “Women like myself need someone they feel they can trust without being judged about how they lived their life. We don’t wake up and choose to become a whore, a hooker or a ho, as they call us. We need someone to understand where we came from, how we lived and that half of us were raped, beat and made to sell our bodies. We need people with hearts.” I hope all of you are those people.

Thank you.

[The prepared statement of Ms. Matthews follows:]

PREPARED STATEMENT OF NICOLE MATTHEWS, EXECUTIVE DIRECTOR, MINNESOTA  
INDIAN WOMEN’S SEXUAL ASSAULT COALITION

Chairman Hoeven, Vice Chairman Udall, Senator Franken, and distinguished members of the Committee,

Boozhoo Indinawe-maaganag! Nicole Matthews Zhaaginaashimong. Manidoo-Bineshiikwe indigo. Migizi indoodem. Gaa-waabaabiganiikaag indoonjibaa.

Greetings my relatives! My English name is Nicole Matthews, and my Indian name is Spirit Bird Woman. I am Eagle clan, and I am from the White Earth Band of Ojibwe.

I am truly honored to have the opportunity to speak with you today about human trafficking of American Indian and Alaska Natives in the United States.

I am the Executive Director of the Minnesota Indian Women’s Sexual Assault Coalition, which is a statewide tribal coalition and a national tribal technical assist-

ance provider. We provide technical assistance to Tribal Sexual Assault Services Program grantees, to tribes who are addressing or want to address sex trafficking, and we are the lead technical assistance provider for OVC's Beacon Project, which addresses sex trafficking of American Indian and Alaska Native women in urban areas.

I was one of five interviewers for our research on prostitution and trafficking of American Indian and Alaska Native women in Minnesota, where we interviewed 105 American Indian and Alaska Native women about their experiences of being used in prostitution and trafficking. The title of our report is *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*.

The women we interviewed had been trafficked on and off the reservations; in urban and rural areas; and nearly all met the legal definition of trafficking. About 50 percent of the women said they gave most of their money to a pimp, and 86 percent of the women reported deception and trickery as their entry into trafficking.

We learned that oftentimes, historical trauma and childhood sexual abuse were a precursor or antecedent for the women who were used in trafficking. In fact, 79 percent of the women we interviewed were sexually abused as children, by an average of four perpetrators; and 67 percent of victims reported that they had family members who were sent to boarding schools, and most were abused in those boarding schools.

We also learned that the women faced incredible violence, including rape, physical violence, and racial violence. When we asked the women who they saw buying and selling American Indian and Alaska Native women, the overwhelming response was White followed by African American men. These statistics are consistent with federal Department of Justice reports on violence against American Indian and Alaska Native women, which state that the primary perpetrators of violence is perpetrated by non-Indian men.

The victims we interviewed talked at length about their needs, which are consistent with the GAO reports that have been released this year. There is a need for culturally specific programs—by and for American Indian and Alaska Native women—to specifically address sex trafficking. Many victims are not accessing victim service programs for domestic or sexual violence because of perceived stigma and shame. The victims also fear losing their children or being arrested and charged with prostitution. Services also need to address housing; short-term and long-term housing is a huge issue for victims. In fact, 98 percent of the women we interviewed were currently or previously homeless. Being homeless is a major risk factor in being vulnerable to pimps and traffickers.

I am concerned with the GAO report finding that for the years of 2013–2016, there were only 14 federal investigations, and 2 federal prosecutions of human trafficking offenses in Indian Country. Only 2 federal prosecutions for this three-year period is disturbing given the reality of our research and information from those who we work with in tribal communities. The GAO report also highlights the lack of adequate resources to support culturally specific services for Native victims of trafficking. The report states that of the 45 grant programs that mention human trafficking as an allowable issue to devote resources to, only 2 address human trafficking in tribal communities exclusively. Given this minimal response to trafficking I am particularly concerned about the trafficking of Alaska Native women and girls given the lack of any law enforcement services and very limited services in many Alaska Native villages.

Twenty-one percent of the women we interviewed mentioned being trafficked on reservations, and since we know that the primary buyer and seller is non-Indian, we must address the jurisdictional challenges that prevents tribes from holding these perpetrators accountable. We need increased accountability for buyers and sellers and increased safety for American Indian and Alaska Native victims of sex trafficking. Nearly all of the women spoke of women they knew who had been taken by pimps and traffickers, and never heard from again.

There are also major gaps in the information that is available. We have heard anecdotal information about the high rates of trafficking of our Two Spirit/LGBTQ relatives, but there isn't any concrete data to tell the full story yet. Our organization has been in communication with the researcher from our project, and we are hoping to address this need in the near future. Our Two Spirit relatives are even further invisibilized and harmed by trafficking, and we each have a responsibility to be good relatives and ensure that we are doing everything we can to address the violence experienced by ALL of our relatives and community members.

Another gap in data is around labor trafficking. We know that it is happening, and that it is occurring in some communities more than others, but we don't have data to provide a full understanding of the problem.

I invite each and every one of you to reach out to the Native community—to meet with and listen to American Indian and Alaska Native victims and survivors of trafficking. They can teach us so much, and we must be open to listening to them as we continue to address human trafficking of American Indian and Alaska Native women.

In closing, I want to end with a quote from one of the survivors that we interviewed for our *Garden of Truth* report. In our research, the women chose flower names as their identifiers, and this woman chose the name Violet. Violet was kidnapped at age 12 and taken to another state where she was trafficked. She said, “Women like myself need someone they feel they can trust without being judged by how they lived their life. We didn’t wake up and choose to become a whore or a hooker or a ‘ho’ as they call us. We need someone to understand where we came from and how we lived and that half of us were raped, beat, and made to sell our bodies. We need people with hearts.”

Miigwetch Bizidawiyeg! Thank you all for listening!

The CHAIRMAN. Thank you, Ms. Matthews.  
Ms. McCain.

**STATEMENT OF CINDY McCAIN, CO-CHAIR, ARIZONA  
GOVERNOR’S HUMAN TRAFFICKING COUNCIL**

Ms. McCAIN. Chairman Hoeven and Vice Chairman Udall, thank you very much for the opportunity to testify before the Senate Committee on Indian Affairs on this issue of human trafficking of American Indians and Native Alaskans.

I also want to thank my husband, Senator John McCain, for his tireless work on the issues facing our Arizona tribes and the tribes throughout the United States. He made me say that.

[Laughter.]

Ms. McCAIN. First, I must express my deepest appreciation to the members of the Committee and the Government Accountability Office for examining the Federal Government’s role in reporting, investigating and prosecuting cases of trafficking involving Indian Country. The issue does not often receive the attention it deserves.

I would also like to acknowledge Senator Heidi Heitkamp’s efforts as an anti-trafficking ally. Senator Heitkamp has traveled to Arizona where she and I met with one of our Native American service providers to discuss replicating the culturally-sensitive care model in her State.

Senator Heitkamp also graciously asked me to participate in an anti-trafficking roundtable in Bismarck, North Dakota where we met with law enforcement officials and victims service providers working in the Bakken region.

The remoteness of the Bakken region, the high unemployment rate of nearby Indian reservations, combined with the oil and gas boom have created a hot bed of trafficking. Victims are mostly Native American women and girls transported to the region specifically for sex trafficking. Many of these victims are under the age of 18, children being sold for sex, outward and organized crime of child abuse and rape.

Because of their exotic beauty, Native American girls are also sold at a very high price on websites like backpage.com. Backpage has been found to be complicit in writing the ads that vaguely attempt to disguise the sale of these precious children for sex. In other words, Backpage knowingly promotes the abuse of our beautiful Native American children along with other ethnicities. All too

often, they are kidnapped, sold and transported to remote places like Asia and even the Middle East.

You may be asking yourself, what happens to these girls? Sadly, they are disposable. They disappear at the hands of these despicable traffickers. According to international labor organizations, human trafficking has enslaved an estimated 41 million people in the United States and around the world.

Victims are used for forced labor, forced sex and face daily physical, emotional and sexual abuse at the hands of their pimps or strangers. In many cases, this form of child abuse is a product of organized crime.

However, Native American girls and women are all too often trafficked by their own relatives, both on and off the reservation. Indian gaming and urbanized tribes have presented us with a new set of trafficking issues. I witnessed with my own eyes six little girls lined up against a wall inside a casino just outside of Phoenix on display for customers. These children were silent and visibly scared.

I contacted hotel security. Unsure what they should do, security personnel allowed the children to remain at the casino. I have found that Native Americans are largely overlooked as victims.

One of the major impediments to prosecuting individuals and criminal organizations is the lack of victim services designed by and for Native victims. Traumatized victims are seldom willing to reveal their identities or testify against their captors. However, culturally sensitive victim assistance programs can and do empower women and children to breach the shadows of this horrific under world.

To that end, I would like to commend Chairman Hoeven for reintroducing the SURVIVE Act, a bill that would set aside \$150 million from the Federal Government's \$3 billion Crime Victims Fund to improve victim assistance programs for Indian tribes.

Another piece of bipartisan legislation that would help considerably to prevent trafficking is S. 1693, the Stop Enabling Sex Traffickers Act of 2017, SESTA. Last week, the Senate Commerce Committee held a hearing on SESTA and the bill currently has 30 co-sponsors.

I have been a long-time advocate of curtailing the ability of Backpage and similar websites to sell any human being online for sex. Over 75 percent of trafficking victims tell us they were sold online. We have found it easier to sell a child online for sex than it is to buy a bicycle or a sofa.

It is high time that our courts stop enabling Backpage and others to hide behind the free speech curtain while mothers find their children advertised for sex online and are powerless to stop it. The Communications Decency Act was not intended to allow websites to make millions of dollars selling our children for sex.

We should not stop there. I encourage Congress to consider assigning staff in the Bureau of Indian Affairs, the Indian Health Service and their sister agencies, to train tribal leaders, elders, prosecutors and law enforcement agents about the presence of human trafficking within their own communities. Create awareness and victims' services unique to Native Americans. My own

home State of Arizona is doing just that on every reservation within our borders.

Finally, Congress must encourage tribal governments to criminalize human trafficking on their reservations rather than simply defer to Federal prosecutors. I am proud to say that the Navajo Nation, the largest tribal government in the United States, recently adopted their first anti-trafficking laws. It is a start for the Navajo and should be followed by tougher tribal enforcement and cooperation with Federal agencies.

On a personal note, I was born and raised in Arizona. Throughout my life, I have had the opportunity to enjoy the beauty, the unique culture, the art, the story telling and the friendship of these glorious people. Their extraordinary culture is a part of the very fiber of my home State. Native American girls and women should be able to live their lives in safety without the fear of being subjected to this despicable and very dark crime of human trafficking. We owe that to them.

Again, Mr. Chairman, I am very grateful that the Committee is holding this hearing today. I appreciate your listening to what I have to say. I look forward to answering questions.

[The prepared statement of Ms. McCain follows:]

PREPARED STATEMENT OF CINDY MCCAIN, CO-CHAIR, ARIZONA GOVERNOR'S HUMAN TRAFFICKING COUNCIL

Chairman Hoenen and Vice Chairman Udall, thank you for the opportunity to testify before the Senate Committee on Indian Affairs on the issue of human trafficking of American Indians and Alaska Natives. I want to also thank my husband, Senator John McCain, for his tireless work on the issues facing our Arizona tribes and tribes throughout the United States.

First, I must express my deepest appreciation to the members of the Committee and the Government Accountability Office for examining the federal government's role in reporting, investigating, and prosecuting cases of trafficking involving Indian Country. This issue does not often receive the attention that it deserves.

I would also like to acknowledge Senator Heidi Heitkamp's efforts as an anti-trafficking ally. Senator Heitkamp has traveled to Arizona, where she and I met one of our Native American service providers to discuss replicating their culturally sensitive care model in her state. Senator Heitkamp also graciously asked me to participate in an anti-trafficking roundtable in Bismarck, North Dakota, where we met with law enforcement officials and victim service providers working in the Bakken region. The remoteness of the Bakken area, the high unemployment rate of nearby Indian reservations, combined with the oil and gas boom, have created a hotbed of trafficking. Victims are mostly Native American women and girls transported to the region specifically for sex trafficking. Many of these victims are under the age of 18. Children being sold for sex. Outward and organized child abuse and rape.

Because of their exotic beauty, Native girls are also sold for a very high price on websites like  *backpage.com* . Backpage has been found to be complicit in writing ads that vaguely attempt to disguise the selling of these precious children for sex. In other words, Backpage knowingly promotes the abuse of our beautiful Native American children along with other ethnicities. All too often they are kidnapped, sold, and transported to remote places like Asia and the Middle East. You may be asking yourself, what happens to these girls? Sadly, they are treated as disposable. They disappear at the hands of these despicable traffickers.

Human trafficking has enslaved an estimated 41 million people in the United States and around the world. Victims are used for forced labor or forced sex, and face daily physical, emotional, and sexual abuse at the hands of their pimps or strangers. In many cases, this form of child abuse is a product of organized crime. However, Native American girls and women are all too often trafficked by their own relatives.

Indian gaming and urbanizing tribes are presenting a new set of trafficking issues. I witnessed with my own eyes 6 little girls lined up against a wall in a casino outside of Phoenix on display for customers.

These children were silent and visibly scared. I contacted hotel security. Unsure what to do, security personnel allowed the children to remain at the casino. I have found that Native Americans are largely overlooked as victims.

One of the major impediments to prosecuting individuals and criminal organizations is a lack of victims services designed by and for Native victims. Traumatized victims are seldom willing to reveal their identities or testify against their captors. However, culturally sensitive victim assistance programs can and do empower women and children to breach the shadows of this horrific underworld.

To that end, I would like to commend Chairman Hoeven for reintroducing the SURVIVE Act, a bill that would set-aside \$150 million from the federal government's \$3 billion Crime Victims Fund to improve victims assistance programs for Indian tribes. Another piece of bipartisan legislation that would help considerably to prevent trafficking is S. 1693, the Stop Enabling Sex Traffickers Act of 2017 (or "SESTA"). Last week the Senate Commerce Committee held a hearing on SESTA and the bill currently has 30 cosponsors. I have been a longtime advocate of curtailing the ability of backpage.com and similar websites to sell human beings for sex online. Over 75 percent of trafficking victims tell us that they were sold online as easily as selling a bicycle or a sofa. It is high time that traffickers stop hiding behind the free speech curtain while mothers find their children advertised for sex online and are powerless to stop it. The Communications Decency Act was not intended to allow websites to make millions of dollars selling our children for sex.

We shouldn't stop there. I encourage Congress to consider assigning staff in the Bureau of Indian Affairs, the Indian Health Service, and their sister agencies to train Tribal leaders, elders, prosecutors, and law enforcement agents about the presence of human trafficking within their own communities. Create awareness and victim services unique to Native Americans. My own home state of Arizona is doing just that on every reservation within our borders.

Finally, Congress must encourage tribal governments to criminalize human trafficking on their reservations rather than simply defer to federal prosecutors. I am proud to say that the Navajo Nation, the largest tribal government in the United States, recently adopted their first anti-trafficking laws. It is a start for the Navajo and should be followed by tougher tribal enforcement and cooperation with federal agencies.

On a personal note: I was born and raised in Arizona. Throughout my life, I have had the opportunity to enjoy the beauty, the unique culture, the art, the story telling and friendship of these glorious people. Their unique culture is a part of the very fiber of my state. Native American girls and women should be able to live their lives in safety, without the fear of being subjected to this despicable and very dark crime of human trafficking. We owe that to them.

Again, Mr. Chairman, I am very grateful that the Committee is holding today's hearing. I look forward to answering any questions you may have. Thank you.

The CHAIRMAN. Thank you and all our witnesses for being here today.

We will have five-minute rounds of questioning. I would like to start with Dr. Goodwin.

In the July 24 GAO report, the review identified two Federal investigations in Indian Country that led to prosecutions, yet nationwide, there were over 6,100 Federal human trafficking investigations. Why do you think there is a wide disparity?

Ms. GOODWIN. At the time we did our review, that is the information the Department of Justice provided to us. We are aware and have heard that there have been a number of other investigations open but at the time of our review, they told us there had only been two Federal prosecutions.

The CHAIRMAN. You also make recommendations regarding gathering metrics. Would you go into that a bit? How can this help make a difference? What should be done and how can it help?

Ms. GOODWIN. Across both reports, we talk about the need for targeting services to the population. One of the things that came out of the first report and also with the second report is if you do not have the data, it can sometimes be difficult to figure out what services need to be provided to a particular population.

We made the recommendation that the DOJ, one, start collecting data on human trafficking victims and two, where possible, start collecting data on the number of Native American victims that were being served by the service providers. We thought that would be a good way to help the agency and the service providers target their services to the communities.

The CHAIRMAN. Mr. Toulou, would you respond to that and talk about gathering that data, why it is not being done, what we can do to gather it, and what you think the effectiveness of that would be?

Mr. TOULOU. I think we all understand all the data we can get is good, it is better, but when talked to our service providers, the individuals providing services to these victims about mandating collection of ethnicity, whether they were Indian or not, the service providers told us that would have a chilling effect on victims coming forward to access their services.

We have asked service providers to voluntarily provide that information if individuals want to volunteer it. However, our primary goal as an agency is to take care of victims and after that, put the bad guys in jail and try to prevent crime.

Our primary focus is on the victims. Our victim service providers work with these people every day and told us this would have a chilling effect. That is why we have said if it is voluntary information, great, but we are not going to mandate that from our grantees.

The CHAIRMAN. Your recommendation is it be done on a voluntary basis?

Mr. TOULOU. Yes. We have asked our providers if they can do that to provide that information to us and we will track that information.

The CHAIRMAN. Dr. Goodwin, was that discussed and what is your reaction to that?

Ms. GOODWIN. When we were thinking through our recommendations, we did have conversations with DOJ. So we heard and we appreciate and understand the concerns about the chilling environment. At the time, that was the March report.

We had our survey out in the field, so we were beginning to collect data. At the time we made the recommendation, we understood that some of the service providers were already collecting data on whether the victims were Native American and they were able to provide that information to us via our survey. We recognize the chilling effect it has and understand the issues around confidentiality, but we do believe in order to one, better target your services, it is important to know the victims and who you are serving.

Also, it is an oversight issue. If you are getting a grant, if you have monies, more than likely the agency is going to want to know who you are serving. If you start doing an economic efficiency analysis, it would be good to know if those services are being targeted the best way possible and if they are going to the right communities.

The CHAIRMAN. Thank you.

Mr. Toulou and Mr. Thompson, could you respond to that?

Mr. TOULOU. I am not clear that we need to know the ethnicity of the victim to provide services. That is what we are doing. These



are victim service providers, people who are working with the victims of crime, making sure they get the counseling they need, access to health services and things of that sort.

Ethnicity may be helpful to us in the long run knowing those things but it is not critical to providing those services or knowing if those services are provided. Again, the bottom line is we do not want to do anything that is going to keep the victim from coming to our victim service providers and getting services they need.

The CHAIRMAN. Mr. Thompson.

Mr. THOMPSON. From a law enforcement perspective, I think for us, we serve Indian communities within the exterior boundaries of Indian reservations, so the collection of that data for us, we do not see quite the same disparity over victims wanting to provide that information.

BIA, as of 2014, I believe does collect that information in our basic crime reporting. However, as I said, our jurisdiction is primarily those folks, the folks committing crimes, the folks that are victims of crime who are Native American. We have an ability to find out that information from their tribal enrollment boards with the tribes.

The CHAIRMAN. I have a follow-up question but I will turn to Vice Chairman Udall because I think he is going to ask the same question.

Senator UDALL. Thank you so much, Mr. Chairman.

GAO noted that HHS had begun a pilot program to collect similar data for their grant programs that support crime victim services. In the second report, GAO found that some law enforcement agencies and service providers already collect information on the Native American status of human trafficking victims.

Dr. Goodwin, could you tell us more about the HHS pilot and how it might be a model for DOJ to consider?

Ms. GOODWIN. We reached back out to HHS and they are in the process of starting that pilot. They believe, and we understand, being able to know whether or not you are serving Native American victims really does help target those services.

In our survey, the second report where we conducted the survey, we got a number of responses about what types of culturally specific programs and services would be useful when you are targeting the Native American population. The HHS survey and the pilot program will assist with that on their end.

Senator UDALL. Mr. Toulou, if HHS can provide this information without compromising the identity of victims would it be possible to require the same type of reporting uniformly across all agencies?

Mr. TOULOU. Yes. I would point out that we have talked to HHS. What they are doing now is an inventory of collection techniques, not actually mandating this information. It is our understanding they are hearing the same things from some of their providers that we are hearing, that this will have a chilling effect. However, if they can find a way around it, we agree, more data is better and we will work with them to replicate whatever they determine.

Senator UDALL. You will follow that closely?

Mr. TOULOU. Yes, we will.

Senator UDALL. Ms. Matthews and Mrs. McCain, based on your experiences working with organizations combating human traf-

ficking, is there a way to improve data collection without jeopardizing victim safety and privacy? What would you recommend as far as Federal data collection best practices?

Ms. MATTHEWS. You do not want to compromise victim safety. As far as best practices, I think we need to get to a place where we even have programs that are serving victims. We have very few programs serving victims and only a few grant programs to specifically address sex trafficking.

If you have a program that is serving domestic violence, sexual violence and can also serve victims of sex trafficking, oftentimes we are not seeing that. Until we get to a place where we have some adequate funding, it is hard to imagine a great data collection system. If you ask someone are you a victim of trafficking, are you Native American and you do not have services to follow up, then it can potentially cause more harm.

Senator UDALL. Mrs. McCain.

Ms. MCCAIN. I agree with that. I would go a step farther in that the service providers should be ethnically and culturally similar to where the victims are from. This goes for any group.

I think you would find our victims perhaps a little more willing to talk about where they are from, who they are, and so forth and helping with the data collection. Right now, the one place in Phoenix that does this is combined with what you said. It has drug issues and a number of different issues that are experienced within the reservation.

Our trafficking victims, instead of getting long term trauma-based care, are getting sometimes 12 step programs and other things, all helpful but not if you have been a victim of human trafficking.

I might also add you need to have buy-in from the tribal councils. All of this is just fine but tribal councils have to realize and tribes have to realize that internally, this is wrong. It is wrong. I think it is up to us who work in this arena and work on the issue itself to begin just that process much like what happened on the Navajo Nation in helping them realize it is important that they buy in on this and we all work together on the issue.

Senator UDALL. Thank you for those responses.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Dr. Goodwin, how long have you been involved in this issue of sex trafficking?

Ms. GOODWIN. For about two years now, I have been doing this work for the GAO.

Senator MCCAIN. Would you assess that the extent of the problem has become better, the same or worse?

Ms. GOODWIN. In the research we have done, we have heard from pretty much everyone we have spoken to that one, this crime is under reported, so no one really knows the full extent to which it is happening; and two, for the second report, we talked with some of the tribal law enforcement agencies. They felt it is increasing.

Senator MCCAIN. Do you think they are being perfectly frank and candid with you about this issue?

Ms. GOODWIN. As far as I know, yes, as frank and candid as they would be with the GAO.

Senator McCAIN. I understand there is skepticism there.

As Cindy McCain just said, reporting is a big problem. That has to be people that can be trusted by the tribal members. Do you find that to be an issue?

Ms. GOODWIN. Yes, we do. In the second report when we did the survey, we ended up having lengthy conversations with the Minneapolis Police Department. They talked with us about some of the activities that they have undertaken to build better relationships with the community so that the community would indeed start coming forward to report instances of human trafficking.

One of the things we talk about in that report is we try to speak to the need for building relationships between law enforcement and the communities, in addition to the service providers and the communities.

Senator McCAIN. Have you found cross-the-border sex trafficking to be on the increase?

Ms. GOODWIN. That was not the focus of our report. The GAO has another team that does international trafficking. I can get some information for you and provide that to you later.

Senator McCAIN. Have you found it to be connected to drug trafficking?

Ms. GOODWIN. During the survey and in our conversations with major city law enforcement and tribal law enforcement, drug trafficking did come up and oftentimes they told us whenever they saw human trafficking, drugs were also involved.

Senator McCAIN. Was that your finding, Mr. Thompson?

Mr. THOMPSON. Yes, sir, it is. Almost all our human trafficking cases have been surrounding drug trafficking and/or prostitution rings.

Senator McCAIN. Which is one of the tools for enslavement?

Mr. THOMPSON. Correct.

Senator McCAIN. Ms. Matthews?

Ms. MATTHEWS. We have also seen a large connection with drugs and sex trafficking, used also to get people into sex trafficking and also to keep them there and maintain control over them.

Also, we have heard that pimps and traffickers can resell a woman several times where you have to keep repurchasing drugs, so it is much more lucrative for them to continue selling peoples' bodies. Oftentimes you see them hand in hand.

Senator McCAIN. Dr. Goodwin, your report examined more than 50 different Federal grants intended to support victim services and found that DOJ generally does not track how these grants specifically benefit Native victims of trafficking. Isn't that a problem?

Ms. GOODWIN. That is one of the reasons why we made the recommendation that we made. In order for DOJ to better understand the effect and full extent of the services they are providing, GAO felt the Native American status needed to be collected.

Additionally, for performance management purposes, oversight purposes, if you have a grant, more than likely when it comes time for a performance review, you would want to know did the grant meet the goals it was intended to meet?

We are, of course, mindful that there are some confidentiality issues, so the way we wrote the recommendation was as appropriate. Again, when we did our survey, we had a number of service

providers provide information to us on the Native American status of their victims so we know that information is being collected.

Senator MCCAIN. Mr. Toulou?

Mr. TOULOU. I think it is absolutely appropriate to gather the information if it is provided by the provider of services. I think the problem is when it is made mandatory. I think any information we get would be useful.

Senator MCCAIN. Mr. Thompson, how serious is this problem for law enforcement in general?

Mr. THOMPSON. It is a very serious problem. We have 30 drug agents in our Division of Drug Enforcement. We have assigned those agents to specific investigations related to narcotics and human trafficking. That is all that they do because the substance abuse issues and the issues of human trafficking are on the rise for us.

You asked the question earlier of some of the other witnesses. I can tell you that four or five years ago, I do not know that we had any human trafficking cases we were investigating. We have had 14 in the last three years. Two of those were in the last week. I cannot tell you that is necessarily evidence of a rise, but it is certainly an indication to us that the resources committed there are not sufficient to keep up with what is there.

We do not know exactly why there is hesitancy to report. Obviously, there is a distrust of law enforcement in Indian communities oftentimes. That is not the case just in Indian Country, that is the case all across the United States.

Senator MCCAIN. I thank the witnesses and thank you, Mr. Chairman.

The CHAIRMAN. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman.

Ms. Goodwin, did the GAO study you did deal with labor traffic and forced labor?

Ms. GOODWIN. We did. In the survey we undertook, we asked about sex trafficking and labor trafficking.

Senator TESTER. What did you find? Was it prevalent at all?

Ms. GOODWIN. The respondents talked more about sex trafficking than they did about labor trafficking.

Senator TESTER. Did you get any hits on labor trafficking?

Ms. GOODWIN. When we went on one of our site visits and had conversation with some of the major city law enforcement agencies, they talked about labor trafficking on the reservations, but not of Native Americans. They actually talked with us about labor trafficking of Asian Americans or Asian immigrants on those reservations.

Senator TESTER. Do you know of any surveys that are done on human trafficking, maybe this is a better question for Cindy if she can answer it, human trafficking overall in the Country? Is there a greater prevalence of human trafficking in Indian Country than there is outside of Indian Country?

Ms. GOODWIN. We did not conduct that research. Probably Mrs. McCain would have more because my understanding is that she is working with a group that is trying to assess prevalence.

Ms. MCCAIN. Per capita, yes, it is very high on the reservations. A big issue which we talked about a little bit is, of course, economic

empowerment. A large part of this is because there is no future. Some of these women see no future and the only way out may be going for this modeling job they think is a real modeling job only it is not.

I might also add that part of a report the McCain Institute has done is one that we combined with Arizona State University which tracked specific trafficking issues during specific events like Super Bowls or conventions, and so forth.

Proportionate to that, we tried to do the best we could on finding out how many or if there were any Native American victims involved in that. It is very hard to find. We were doing it off Backpage and we worked with several other tech companies to help us do this. It is very hard.

If you understand the writing to a lot of these online ads and understand what they are trying to portray in code, then you can find them. You have to think like a criminal to do it.

Senator TESTER. Thank you.

Mr. Thompson, you said 12 were conducted and 2 more this week, so you are up to 14. On page two, you go through the results of the 12 investigations. There were 23 people found, 12 of which were engaged in prostitution. Those were not the traffickers, were they? This is in your testimony.

Mr. THOMPSON. These were defendants related to those investigations.

Senator TESTER. I am assuming the 12 defendants charged with engaging in prostitution were probably the people who were trafficked?

Mr. THOMPSON. Yes, these were all defendants related to those investigations, not necessarily traffickers.

Senator TESTER. What happened to the traffickers?

Mr. THOMPSON. I do not know the details on each of the cases but oftentimes we arrest actual prostitution.

Senator TESTER. Prostitution is illegal, but if these people were trafficked and forced into prostitution, why are we punishing those folks?

Mr. THOMPSON. These would not have been people who were trafficked. These would have been criminal prostitution folks. These would have been adults with no evidence of being forced into it or anything of that nature.

Senator TESTER. So what does that have to do with trafficking?

Mr. THOMPSON. They were in parts of those investigations. Our trafficking investigations oftentimes encumber a lot of other criminal elements that go into it, prostitution, narcotics or illicit drugs.

Senator TESTER. It may not be in here but I would sure like to know what happened to the folks who are doing the trafficking and if they are doing any time. I would also like to know if we are throwing the people who were trafficked in jail because that seems pretty harsh.

Mr. THOMPSON. Yes, sir. I do not believe that any of those folks were actual victims of trafficking and I will find out for sure, Senator Tester, and get you the information on those traffickers as well.

Senator TESTER. I am not a lawyer. What is pandering?

Mr. THOMPSON. I am sorry, sir?

Senator TESTER. What is pandering?

Mr. THOMPSON. Pandering, you might help me out with the legal definition, Tracy.

Mr. TOULOU. It is an individual who is offering the victim for sale.

Mr. THOMPSON. It is the pimp. We use that term.

Senator TESTER. I am out of time so very quickly I will say it is obvious we need better information. It is obvious we need to invest in resources that actually get to the ground and do some good.

I did not get to my last question which revolved around education and how we can educate tribal councils and people on the street about what is going on, and potential victims in the schools or wherever we can get to them.

Thank you all for being here today. I appreciate your testimony.

The CHAIRMAN. Senator Tester, obviously two of the objectives here are better information, better metrics, as you just said, and also resources, as Mrs. McCain said, to address some of these very serious issues. Those are two of the primary things we are driving at in this hearing.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

To follow up on the education piece, because I think this is so important, we are talking about we want to get statistics of the victims. I want to make sure we do not have any victims because we have ruined peoples' lives. They will never, ever be able to move beyond the trauma and the shame that has come with this as a victim.

We need to do more when it comes to agencies working together. I think about some of the community outreach. This Friday in Anchorage, we are having a fundraiser for an organization called Priceless.

Nicole, you mentioned Violet's words which really kind of struck me. So many of these women feel afterwards that they may make it through, they may be freed but they have been shamed for so long, they feel they have no value and no worth anymore. How we pull them out of that is what this group called Priceless does, so there are a lot of us thinking about it.

Some of the efforts that are underway in the different communities are how do you identify those that are being trafficked. Working with Alaska Airlines so that flight attendants know what to look for when they see a young girl who may be unaccompanied and met somewhere or sitting next to somebody and how they know I am not quite entirely sure. Maybe we should be filled in on some of this as well.

I think about the different ways we can be working to educate. Our State's largest Native gathering is coming up in about three weeks, the AFN, Alaska Federation of Natives. Prior to that big convention where Native people come from around the entire State, there is a heightened awareness in the community directed toward primarily young people to be aware, do not accept the favors of somebody who says they want to take you to Nordstrom's and buy you a pair of shoes and that type of thing.

Knowing that we have to do so much more when it comes to the education, the awareness and thus, prevention, is something it does

not seem like we focus on. Mrs. McCain and Ms. Matthews, I would appreciate a little bit of what you can provide on that front.

I also want to make a comment to Mr. Toulou. You stated that we do not need to know the ethnicity to provide the victims services. I think about those victims' services that are culturally relevant to a Navajo or Alaska Natives so that women feel they can speak up and seek those services. If they do not feel it is going to be helpful to them, I am a little concerned about what you stated in terms of the privacy piece.

I understand that but I also understand that we must make sure we are giving these women some glimmer of hope that if they are able to come forward, they are going to be getting that support and that support will make a difference to them. It is not just some nameless, faceless program. I am going to ask the three of you to weigh in with those three comments if I may.

Ms. MATTHEWS. As far as education and awareness, I think it is critical. It is critical to reaching out and educating potential victims and also critical to have education and awareness for potential traffickers or people who are buying and selling, to change the cultural norms and the social norms that create that environment to happen.

I have two staff going to AFN who will actually be talking about trafficking with some of the tribes up there. I think education and awareness needs to be culturally-based and community-based within that local tribe or community because those are the most impactful on the women that we talked to when we did talk about what would be helpful, whether it is education or how to get out the information. They talked about things that were culturally-based, by Native women, for Native women. They wanted to be able to have a reflection of themselves when they received that information.

Ms. MCCAIN. I agree with Ms. Matthews. The culturally sensitive, training and awareness of tribes is very important. Local involvement, in Arizona, for example, we have taken our local DPS officers from the region and they are doing training and awareness on a Navajo reservation, on the Gila Reservation. It is done all over the State actually.

The local involvement, including the tribes in what is being planned or what is being thought about doing, is really, really important. No longer can we tell them what to do, we have to involve them. These are their children.

More importantly, as I mentioned with Indian gaming, that is a whole different set of problems right there. Training Navajo security people is a different deal than going up to the reservation in some cases.

It all has to be very individual. In my opinion, it has to be individual to the tribe, to the region, to the State and needs to be consistent and ongoing.

Senator MURKOWSKI. Mr. Toulou.

Mr. TOULOU. If I gave the impression that cultural sensitivity programming is not important, I misspoke and I apologize. I think it is very important to make sure the victims receive services that are appropriate which is part of the reason we contract with Ms.

Matthews' program, why we have Project Beacon which is targeting urban Indian women in Seattle, Albuquerque and Chicago.

When we do outreach on the reservation, we do that appropriately. I was talking about a performance measure, making sure we got the services out to victims. You are right, it is so much more effective if it actually is culturally sensitive.

Senator MURKOWSKI. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Franken.

Senator FRANKEN. Thank you, Mr. Chairman.

I thought Senator Heitkamp's opening was so on point in so many ways. Ms. Matthews, in your 2011 report, the Garden of Truth, you detailed the many factors leading Native women into prostitution. The report discussed many victims' experiences with homelessness, substance use disorders, poverty, sexual and physical violence, and interactions with foster care or adoptive placement.

The report also describes the experiences of Native American women with racism and generational trauma developed from targeting of Indian populations since we came here, since colonial days.

The report references a fourth-generation survivor of prostitution stating, "Like many of the women we interviewed, she spoke about the rapes of women in her family and her resignation to sexual violence in her community."

Ms. Matthews, I am interested in hearing more from you about this generational trauma and how it leads Native women into trafficking. I would especially like to hear your recommendations on breaking the cycle of trauma since that appears to be a key to preventing women from being trafficked.

Ms. MATTHEWS. Seventy-nine percent of the women we interviewed were victims of child sexual abuse. There is a direct impact of colonization and the historical trauma that our communities are facing.

For us, when we were interviewing the women, talking to the women about child sexual abuse was very difficult. There was a lot of trauma. They would share information about being used in trafficking very easily. Just knowing how much trauma and multiple forms of trauma the women are carrying really led to us have conversations about how, one, we must get better at addressing child sexual abuse. We are just not doing a good enough job in addressing child sexual abuse.

We also need to get better at addressing mental and behavioral health and how we are responding to trauma. We have heard a lot about trauma and informed care in recent years. I think we can do so much better in our understanding of trauma and its impact on us to continue as we then have children and are raising our children.

Half the women we interviewed were placed in foster care. Half of them were abused in foster care. I think there are so many issues that have impact and the historical trauma is playing out in our families. We have to address homelessness, the foster care system, and out of home placement for our families. We really have to address child sexual abuse.



Senator FRANKEN. I wanted to get to who is the customer for this trafficking. The sense I get from the statistics I see from the National Institute of Justice is that primarily these are not Indians who are the customers.

Ms. MATTHEWS. Correct.

Senator FRANKEN. Senator Murkowski and I have sponsored legislation before to give Indian Country the authority to prosecute perpetrators who are not Indian in Indian Country. You get the feeling that some of these Johns or if they are not Johns and it is just sexual assault, they see this as open territory. They can go there and not be prosecuted. Do you feel that would be something that would be helpful?

Ms. MATTHEWS. Absolutely. Any tools we can give our tribes to hold perpetrators accountable on our tribal lands would be amazing and would be a huge help in addressing violence against Native women.

The level of violence that these sex buyers have as they are looking to purchase Native women, one man said to a woman, "I thought we killed all of you." That is the level of violence the women are dealing with. I think absolutely increased jurisdiction for tribes would be greatly beneficial.

Senator FRANKEN. I have run out of time but I have a lot of questions obviously. One I specifically wanted to get out there is on treatment. I know in drug addiction treatment a lot of the counselors are recovering addicts or recovering alcoholics.

Is there a model for this? Mrs. McCain talked about treatment being cultural but also being from Native Americans themselves. Is there any model that includes women who have recovered from or are in recovery from this victimhood, being counselors or therapists of some sort?

Ms. MATTHEWS. I have not seen any treatment program specifically for survivors but the women we interviewed did say the chemical dependency programs that were most beneficial were culturally-based and incorporated cultural practices and traditions within the treatment program itself.

Senator FRANKEN. I am way out of time. I just want to ask Mrs. McCain, it does not have to be now, about the Super Bowl because we heard about Minneapolis and Nicole, you know about Minneapolis. We have a Super Bowl coming. I would like to ask your husband for your number.

[Laughter.]

The CHAIRMAN. Are you done?

Senator FRANKEN. Yes. I thought that was a good line to end on.

The CHAIRMAN. Senator Heitkamp.

Senator HEITKAMP. Thank you, Mr. Chairman.

I will start out with a story and it goes to what Ms. Matthews was talking about.

Years ago, my uncle, who ran the community action program, did one of the first return to work for women who had been in pervasive poverty. I was a young college student and I once asked him, what is the one thing you would change in their life that would prevent them from being single moms and struggling economically?

He said, I would stop sexual abuse of children because in his experience working with these women, that was a common factor. We

cannot under estimate the trauma and the impact of child sexual assault.

We know, looking at the statistics, and Cindy knows this, that very many of these victims, I like to say it is not like Laura Ingalls Wilder bounding through the prairie and the black cloud swoops her up and gets her into trafficking. That could happen; I am not discounting that.

Traditionally, these are children who have been thrown away, they are in the foster care system; they have already experienced dramatic sexual abuse in their lives. They feel marginalized already so that makes them more readily victims.

We have to go back to the basics. The basics involve trauma. I want to thank Senator Franken, along with Senators Durbin, Booker and I who have really worked very hard on the issue of trauma and trauma-based treatment. It is unique to the population of Native Americans because of historic trauma.

I am glad Mr. Toulou brought some of what we have heard back because I do not think you can treat Native American victims without treating Native American victims culturally.

Cindy, I want to go over work you are doing right now and that you will continue to do building on training because I think a lot of what we are talking about here, at least in terms of prosecution but also prevention, involves training.

We know that this has become a fairly popular issue. A lot of people are talking about it which means that people kind of run to where the money is and we do not have best practices always being exercised. That really complicates this issue.

Can you tell us the things the McCain Institute is doing now in terms of both training on sex and labor trafficking and how we can use your work to better inform Federal policy here?

Ms. MCCAIN. Training is essential, training and awareness, training and awareness. I sometimes feel like a broken record on this but it is the truth.

Training that is local, as we talk about trauma, but it has to have a set of principles, the same items have to be included in it. The Institute worked with the Attorneys General to put together the working manual of trafficking victims, awareness and so forth.

We have begun some work now on labor trafficking. As you know, we are based in Texas on this one. We are putting together a prosecutors' manual on how to prosecute traffickers, not just how to prosecute, of course, but how to stop it, more importantly.

These kinds of basic tools are almost non-existent around the Country. Anything the Federal Government can do to not only help organizations or agencies put together a manual that works, that is systemized, that is something that includes the same things for the most part and then tweak it for the region or State you are in or what you are dealing with.

The most important part of this, in my opinion, is also dealing with the customer. We can talk all day long about what to do and how to help everybody and all these things, but until we talk openly about men buying children for sex, we are not going to get anywhere. It is an ugly topic.

In my opinion, that has to be talked about certainly in Justice, Health and Human Services, and other agencies, collectively working together on just this.

I hope that answers your question.

Senator HEITKAMP. Yes, it does, but I think the work you are doing is so important because we do need best practices, otherwise we may be spending a lot of money or doing a lot of things that will not have any benefit.

Ms. MCCAIN. Any benefit

Senator HEITKAMP. The same is true in victim services.

Ms. MCCAIN. That is right.

Senator HEITKAMP. To we get our arms around this problem, I will just tell a story. In Dickinson, North Dakota, during the height of the boom, I think Cindy you heard this when you were there, they did a sting where they advertised a 14-year-old. It was pretty clear. Just within a couple of hours, they had to shut it down because the jail was already full and they had two people calling for 12-year-olds.

What does that say? It says that somehow we have normalized this behavior to the point that we are not getting through. We cannot normalize this behavior. If we are going to prevent this behavior, we have to look at the conditions beginning with childhood trauma and the conditions that lead to that trauma that will build a more resilient population in Indian Country to resist all of this.

I want to thank you, Ms. Matthews. I know your great work. All of you are working so hard. We have to make this our top priority.

Ms. MCCAIN. May I also say the anonymity of the Internet is a big player in this, the inability for people to know who is really there and the freedom with which they can buy a child and the ease of it. Something has to be done to stop that.

The CHAIRMAN. Senator Flake.

**STATEMENT OF HON. JEFF FLAKE,  
U.S. SENATOR FROM ARIZONA**

Senator FLAKE. Thank you, Mr. Chairman. Thank you for your indulgence and letting me ask questions in this Committee.

Thank you all for the work you are doing. It is really heartening to see so much focus now on this. Mrs. McCain, thank you for coming to the office yesterday and telling me about what has happened lately, particularly with the Navajo Nation. You mentioned they have now made trafficking a criminal offense. What difference will that make? How will that help the situation?

Ms. MCCAIN. To me the obvious difference is that it is community taking action against a community and for their community. They have to understand that they have to act, you cannot rely on others. They have to deal with this also themselves.

In many cases, we talk about cultural issues and so forth, but the idea that tribes will criminalize this is huge. I believe it is going to make a huge difference in helping to at least curtail it or be able to track it for the data we are talking about here.

Senator FLAKE. You mentioned that the dearth of data and we obviously need more. With regard to the other Native tribes in Arizona, do you expect some of them to follow the Navajo Nation's lead now?

Ms. MCCAIN. I do. The pressure is on. They have seen what this can do. It is not for lack of willingness. Do not misunderstand me, that is not the case here. They see that another tribe has done it and I have already heard that there is already legislative process in place in many of the other tribes right now working on the same issue.

Senator FLAKE. You mentioned in your testimony and in my office yesterday that backpage.com is targeting specifically Native American girls. How do they do that?

Ms. MCCAIN. It is all in how the ads are written. A large part of what we have been able to do is prove complicity in writing the ads, that they knowingly know how to write these ads to evade the police but still get the message across that they are Native American, African American or under age, or whatever it may be.

People know exactly what they are getting. Those who look for this know what they are getting on Backpage.

Senator FLAKE. Ms. Matthews, I missed your testimony but there are parallels certainly with where you are involved and what we are seeing in Arizona.

Ms. MATTHEWS. Yes, absolutely, and also to speak to the importance of having a tribal code to address sex trafficking. One, it says this is a priority by our tribe, that our tribe is putting this as a priority and we get to put it in our own language, with our own culture, with our own practices. It is by and for us.

It is not that tribes haven't wanted it but sex trafficking has really gained more attention and tribes are starting to become more aware that it is impacting the women in our communities. It doesn't just happen in the urban areas; it is happening in our tribal communities.

Senator FLAKE. Thank you all again for what you do, especially, Mrs. McCain, for what you have done in Arizona. I have seen it. I mentioned to you that my wife attended one of the functions you had. The ability you have to bring awareness to this and make people focus on it has been really helpful and heartening. Thank you for what you are doing.

Ms. MCCAIN. Thank you.

Senator FLAKE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,  
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you and thank you for this important discussion. Welcome to all the panelists.

I would like to start with Mr. Toulou. We have heard the GAO reports that there were 14 Federal investigations and 2 Federal prosecutions of human trafficking in Indian Country between 2013 and 2016.

Can you talk to why the number of Federal investigations and prosecutions is so low in Indian Country?

Mr. TOULOU. I think there are a couple of things going on there. One, we are talking about actual prostitution and trafficking in Indian Country. A lot of the trafficking I think we have seen nationally that involved Native American women is not in Indian Country but takes place in urban areas outside of Indian Country.

It is every bit as horrible, maybe more so in many ways because they do not have the communities to surround them, but it isn't something necessarily the Federal Government would be prosecuting. It is likely something that is going to be prosecuted by the State or local authorities.

We have human trafficking task forces in the U.S. Attorney's offices that work with all local, State and tribal entities and there is a parceling up of what gets prosecuted appropriately. I do not know that it necessarily says the cases are not being done. It is the cases that would occur in Indian Country and in that geographic location, it may not be as high.

Senator CORTEZ MASTO. I appreciate that. Thank you.

It would be helpful, I think, to explain the distinction between a State District Attorney, a State Attorney General and the U.S. Attorney's Office and how you coordinate that jurisdiction, who is going to prosecute these cases?

Mr. TOULOU. It is generally a question of location. Indian Country is a defined area geographically, its reservation allotments, and independent Indian communities.

Senator CORTEZ MASTO. Let me stop you there because I appreciate this. Let me just put this in perspective.

I was an Attorney General of Nevada for eight years. There are sex trafficking cases, human trafficking cases that the U.S. Attorneys took on outside of Indian Country. That is what I am talking about, not just in Indian Country, because you are trying to identify just Indian Country and a lot of these cases are happening outside, but the U.S. Attorney's Office can still prosecute these cases. They do not have to be in Indian Country to prosecute these cases, correct?

Mr. TOULOU. Absolutely.

Senator CORTEZ MASTO. That is my question. How do you distinguish between those agencies, the DA, the State Attorney General and the U.S. Attorney, how you are going to prosecute these cases and how many you are going to take on for sex trafficking cases?

Mr. TOULOU. Again, you were talking about Indian Country cases, so there are human trafficking cases in the U.S. Attorney's office outside of Indian Country. Some involve Indian victims, some of them do not.

The way it is handled in most districts is we have a Human Trafficking Task Force that involves all those entities. The cases come in as they do in other task forces and the appropriate prosecuting entity would handle the case.

I am sure some of the cases are handled by the U.S. Attorney's offices but it is a resource and appropriate sanctioning sort of determination that prosecutors make among themselves. It is set up within the U.S. Attorney's office working with those other entities.

Senator CORTEZ MASTO. For those jurisdictions, whether it is local, whether a State law does not have a sex trafficking crime, it really leaves only the U.S. Attorney's office to pursue a sex trafficking case because the DA and/or the State Attorney General, even if they have jurisdiction, they are only prosecuting for prostitution.

When do you, in those cases, because I know not every State has a sex trafficking crime, how do you address the sex trafficking cases in those States?

Mr. TOULOU. I think it requires some creativity but many of those cases would then be Federal if they are human trafficking cases. As you know, as a prosecutor, the more crimes an individual commits, you can charge and it is not just one. They may be charged with some of those other offenses as opposed to human trafficking as the named offense.

The idea is to get the individual off the street and make the victim safe. You pick what is most appropriate.

Senator CORTEZ MASTO. It is fair enough to say there are unfortunately so many of these types of cases going around that it is more than enough work for the U.S. Attorney alone to do?

Mr. TOULOU. Yes, I think that is true.

Senator CORTEZ MASTO. It would be much better to allow the DA and the Attorneys General, if they do not have that State crime, to be able to prosecute under a Federal crime?

Mr. TOULOU. You are saying the State or the Federal?

Senator CORTEZ MASTO. Yes, because we do it all the time. In the Attorney General's office, some of my attorneys were commissioned, had the authority to prosecute alongside the AUSAs under Federal crimes? Do you see any concern with that?

Mr. TOULOU. We are very supportive of the SAUSA Program.

Senator CORTEZ MASTO. Isn't it fair to say that because of this the proliferation of human trafficking across the Country, we should be opening the door to some extent to the CDA that Mrs. McCain talked about, allowing our local DAs and State attorneys to come in and really look at those cases where there is Backpage and these kids and young adults being sold online and not leave it just to the U.S. Attorneys to prosecute those types of cases but have the DAs and Attorneys General be able to prosecute those as well?

Mr. TOULOU. I think we are very interested in the department. This is a priority and making sure these cases get handled appropriately both the Deputy Attorneys General and Associates Offices are engaged task forces internally to work on this. I think any suggestion to provide more resources would be welcome.

Senator CORTEZ MASTO. It is a resource issue. I agree. I think the U.S. Attorney's Office is a challenge. You have a lot on your plate. Unfortunately, there is too much human trafficking happening, not just in the United States but around the world. Law enforcement needs all of the support at the State, local and Federal level they can get to support one another to be able to prosecute these crimes, wouldn't you agree?

Mr. TOULOU. I think anything we can do to handle this.

Senator CORTEZ MASTO. I appreciate it. Thank you very much.

The CHAIRMAN. Vice Chairman Udall.

Senator UDALL. Thank you, Mr. Chairman.

Senator Franken raised the issue of jurisdiction earlier. Mrs. McCain, based on your work at the McCain Institute, how essential is a credible threat of prosecution for combating the spread of human trafficking?

Ms. MCCAIN. I can speak for my home State of Arizona. It is high. Quite honestly, if you don't want to be arrested in Arizona for human trafficking, you had better keep on flying. Most of the States in the United States have implemented laws. There are some that have not yet.

In my opinion, it is most important that we, States that do have it, encourage the other States and help them devise laws and things to help them also have a stronger purpose in all of this. Most important, we have to work together. Child trafficking in Arizona is probably going to wind up in Minnesota or in Wyoming or some other place. We have to have a way to communicate with our police and first responders collectively. We have to be able to talk and share information, in my opinion.

Senator UDALL. Thank you.

This is for the whole panel. Do jurisdictional gray areas in Indian Country impact the success of Native human trafficking prevention initiatives or the process of investigations and prosecutions of human traffickers? Mr. Thompson?

Mr. THOMPSON. From an investigative perspective, the jurisdictional boundaries are a huge hindrance to us in investigations. There is no boundary when it comes to human sex trafficking specifically.

We have talked about Backpage and these other sites that target not only Indian women but also Indian locations, casinos, those types of locations, but they very easily change that location to a hotel that is just off of the reservation which all of a sudden takes away my or the tribe's jurisdiction from the equation in the investigation.

Those issues for us are an extreme hindrance when it comes to investigating what you would call a ring of human traffickers because this ring is not only operating in this one location or with this one group of people. They are operating across a network that does not have the boundaries of a reservation, town, city or county. Absolutely, for us, it does.

Senator UDALL. Mr. Toulou?

Mr., Toulou. We have attempted to deal with those issues by having a task force. That is what we do in a lot of other areas. Make sure you have all the relevant parties at the table so you can discuss the case and the jurisdiction and move ahead appropriately. That has worked fairly well for us and that is where we are now.

Senator UDALL. Dr. Goodwin?

Ms. GOODWIN. In our conversations and in the surveys we did, this came up as well. It is an issue, who has jurisdiction over what part.

Also, we asked in our survey whether tribal law enforcement or tribes had human trafficking codes. We did not get a reply on that but we know the Tribal Law and Policy Institute will help tribes establish and work on getting a human trafficking code.

Senator UDALL. Does the Justice Department also do that, Mr. Toulou? Cindy McCain talked about how the Navajo Nation has put in new laws. There are other tribes out there that would like to do this, I am sure. We have heard that. Are you assisting them in that or are you relying on the work Dr. Goodwin is talked about?

Mr. TOULOU. We actually fund the Tribal Law and Policy Institute. We have tribal liaisons in all the U.S. Attorney's offices. I am sure they would be happy to help the tribes as would my office if they want to work on a code.

Mr. THOMPSON. If I may, Vice Chairman, the Tribal Justice Work Program under the Office of Justice Services also provides technical support to tribal courts to include the development of tribal codes.

Senator UDALL. Let me sum up. First of all, I thank the Chairman again. This has been an excellent panel. Your testimony has been stellar. You have really helped us, I think, get a grip on what we have to deal with here. It is a tough, tough subject. We just want to thank you very much.

The CHAIRMAN. Thank you, Vice Chairman Udall.

I would inform the members we do have a vote at 4:30 p.m. on the floor.

I would very much like to thank our witnesses today for being here and for your very important work.

The record will be kept open for two weeks for anyone who would like to submit additional questions.

Again, our thanks.

We are adjourned.

[Whereupon, at 4:25 p.m., the Committee was adjourned.]



## A P P E N D I X

PREPARED STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Good afternoon, Mister Chairman. I appreciate you holding this important hearing today.

During my Chairmanship, I joined with then-Vice Chairman Tester in a series of letters to ask the Government Accountability Office—GAO—to begin an examination of human trafficking in Indian Country. Anecdotally, we knew that human trafficking was a growing problem in both native and non-native communities, but were unable to determine the full extent of the problem.

As a result of our letters, the GAO published two reports, the results of which we will discuss today. From these reports, it is clear that not only do we not know the full extent of the risks posed by human trafficking of American Indian and Alaska Natives, agencies are also poorly equipped to assist victims once they escape. The GAO report on the number of Native American victims needing services identified that in the three-year period from 2013 to 2016, the United States conducted 6,100 investigations and pursued 1,000 prosecutions for human trafficking operations. Of these, only 14 federal investigations, resulting in 2 federal prosecutions, were related to cases involving an American Indian or Alaska Native.

Given the scope of the information GAO reported, the fact that there were relatively few investigations and prosecutions in Indian Country does not tell me that human trafficking is not a problem. Rather, it seems obvious to me that these crimes are under-reported, under-investigated, and under-prosecuted.

It is widely known that American Indian and Alaska Native women suffer sexual violence at the highest rate per capita in this country. It seems likely that human trafficking, yet another form of sexual violence, also disproportionately affects women and children in Indian Country.

In this Committee, we work to address the significant issues in Indian Country. There is no doubt in my mind that human trafficking is one of those issues. No woman, no man, no child should live in fear of being sold. No one should be afraid of retaliation should they report a crime.

We must know more about victims of trafficking, the identity and tools used by traffickers, and what services are needed if someone has been trafficked. That is why I appreciate the opportunity to join you as a cosponsor of your SURVIVE Act, and I look forward to continuing to work with Senator Tester, you, and Vice Chairman Udall.

I appreciate the testimony of the witnesses today, and I appreciate the work they each do to reach out to victims and end human trafficking.

Thank you, Mister Chairman.

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PREPARED STATEMENT OF ALISON KEAR, EXECUTIVE DIRECTOR, COVENANT HOUSE  
ALASKA

Chairman Hoeven and Ranking Member Udall:

Thank you for giving me the opportunity to provide comments regarding the recent GAO Report on Human Trafficking of American Indians and Alaska Natives.

My name is Alison Kear. I am the Executive Director of Covenant House Alaska, where I've worked for 21 years. Covenant House Alaska is the largest shelter in Alaska for at-risk youth experiencing homelessness. In Anchorage, we are the only provider of street outreach and emergency shelter services for youth ages 13–20, and transitional housing programs for youth ages 18–20. Since 1988, we have served over 20,000 homeless youth. Last year, we served a population of about 2,331 at-risk youth inside our shelter that came from all over Alaska, including rural Alaska Native communities. In fact, 57 percent of our youth are Alaska Native and American

Indian- more than half of our residents.<sup>1</sup> And that number has been steadily increasing over the past 10 years.

In 2016, Covenant House Alaska participated in a multi-city study on human trafficking, conducted by Loyola University's Modern Slavery Research Project. We were one of 10 Covenant House sites that participated across North America, including Canada. In a survey of 65 in-person interviews with residential and drop-in youth at Covenant House Alaska, 28 percent of the respondents were Identified as victims of human trafficking.<sup>2</sup> That's one in four homeless youth in Anchorage, Alaska. Those numbers did not surprise us. Homelessness and sex trafficking go hand in hand.

Regarding our Alaska Native population, of the youth who were sex trafficked, preliminary reports indicate that 42 percent were Alaska Native, reinforcing other data showing that Alaska Native people are a higher risk population.<sup>3</sup> This compares to findings in 2010 by the Anchorage Police Department and the FBI, which estimated that Alaska Native victims made up 30 percent of the sex trafficking cases they were investigating.<sup>4</sup>

Overall according to the recent Loyola University study, Alaska's respondents reported more trafficking than both New Orleans (14 percent) and New York (14.9 percent) as well as in any other city in the study.<sup>5</sup> Anchorage was the last site surveyed in the Loyola study. Researchers had been to major cities like Los Angeles, Detroit and Atlanta—but the most horrific stories they had heard from trafficking victims were in my hometown of Anchorage, Alaska.

What does sex trafficking among Alaska Native youth look like in my state? I can tell the committee what we've seen firsthand at Covenant House. We know that young Alaska Native girls are often targeted, recruited out of rural areas of our state and from Native hub communities with promises of jobs in Anchorage. They leave their villages and families, often to escape traumatic home situations and high unemployment in rural areas. The majority of rural villages are hundreds of miles from Anchorage and are only accessible by airplane or boat, and airfares to Anchorage can cost around \$800. Many of these young girls lack the means to return to their home villages once they arrive in Anchorage, and are easily victimized and forced into prostitution.

We also know that Alaska unfortunately suffers the highest rates of domestic violence, sexual assault and suicide in the country.<sup>6</sup> The Alaska rape rate is 2.5 times the national average.<sup>7</sup> Child sexual assault in Alaska is almost six times the national average.<sup>8</sup> And within the foster care system, Alaska Native children are seven times more likely to be in foster care than non-Native children.<sup>9</sup> These are all risk factors that lead to homelessness and extreme vulnerability among Native youth—they are easy targets for sex traffickers, who promise these youth security, love, companionship, a warm meal and a bed. These kids don't have support networks or a community. So if Covenant House doesn't find them first, who does? Traffickers.

Seven years ago, Anchorage police and the Federal Bureau of Investigation warned communities about a rise in rural Alaska Native girls and women who leave their families and villages for Anchorage, being lured into the sex trafficking trade with the promise of security. There seems to be a market for young Alaska Native women, who can be trafficked as other ethnicities. This is where I first learned about the severity of the trafficking problem in Alaska. In this presentation, I discovered that the number one spot that young people were being recruited for sex trafficking was—of all places—Covenant House Alaska. When I got over my shock and anger and sadness, I was committed to change that.

<sup>1</sup> Covenant House Alaska statistics (2016)

<sup>2</sup> Loyola University New Orleans, Modern Slavery Research Project (2016). Labor and Sex Trafficking Among Homeless Youth, Anchorage Alaska.

<sup>3</sup> Murphy, L. (2016). Multi-city study on human trafficking and homeless youth: preliminary site report. Loyola University New Orleans Modern Slavery Research Project.

<sup>4</sup> Lacey & D. Neer (personal communication, September 18, 2012).

<sup>5</sup> Murphy, L. (2016). Multi-city study on human trafficking and homeless youth: preliminary site report. Loyola University New Orleans Modern Slavery Research Project.

<sup>6</sup> Alaska Suicide Facts and Statistics. [http://dhss.alaska.gov/SuicidePrevention/Documents/pdf\\_sspc/AKSuicideStatistics.pdf](http://dhss.alaska.gov/SuicidePrevention/Documents/pdf_sspc/AKSuicideStatistics.pdf)

<sup>7</sup> Standing Together Against Rape, Alaska Specific Statistics. <http://www.staralaska.com/statistics.html>

<sup>8</sup> An Overview of Alaska Native Children Exposed to Violence in the Home, the Community, and Juvenile Justice System Response (2014) <https://www.justice.gov/sites/default/files/defendingchildhood/legacy/2014/10/10/AlaskaPanelI.pdf>

<sup>9</sup> Alaska Dispatch News, Sept. 28, 2016. High numbers of Alaska children—especially Native children—in foster care. <https://www.adn.com/alaska-news/article/high-numbers-alaska-children-and-native-children-fostercare/2014/12/04/>

Why is it so difficult to obtain data on trafficking? In working with these youth at Covenant House, it often takes many months before they will confide that they are in a dangerous situation. Often, they do not identify themselves as victims or even recognize they are in a trafficking situation, so many have been sexually abused since childhood and have a warped sense of what is “normal.” Or they form attachments to their trafficker because of the manipulative nature of this crime. Another barrier is the lack of training and understanding among local law enforcement. Even after a victim has asked for help, the process of deciding to get out of the life and to press charges against their trafficker is lengthy, often taking years.

Right now, we are working to address the lack of training among health and law professionals, so they can more quickly identify victims of sex trafficking. We partner with the Alaska Native Justice Center to do that, as well as Priceless, the anti-trafficking organization, and two domestic violence organizations—STAR and AWAIC. Together, we serve all trafficking victims who walk through our shelter doors.

Certainly, one way to help end sex trafficking is to end youth homelessness—the connection between the two is undeniable. And within the Anchorage community, we are coming together to do that. Covenant House Alaska has built strong partnerships with many organizations—Native and non-Native—to help our homeless youth who are vulnerable to trafficking. We partner with South central Foundation, Cook Inlet Tribal Council, First Alaskans Institute and Cook Inlet Housing Authority—all Alaska Native organizations—who are working inside our shelter and alongside us to heal the trauma all our at-risk youth have experienced. It’s going to take these kinds of unique partnerships to get a grip on this growing crime of sex trafficking in our state.

I commend the Committee for highlighting the findings of this GAO report and the horrible problem of sex trafficking within our Alaska Native and American Indian communities. Thank you for your time.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
GRETTA L. GOODWIN, PH.D.

### **Funding for Tribal Law Enforcement and Justice Programs**

*Question 1.* Four federal agencies—the Federal Bureau of Investigation (FBI), Bureau of Indian Affairs (BIA), and the U.S. Attorneys’ Office (USAO), and U.S. Immigration and Customs Enforcement (ICE)—are in charge of the investigation and prosecution of human trafficking cases in Indian Country. Between 2013 and 2016, these agencies reported that they conducted only 14 federal investigations of human trafficking offenses in Indian Country.<sup>1</sup> The Department of Justice undertook two related federal prosecutions during that same period.<sup>2</sup> It is likely that the capacity of these agencies to undertake investigations and prosecutions is limited by personnel resources. Recent analysis by the BIA showed that federal funding meets only 42 percent of the need for law enforcement in Indian Country,<sup>3</sup> but President Trump’s FY2018 Budget Request would cut funding for tribal and federal justice programs. This proposal includes \$36 million in cuts to tribal justice programs at the Department of Interior. It would eliminate funding for 48 BIA law enforcement officers, 126 tribal police officer positions, and 600 special agents at the FBI. Is there any evidence that under-staffing or personnel limitations impacted the abilities of federal agencies to adequately track, investigate, and prosecute human trafficking in Indian Country?

Answer. I based my September 27, 2017 testimony on two GAO reports addressing human trafficking of Native American victims or in Indian Country that we published in March<sup>4</sup> and July of 2017.<sup>5</sup> In conducting the work for each, our scope did not include the collection of information regarding staffing or personnel issues at the federal agencies you note above. Thus, I am not positioned to address whether or not evidence exists to answer your question. However, if you would like to request that GAO examine human capital management issues in these agencies as they relate to the investigations and prosecution of human trafficking cases involving Na-

<sup>1</sup> U.S. Gov’t Accountability Office, GAO-17-624, *Human Trafficking: Information on Cases in Indian Country or that Involved Native Americans* (2017).

<sup>2</sup> *Id.*

<sup>3</sup> See Fiscal Year 2017 Indian Country Budget Request, National Congress of American Indians, 32, at <http://www.ncai.org/resources/ncai-publications/05FY2017publicsafety.pdf>.

<sup>4</sup> GAO, *Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federallyfunded Services*, GAO-17-325 (Washington, D.C.: Mar. 30, 2017).

<sup>5</sup> GAO, *Human Trafficking: Information on Cases in Indian Country or that Involved Native Americans*, GAO-17-624 (Washington, D.C.: July 24, 2017).

tive American victims or in Indian Country, we would be pleased to work with your office to explore these matters.

### **Interagency Coordination**

*Question 2.* In his written testimony, Mr. Thompson stated that 414 Indian Policy Academy (IPA) attendees have received special training regarding human trafficking.<sup>6</sup> He also stated that IPA has partnered with the Department of Homeland Security's Blue Campaign and the National Indian Gaming Commission to spread awareness about this growing criminal issue in Native Communities. This is a step in the right direction, but stakeholder coordination is key to improving efforts to combat issues like human trafficking. Senator Udall sent a letter to the Department of the Interior (DOD, the Department of Health and Human Services (HHS), and the National Indian Gaming Commission asking them to coordinate with victim service providers and other federal agencies to ensure that all federal employees on tribal lands are equipped to spot and respond to domestic violence and human trafficking in Indian Country. What specific training for law enforcement is needed so that human trafficking is not mistaken for prostitution?

*Answer.* The reports from March and July of 2017 on which I based my testimony statement did not recommend any specific type of training to enhance law enforcement's ability to distinguish between human trafficking and prostitution. That said, our July report included survey results that, in part, address your interests. In particular, we reported that over half of the tribal law enforcement agencies (LEAs) that responded to our survey (72 of 132) identified one or more types of assistance that they would like to receive to help identify and address human trafficking in their jurisdiction. In particular, 50 of the 72 tribal LEAs said they would like to receive additional training or technical assistance to assist them in combating human trafficking. For example, officials from one tribal LEA we interviewed expressed interest in training that focuses on building trust between tribal and non-tribal representatives and helps make tribal law enforcement and community members aware of existing federal resources. These officials also noted that they wanted training materials that included examples of cases that involved Native Americans so as to be more relatable to tribal community members and to help build awareness in the tribal community.

We also asked victim service providers whether the federal government could support their efforts to serve Native American human trafficking victims, and one of the most frequently cited areas that service providers mentioned (12 of 42 respondents) was additional information to increase public awareness and training for them as well as LEAs. For example, respondents cited the need for training for both service providers and tribal LEAs focused on identifying victims, developing tribal trafficking statutes, and working with Native American populations effectively.

### **Tribal Resources: Culturally-Specific Victim Services**

*Question 3.* GAO research shows that there is a need for culturally specific programs for American Indian and Alaska Native women to specifically address sex trafficking.<sup>7</sup> Did your survey results for the second GAO report reveal any other culturally-specific services that providers are currently offering Native survivors of human trafficking? Respondents to our surveys indicated that culturally specific services available to Native American victims of human trafficking include talking circles, sweat lodges, drum circles, smudging, spiritual counseling, traditional medicine, and mentoring by tribal elders and spiritual leaders. Survey respondents also reported that they offer creative art.

### **Combating Online Human Trafficking**

*Question 4.* The Internet plays a role in human trafficking. Traffickers sometimes communicate with young people online, posing as potential boyfriends or girlfriends, tricking them and eventually forcing them into trafficking. Traffickers also use online platforms to sell their product -using classified advertisement listing services such as Backpage.com, they post information about the men, women, and children that they are trafficking. The Internet's role in human trafficking is complex, and successfully combating human trafficking requires understanding its role. Fighting digital platforms that assist in the trafficking of persons potentially requires additional resources, and might raise complicated jurisdictional questions. Based on your

<sup>6</sup>Statement of Jason Thompson, Senate Committee on Indian Affairs Oversight Hearing on "GAO Reports on Human Trafficking of American Indians and Alaska Natives in the United States," 3, (Sept. 27, 2017) <https://www.indian.senate.gov/sites/default/files/upload/Jason%20Thompson%20Testimony.pdf>.

<sup>7</sup>U.S. Gov't Accountability Office, GAO-17-624, *Human Trafficking: Information on Cases in Indian Country or that Involved Native Americans* (2017).

research, do you believe that Indian Country is prepared to tackle the unique challenges presented by the Internet's role in human trafficking?

*Question 4a.* If not, what resources do you need in order to adequately confront those challenges?

Answer. The reports from March and July of 2017 on which my testimony is based did not address the role of the Internet in human trafficking in Indian country or involving Native Americans. However, in a 2016 report, we examined—at a broad level—federal efforts to assess the prevalence of human trafficking, challenges agencies face in investigating and prosecuting human trafficking cases, and federal grants and steps taken to prevent duplication. In that report, we noted that the Internet Crimes Against Children Task Force is a network of 61 task forces comprised of over 3,000 federal, state, local, and tribal law enforcement and prosecutorial agencies. These task force agencies engage in investigations, forensic examinations, and prosecutions of Internet crimes against children.<sup>8</sup> If you would like to request that GAO examine the Internet's specific role in human trafficking in Indian Country or involving Native Americans and any challenges that Indian Country may face with respect to obtaining information off the Internet to investigate human trafficking crimes, we would be pleased to work with your office to explore these matters.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ-MASTO  
TO GRETTA L. GOODWIN, PH.D.

*Question 1.* The March 30, 2017 GAO report indicates that HHS is developing a data collection tool, which grantees can use to report information on human trafficking, including the Native American status of victims. Have you been in touch with HHS about this tool? If so, how is HHS addressing the concerns raised by the DOJ regarding overburdening grantees and victim confidentiality?

Answer. In our last interview/email exchange with HHS officials on August 2017, the officials indicated that they prefer Congressional inquiries be directed to the agency rather than being communicated through GAO. We can provide the appropriate contact information to facilitate a conversation with HHS.

*Question 2.* How does your recommendation address DOJ's concerns regarding the burden on grantees to track and report on the Native American status of the victim served? How does your recommendation ensure the privacy of the victims are protected?

Answer. While we believe that collecting race or Native American status information on victims of all types of crimes can be very informative, it is not our position that victims should be required to disclose such information in order to receive services, particularly where disclosure would create a risk that a victim could be publicly identified. In light of concerns that DOJ raised during our audit work, including potential for overburdening grantees and undermining victim confidentiality, we recommended that grantees be required to report, to DOJ, Native American status of human trafficking victims, "as appropriate." Therefore, our recommendation gives DOJ latitude to address its concerns, as deemed appropriate under the circumstances. We formulated the recommendation, understanding that there may be instances where reporting the Native American status of human trafficking victims could, on its own, or in conjunction with other information, identify individual victims. As we stated in our report, the components could exempt grantees from reporting Native American status on a case-by-case basis if such instances arise. However, we do think there are situations where it may be appropriate to ask victims for their race or Native American status, and that such an inquiry would pose no greater burden on grantees than any other demographic data collection requirement already in place. In fact, our March 2017 report states that survey results from a related review indicate that some of the DOJ- and HHS-funded victim service providers already collect this information. In particular, of the 162 victim service providers that responded to our survey, 67 reported that they provided services to at least one human trafficking victim, and 58 were able to tell us whether any of the human trafficking victims they served were Native American; 9 were not able to tell us.

*Question 3.* GAO recommends that the Director of OVW require grantees to report the number of human trafficking victims served using grant funding, and as appropriate, the Native American status of the victims. How would a grantee know

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<sup>8</sup> GAO, *Human Trafficking: Agencies Have Taken Steps to Assess Prevalence, Address Victim Issues, and Avoid Grant Duplication* GAO-16-555 (Washington, D.C.: Jun 28, 2016).

whether it was appropriate to report? How can DOJ work not to penalize grantees who do not report because for instance it would reveal the identity of the victim?

Answer. We recommended that grantees be required to report, to DOJ, Native American status of human trafficking victims “as appropriate.” Implicit in this is that DOJ work with its grantees to jointly determine what is appropriate given the particular facts and circumstances a grantee might face. If there is reason for DOJ to believe that reporting would compromise confidentiality, then it would be incumbent on DOJ to waive the requirement as appropriate for the particular grantee/s and therefore forgo any penalization.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
JASON THOMPSON

### **Jurisdictional Issues**

*Question 1.* Human trafficking on tribal lands raises many questions related to law enforcement and court jurisdiction. The Government Accountability Office (GAO) spoke with tribal law enforcement departments that indicated human trafficking on tribal lands involves non-tribal members (as either traffickers or traffickees), creating potential jurisdictional challenges. Currently, tribal jurisdiction over non-Indians is limited to domestic violence crimes committed against a Native spouse or Native significant other on tribal land. This means that tribes cannot bring charges against a non-Native defendant who participates in the human trafficking of Native women on tribal land. Could you expand more on how BIA law enforcement works across jurisdictional boundaries to address human trafficking?

Answer. Participating in local task forces has proven to be one successful avenue to address jurisdictional boundaries when investigating Human Trafficking enterprises operating in or near Indian Country. The Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) Division of Drug Enforcement (DDE) Agents coordinate and partner with other federal and/or state task forces in the area to multiply resources to address the increased criminal activity in targeted areas in or affecting Indian Country.

To ensure BIA DDE Agents can mitigate any jurisdictional boundary issues, Agents have worked collaboratively with other federal, tribal, state and local law enforcement officials to prepare targeted human trafficking operations at specific locations in and around Indian Country enterprises. This ensures potential predators and human trafficking organizations are not able to exploit potential jurisdictional gaps and escape detection.

BIA DDE has teamed up with Homeland Security Investigations (HSI), the Federal Bureau of Investigation (FBI) and State Human Trafficking Divisions on recent Human Trafficking Operations. BIA DDE works to secure additional intelligence by continuing to forge local partnerships with other tribal, state and federal law enforcement in order to provide additional resources to address Human Trafficking enterprises.

BIA-OJS has also worked closely with the U.S. Department of State to engage Tribes in identifying the types of Human Trafficking affecting tribal communities, best practices, and the identification of gaps in services. The BIA OJS continues its collaborative effort with the U.S. Department of State to engage tribal communities on Human Trafficking issues.

*Question 1a.* Does this gap in jurisdiction cause enforcement challenges for tribal police and courts?

Answer. Yes, jurisdictional gaps always provide unique challenges for law enforcement and court programs. Since tribal police and courts do not have jurisdiction over all persons committing crimes within Indian Country, there is the potential for perpetrators to slip through jurisdictional gaps.

### **Funding for Tribal Law Enforcement and Justice Programs**

*Question 2.* Four federal agencies—the Federal Bureau of Investigation (FBI), Bureau of Indian Affairs (BIA), and the U.S. Attorneys’ Office (USAO), and U.S. Immigration and Customs Enforcement (ICE)—are in charge of the investigation and prosecution of human trafficking cases in Indian country. Between 2013 and 2016, these agencies reported that they conducted only 14 federal investigations of human trafficking offenses in Indian Country. The Department of Justice undertook two related federal prosecutions during that same period. It is likely that the capacity of these agencies to undertake investigations and prosecutions is limited by personnel resources. Recent analysis by the BIA showed that federal funding meets only 42 percent of the need for law enforcement in Indian Country, but President Trump’s FY 2018 Budget Request would cut funding for tribal and federal justice programs.

This proposal includes \$36 million in cuts to tribal justice programs at the Department of Interior. It would eliminate funding for 48 BIA law enforcement officers, 126 tribal police officer positions, and 600 special agents at the FBI. How would the budget cuts and reduction in law enforcement personnel impact the ability to combat human trafficking and other violent crimes in Indian Country?

Answer. Human Trafficking investigations are often complex and require an extraordinary amount of coordination among Federal agencies and tribal, state and local law enforcement. These investigations and operations are part of the overall core mission for BIA and tribal law enforcement agencies, and thus, as the BIA refocuses its budgetary resources on its core missions, will remain a priority.

#### **Interagency Coordination**

*Question 3.* In his written testimony, Mr. Thompson stated that 414 Indian Policy Academy (IPA) attendees have received special training regarding human trafficking. 5 He also stated that IPA has partnered with the Department of Homeland Security's Blue Campaign and the National Indian Gaming Commission to spread awareness about this growing criminal issue in Native Communities. This is a step in the right direction, but stakeholder coordination is key to improving efforts to combat issues like human trafficking. Senator Udall sent a letter to the Department of the Interior (DOI), the Department of Health and Human Services (HHS), and the National Indian Gaming Commission asking them to coordinate with victim service providers and other federal agencies to ensure that all federal employees on tribal lands are equipped to spot and respond to domestic violence and human trafficking in Indian Country. What specific training for law enforcement is needed so that human trafficking is not mistaken for prostitution?

Answer. The current human trafficking curriculum outlines case examples and differentiates between human trafficking and correlating crimes associated with human trafficking, such as prostitution. The training also outlines best practices for collaboration with criminal investigators and prosecutors to identify the associated offenses.

*Question 3a.* Could you provide more detail about the training on human trafficking provided at the Indian Police Academy?

Answer. The human trafficking course was developed collaboratively by the Department of Homeland Security—Blue Campaign and the Federal Law Enforcement Training Center, the Department of Justice, and the Bureau of Indian Affairs. Those agencies are in the process of drafting an updated course with the BIA Indian Police Academy. The current human trafficking course consists of defining human trafficking; applicable criminal laws; current trends and indicators; and investigative response.

#### **Combating Online Human Trafficking**

*Question 4.* The Internet plays a role in human trafficking. Traffickers sometimes communicate with young people online, posing as potential boyfriends or girlfriends, tricking them and eventually forcing them into trafficking. Traffickers also use online platforms to sell their product—using classified advertisement listing services such as Backpage.com, they post information about the men, women, and children that they are trafficking. The Internet's role in human trafficking is complex, and successfully combating human trafficking requires understanding its role. Fighting digital platforms that assist in the trafficking of persons potentially requires additional resources, and might raise complicated jurisdictional questions. What new challenges does the Internet bring to successfully combating human trafficking?

Answer. Traffickers are now using the Internet to promote escort service ads that mask sex trafficking operations. The Internet allows the sex traffickers to anonymously post fictitious photos and information about the victims, and thus avoid law enforcement identifying them prior to the physical meetings where the victim will be exchanged for money or other goods. The inability of Law Enforcement to positively identify both criminals and victims prior to the in-person meeting allows traffickers to detect law enforcement presence at meeting locations, thereby avoiding contact by officers. Internet sites utilized by traffickers have also begun implementing more stringent log-in controls, which pose additional hurdles to officers gaining access to such sites without being detected.

*Question 4a.* Is Indian Country prepared to tackle all of these challenges?

Answer. Indian Country still faces some challenges in this area. The lack of personnel that are trained and proficient in social media and Internet investigations can leave a void and sometimes delay these investigations. Since many of these sites have explicit or restricted content, BIA and Tribal law enforcement often experience hurdles accessing these web sites on government computer equipment. The constantly evolving technology utilized by these criminals, and concomitant lack of

funding on the part of law enforcement to upgrade its own technology, also presents a challenge for BIA and tribal law enforcement in conducting these investigations.

Indian Country has also experienced issues with getting undercover IDs and accounts to aid agents in avoiding detection. BIA and Tribal law enforcement programs do not have separate administrative subpoena authority to obtain records like other federal agencies, such as FBI, HSI, DEA and IRS. Indian Country law enforcement agencies partner with other federal agencies to maximize resources and share intelligence.

*Question 4b.* If not, what resources do you need in order to adequately confront those challenges?

Answer. We continue to identify additional useful resources, including, for example, advanced training on utilizing social media and the Internet as needed tools for identifying and investigating human trafficking enterprises.

#### **Federal Grant Accessibility**

*Question 5.* Law enforcement agencies (LEAs) and service providers surveyed by the GAO noted that federal government assistance is most needed in the form of: (1) additional funding and (2) additional training and technical assistance. The GAO also reported that there are a total of 50 federal grant programs that could address human trafficking, but only two of those exclusively address Native human trafficking. While the other 48 programs may technically be available to tribes, we do not know if these programs are reaching Native communities or if Native applicants are competitive in obtaining these grants. How do we make these 48 grants more accessible to tribes?

Answer. These grants are administered by the Department of Justice (DOJ) and other providers. BIA does not provide grants to tribes that specifically address Human Trafficking. b. What additional resources would improve BIA and tribal law enforcement's ability to combat human trafficking?

As with other federal, tribal, state, and local law enforcement agencies, human trafficking is among our highest priorities. The most important resources for combatting human trafficking are the on-site investigators. Therefore greater coordination among all of these agencies is of the utmost importance, and the best method of shifting more resources to the front line of combatting these horrible crimes.

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#### RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ-MASTO TO JASON THOMPSON

*Question 1.* What kind of training and technical assistance is the DOJ currently providing to tribes that address human trafficking? How are you working with DHS and DOJ on training to identify human trafficking?

Answer. Your question is more appropriate for the Departments of Justice (DOJ) and Homeland Security (DHS) for a response. The Bureau of Indian Affairs—Office of Justice Services (BIA-OJS) understands DOJ's Bureau of Justice Assistance (BJA) funds human trafficking training, for law enforcement and prosecutors that is specific to tribal lands and a Human Trafficking Awareness course for casino employees. BJA's Human Trafficking Training and Technical Assistance (TTA) provider is also able to provide customized training and technical assistance to tribal communities and their law enforcement agencies, when requested.

As an additional note, the BIA OJS partners with other federal and state agencies to collaborate and share resources in an effort to target human trafficking occurring in Indian Country. This collaboration has allowed law enforcement to run multiple human trafficking operations simultaneously in a given area, and allow agencies to share resources. This has been very beneficial, since a human trafficking investigation is very resource intensive and requires a lot of logistical preparation.

Our BIA-OJS Division of Drug Enforcement has teamed up with Homeland Security Investigations (HSI), the Federal Bureau of Investigations (FBI) and State Human Trafficking Divisions on recent Human Trafficking Operations. The BIA-OJS Division of Drug Enforcement works to secure additional intelligence by continuing to forge local partnerships with other tribal, state and federal law enforcement in order to provide additional resources to address Human Trafficking enterprises that may be operating in or around Indian Country.

*Question 2.* Is there personnel or a position at within BIA's Office of Justice Services that specifically works fulltime on human trafficking issues and coordinating resources with tribes and tribal law enforcement? If so, can you please detail the name of the personnel and the title of the position?

Answer. BIA does not have any full-time personnel dedicated specifically to Human Trafficking investigations. Due to the close association of such trafficking



to drug and prostitution cases, and the similar need for cross-jurisdictional efforts, the Division of Drug Enforcement is most closely aligned focused on these types of crimes. The Division of Drug Enforcement within BIA–OJS has also been tasked with leading investigations of human trafficking violations affecting Indian country.

*Question 3.* In the July GAO report, tribal law enforcement agencies cited a lack of funding and a lack of inter-agency cooperation as barriers to investigating and prosecuting human trafficking in Indian country. What is BIA doing to ensure better inter-agency cooperation and what resources are needed from Congress to better equip tribal LEAs in identifying and prosecuting these crimes?

Answer. The BIA Drug Agents began providing hands on training and technical assistance to Tribal Police Officers during the deployments of Mobile Enforcement Teams to reservations. The onsite training includes areas such as techniques in undercover operations, identifying human trafficking enterprises, developing informants and the proper procedures for putting a successful criminal investigation report together for prosecution. BIA Indian Police Academy is working with the Federal Law Enforcement Training Center (FLETC) to develop and deploy training for tribal officers, specifically related to human trafficking.

*Question 4.* In your written testimony you mentioned the “Project Beacon” grant program and its aim to increase victim-centered services available to Native Americans in urban areas. In FY 16, only three organizations received funding with this grant. Why is the number so low? In your opinion, do we need more funding for these types of programs that work specifically with Native American victims?

Answer. Project Beacon is a grant program run by the DOJ Office of Justice Programs. The program increases services to urban American Indian and Alaska Native victims of sex trafficking. This question is more appropriate for the Department of Justice (DOJ) for information on the grant program and its administration.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. STEVE DAINES TO  
TRACY TOULOU

*Question 1.* The July GAO report identifies victims’ drug addiction as one of the main reasons for victims’ reluctance to participate in investigations or prosecutions. In fact, 17 of 18 respondents said this was a factor. Mr. Toulou, further to our conversation under Senator McCain’s questioning, given that methamphetamine is tragically the drug dujour in Montana, would you say it’s safe to say that meth plays a role in human trafficking both in Indian Country and of Native Americans?

Answer. Although we lack granular data on the precise extent of the role that methamphetamine plays in human trafficking of American Indians either in Montana or across the United States, it is clear that any drug addiction increases the risk that an individual could be trafficked. Methamphetamines are extremely addictive drugs that create a vulnerability that traffickers can exploit. Methamphetamines and other drugs may be involved in many human trafficking cases as a means to control or coerce the victims. Any efforts to address this particular challenge of substance abuse should involve both substance abuse treatment and trauma-informed, culturally-appropriate care for poly-victimization and trauma.

*Question 2.* As we’ve heard today, we know there isn’t consensus among the witness panel regarding the GAO recommendations on data collection, specifically the recommendation to have certain offices within the Department of Justice require their grantees to report the number of human trafficking victims served using grant funding, and, as appropriate, the Native American status of those victims. Mr. Toulou, you’ve already shared your concerns today. Could you paint a picture of how you might see those concerns about victim privacy playing out somewhere like Billings, Montana?

Answer. Native American victims of human trafficking may feel stigmatized. Such victims may desire not to be identified out of a fear of bringing shame upon their families, being ostracized by their communities, or being retaliated against by their traffickers. As reported in both GAO reports on human trafficking in Indian country, the vast majority of Native American victims cite the fear of retaliation as a barrier to engaging with the justice system.

It is the Department of Justice’s view that implementing the GAO recommendation may have the unintended consequence of fewer human trafficking victims seeking services. Moreover, it may compromise the ability of victim service providers to address victims’ immediate safety needs. If victim service providers align their approach to assisting trafficking victims with current best practices, they will not confront victims with extensive paperwork and questions for which the answers do not help identify what the victim needs. An NIJ-funded study of service delivery to traf-

ficking victims reported that “[s]ex trafficking was never the only problem, and often not the most critical problem, in young people’s lives. Meeting these fundamental needs frequently took precedence over addressing trafficking, and it required creative and persistent efforts to engage clients and sustain their involvement. . . . [p]rogram staff noted that it was first necessary to establish a trusting relationship with a young person before asking questions on sensitive topics such as mental health issues, past and current trauma, and trafficking experiences”.<sup>1</sup>

Victim service providers are trained to help victims and earn their trust, not to conduct research or statistical data collection, particularly in an area that trained researchers have found difficult to measure. Piecemeal additions to data collection requirements for grantees may seem mostly benign on their own, but taken together they can diminish the quality of services that these grants are meant to support.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
CINDY MCCAIN

### **Federal Grant Accessibility**

*Question 1.* Law enforcement agencies (LEAs) and service providers surveyed by the Government Accountability Office (GAO) noted that federal government assistance is most needed in the form of: (1) additional funding and (2) additional training and technical assistance. The GAO also reported that there are a total of 50 federal grant programs that could address human trafficking, but only two of those exclusively address Native human trafficking. While the other 48 programs may technically be available to tribes, we do not know if these programs are reaching Native communities or if Native applicants are competitive in obtaining these grants. Based on your experiences, what resources do you believe are most needed by service providers that work with Native victims of human trafficking?

Answer. In my experience, the Amber Alert Training and Technical Assistance Program, funded by the U.S. Department of Justice does a wonderful job at training tribal law enforcement, victim service providers, and Tribal Council and community members on human trafficking. The AMBER Alert Initiative for Indian Country has offered training and technical assistance on human trafficking identification and prevention to over 500 federally recognized tribes. There is a critical need for ensuring continued funding for this efficient, effective program.

There is also a need for additional training of tribal law enforcement and encouragement of Tribal Councils to adopt laws at the Tribal level designating human trafficking as a crime and training local law enforcement on human trafficking identification and prosecution. In addition, human trafficking training of local law enforcement in municipalities which border or surround Indian land is needed.

### **Interagency Coordination**

*Question 2.* In his written testimony, Mr. Thompson stated that 414 Indian Policy Academy (IPA) attendees have received special training regarding human trafficking. He also stated that IPA has partnered with the Department of Homeland Security’s Blue Campaign and the National Indian Gaming Commission to spread awareness about this growing criminal issue in Native Communities. This is a step in the right direction, but stakeholder coordination is key to improving efforts to combat issues like human trafficking. Senator Udall sent a letter to the Department of the Interior (DOI), the Department of Health and Human Services (HHS), and the National Indian Gaming Commission asking them to coordinate with victim service providers and other federal agencies to ensure that all federal employees on tribal lands are equipped to spot and respond to domestic violence and human trafficking in Indian Country. What specific training for law enforcement is needed so that human trafficking is not mislabeled as prostitution?

Answer. I applaud Senator Udall’s efforts to improve coordination among government agencies providing services to trafficked individuals on tribal lands. This coordinated effort would be most welcome both on and off Indian land.

In Arizona, the Arizona Police Officers Standards and Training Board (AZPOST) put into place a comprehensive human trafficking identification training so all new police officers receive training on how to spot human trafficking, recognize victims as victims and know the local resources in place to provide immediate assistance. In addition, the Phoenix Police Department’s Vice Unit, Phoenix first responders and the larger FBI Task Force on Human Trafficking members receive excellent

<sup>1</sup>Gibbs, D., Walters, J.L.H., Lutnick, A., Miller, S., & Kluckman, M., *Evaluation of services for domestic minor victims of human trafficking, final report* (NCJ 248578), at pp. ES-9and 2-2, Washington, DC: National Institute of Justice, U.S. Department of Justice (2014).

training and there has been a monumental shift in attitude among police when they recover a victim of human trafficking in Arizona. This same type of comprehensive training needs to be made available to Tribal law enforcement and repeated as often as needed as the force turns over to ensure coverage.

*Question 2a.* What role can medical personnel play in combatting human trafficking?

Answer. Health Care workers are absolutely a priority for proper training to identify, treat and provide safe options for trafficked victims that come into their care. This is particularly important for emergency room staff, pediatricians, women's health care practitioners, forensic nurses and first responders. Several Arizona hospitals have recently began training incoming residents on human trafficking and this type of training is crucial to Indian medical facilities. Many survivors tell us that they came across health care workers while they were being trafficked and the signs were not recognized, the right questions were not asked and victims not identified despite repeated intersection with health care systems.

*Question 2b.* What advice would you give to Indian Health Services, the Bureau of Indian Affairs, and other frontline federal agencies as they undertake these trainings?

Answer. I would strongly encourage Indian Health Services, the Bureau of Indian Affairs and other frontline agencies to work with the DOJ funded AMBER Alert Initiative for Indian Country. They have excellent training programs specifically targeted at preventing and identifying human trafficking in Indian Country.

#### **Tribal Resources: Culturally-Specific Victim Services**

*Question 3.* GAO research shows that there is a need for culturally specific programs for American Indian and Alaska Native women to address sex trafficking. Based on your experience working with victim service providers around the world, how important is it to have culturally-appropriate services available to victims of human trafficking?

Do victim service providers in Indian country have enough resources to offer culturally appropriate victim services to all those in need?

Answer. Culturally sensitive victim services programs are very important and we have a model program incorporating tribal customs in healing in Arizona in Native American Connections (NAC). NAC has been offering culturally sensitive programs and places to heal from drug and alcohol addiction to Native Americans for many years, with a very high success rate. They have recently focused efforts on identifying trafficking victims within their client population as well as offering services directly to human trafficking victims.

Senator Heitkamp came to Arizona to tour our NAC facility with me and her staff is actively working on replicating the NAC recovery model in North Dakota.

#### **Combating Online Human Trafficking**

*Question 4.* The Internet plays a role in human trafficking. Traffickers sometimes communicate with young people online, posing as potential boyfriends or girlfriends, tricking them and eventually forcing them into trafficking. Traffickers also use online platforms to sell their product—using classified advertisement listing services such as Backpage.com, they post information about the men, women, and children that they are trafficking. The Internet's role in human trafficking is complex, and successfully combating human trafficking requires understanding its role. Fighting digital platforms that assist in the trafficking of persons potentially requires additional resources, and might raise complicated jurisdictional questions. Could you explain the special challenges posed by the Internet's role in facilitating human trafficking, and how Internet trafficking is different from more traditional methods of human trafficking?

Is Indian Country prepared to tackle these challenges?

If not, what resources do you need in order to adequately confront those challenges?

Answer. The increasingly complex web of Internet solicitations, including backpage.com ads, the dark web and well known chat rooms among buyers of sex have increased the options of traffickers infinitely. While there are valiant efforts using technology to surf backpage.com ads to identify victims of trafficking, there simply aren't sufficient law enforcement resources to go after all of the cases. The risk of a trafficker getting caught is still very low and the possible profits from selling human beings online is huge—for most traffickers the benefits far outweigh any risk and this is no different in Indian Country.

Trafficking is a hidden and under-reported crime. I believe we need to continue to work to stop websites like backpage.com who make millions of dollars from ads

selling children. It is illegal to sell a child, yet they continue to advertise children for sex over and over and over again without fear of retribution. Amending section 230 of the CDA is a first step at enabling victims of trafficking to go after their traffickers in court for selling them online.

Because Indian Country is often remote and very spread out, it is even more difficult to stop Internet trafficking with traditional policing. The Navajo Tribal Council recently passed a law making human trafficking a crime on the Navajo nation, work toward ensuring other tribes pass similar laws is needed. Awareness of the issue and the specific challenges on Indian lands is a first step, enhanced training of service providers in or near Indian Country to recognize and treat victims is also important.

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**\*RESPONSES TO THE FOLLOWING QUESTIONS WERE NOT AVAILABLE AT THE TIME THIS HEARING WENT TO PRINT\***

WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
NICOLE MATTHEWS

**Federal Grant Accessibility**

*Question 1.* Law enforcement agencies (LEAs) and service providers surveyed by the Government Accountability Office (GAO) noted that federal government assistance is most needed in the form of: (1) additional funding and (2) additional training and technical assistance. The GAO also reported that there are a total of 50 federal grant programs that could address human trafficking, but only two of those exclusively address Native human trafficking. While the other 48 programs may technically be available to tribes, we do not know if these programs are reaching Native communities or if Native applicants are competitive in obtaining these grants. What barriers do you find most frequently prevent federal funding for victim services from reaching Indian Country?

What resources do you believe are most needed by service providers that work with Native victims of human trafficking?

**Jurisdictional Issues**

*Question 2.* Currently, tribal jurisdiction over non-Indians is limited to domestic violence crimes committed against a Native spouse or Native significant other on tribal land. This means that tribes cannot bring charges against a non-Native defendant who participates in the human trafficking of Native women on tribal land. Do you believe expanded tribal jurisdiction would help address human trafficking on Indian lands?

**Interagency Coordination**

*Question 3.* In his written testimony, Mr. Thompson stated that 414 Indian Policy Academy (IPA) attendees have received special training regarding human trafficking. He also stated that IPA has partnered with the Department of Homeland Security's Blue Campaign and the National Indian Gaming Commission to spread awareness about this growing criminal issue in Native Communities. This is a step in the right direction, but stakeholder coordination is key to improving efforts to combat issues like human trafficking. Senator Udall sent a letter to the Department of the Interior (DOI), the Department of Health and Human Services (HHS), and the National Indian Gaming Commission asking them to coordinate with victim service providers and other federal agencies to ensure that all federal employees on tribal lands are equipped to spot and respond to domestic violence and human trafficking in Indian Country. What specific training for law enforcement is needed so that human trafficking is not mistaken for prostitution?

What role can medical personnel play in combatting human trafficking?

What advice would you give to Indian Health Services, the Bureau of Indian Affairs, and other frontline federal agencies as they undertake these trainings?

**Tribal Resources: Culturally Specific Victim Services**

*Question 4.* You have stated before that there is a need for more culturally specific programs, by and for American Indian and Alaska Native women, to address sex trafficking. This finding was confirmed by GAO's latest report as well. Could you tell us more about the types of culturally-specific programs Native victim service provider organizations offer?

Could you tell us more about what is needed?

### **Combating Online Human Trafficking**

*Question 5.* The Internet plays a role in human trafficking. Traffickers sometimes communicate with young people online, posing as potential boyfriends or girlfriends, tricking them and eventually forcing them into trafficking. Traffickers also use online platforms to sell their product—using classified advertisement listing services such as Backpage.com, they post information about the men, women, and children that they are trafficking. The Internet’s role in human trafficking is complex, and successfully combating human trafficking requires understanding its role. Fighting digital platforms that assist in the trafficking of persons potentially requires additional resources, and might raise complicated jurisdictional questions. What new challenges do you think the Internet brings to successfully combating human trafficking?

Is Indian Country prepared to tackle all of these challenges?

If not, what resources do you need in order to adequately confront those challenges?

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WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO TRACY TOULOU

### **Jurisdictional Issues**

*Question 1.* Human trafficking on tribal lands raises many questions related to law enforcement and court jurisdiction. The Government Accountability Office (GAO) spoke with tribal law enforcement departments that indicate human trafficking on tribal lands involves non-tribal members (as either traffickers or traffickees), creating potential jurisdictional challenges. Currently, tribal jurisdiction over non-Indians is limited to domestic violence crimes committed against a Native spouse or Native significant other on tribal land. This means that tribes cannot bring charges against a non-Native defendant who participates in the human trafficking of Native women on tribal land. Does this gap in jurisdiction cause enforcement challenges for tribal police and courts?

### **Funding for Tribal Law Enforcement and Justice Programs**

*Question 2.* Four federal agencies—the Federal Bureau of Investigation (FBI), Bureau of Indian Affairs (BIA), and the U.S. Attorneys’ Office (USAO), and U.S. Immigration and Customs Enforcement (ICE)—are in charge of the investigation and prosecution of human trafficking cases in Indian Country. Between 2013 and 2016, these agencies reported that they conducted only 14 federal investigations of human trafficking offenses in Indian Country. The Department Of Justice undertook two related federal prosecutions during that same period. It is likely that the capacity of these agencies to undertake investigations and prosecutions is limited by personnel resources. Recent analysis by the BIA showed that federal funding meets only 42 percent of the need for law enforcement in Indian Country, but President Trump’s FY2018 Budget Request would cut funding for tribal and federal justice programs. This proposal includes \$36 million in cuts to tribal justice programs at the Department of Interior. It would eliminate funding for 48 BIA law enforcement officers, 126 tribal police officer positions, and 600 special agents at the FBI. How would the budget cuts and reduction in law enforcement personnel impact the ability to combat human trafficking and other violent crimes in Indian Country?

### **Federal Grant Accessibility**

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### **Interagency Coordination**

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a. What new challenges does the Internet bring to successfully combating human trafficking?

b. Is Indian Country prepared to tackle these challenges?

c. If not, what resources do you need in order to adequately confront those challenges?

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WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO TO NICOLE MATTHEWS

*Question 1.* Minnesota is the state that has achieved the most progress in addressing human trafficking among Native Americans. Can you discuss how this success has been achieved? How do federal, state, local, and tribal law enforcement agencies interact and cooperate?

*Question 2.* What lessons can other jurisdictions take away from Minnesota’s success? How can the Federal Government encourage the type of cooperation we see in Minnesota in more areas across the country?

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WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO TO TRACY TOULOU

*Question 1.* How does the DOJ engage with DOI and the tribes training tribal law enforcement to identify human trafficking? How does DOJ work with local law enforcement in metropolitan areas near Indian country on the issues specific to Native American victims and culturally sensitive services?

*Question 2.* What role does the FBI Victim Assistance program play in Indian country and how are they working to combat human trafficking? What interaction does the FBI Victim Assistance personnel have with the BIA and tribal law enforcement when it comes to human trafficking and crimes against children?

*Question 3.* How many of the 6,100 federal human trafficking investigations and 1,000 federal prosecutions between 2013 and 2016 cited in the GAO report involved Native American victims?

*Question 4.* Does the DOJ track declinations of human trafficking cases involving Native American victims? If so, how many cases that involved Native American trafficking victims were declined in the last 5 years?

*Question 4.* Given the limited jurisdiction of tribal courts and the fact that not every tribe has tribal law enforcement or trafficking codes on the books, how is the DOJ coordinating with state law enforcement and state attorney generals to specifically tackle the issue of trafficking in Indian country?

*Question 5.* I understand some DOJ grantees are already collecting the Native American status of the victim served. GAO found 58 grantees were able to tell them whether any of the human trafficking victims they served were Native Americans. From this, I understand this data is already being tracked but the DOJ just isn’t collecting it. I do think data is very important when trying to identify where to target our resources. Will DOJ consider collecting the data already being tracked voluntarily by the grantees?

*Question 6.* Would you consider speaking with HHS regarding its human trafficking data collection project and how it addresses the problems you have raised?

