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Human Trafficking and U.S. Foreign Policy: An Introduction

What is human trafficking?

Human trafficking (also known as trafficking in persons) refers to the subjection of men, women, or children to exploitative conditions that may be tantamount to modern-day slavery. From a foreign policy perspective, human trafficking can be viewed as a human rights problem, a manifestation of transnational organized crime, and a violation of core international labor standards. Human trafficking also raises economic development, international migration, and global governance and security issues, and disproportionately victimizes vulnerable populations.

The Trafficking Victims Protection Act of 2000 (TVPA, Division A of P.L. 106-386; 22 U.S.C. 7101 et seq.) defined “severe forms of trafficking in persons” to include sex trafficking induced by force, fraud, or coercion; child sex trafficking (under 18 years of age); or forced labor trafficking. The latter involves the recruitment, harboring, transportation, provision, or obtaining of a person—induced by force, fraud, or coercion—for the purpose of subjecting that person, adult or child, to involuntary servitude, peonage, debt bondage, or slavery. The recruitment or use of child soldiers, as defined in the Child Soldiers Prevention Act of 2008 (CSPA, Title IV of P.L. 110-457; 22 U.S.C. 2370c et seq.), is also a form of human trafficking. (For information on the CSPA and how U.S. policy addresses child soldiers, see CRS In Focus IF10901, *Child Soldiers Prevention Act: Security Assistance Restrictions*.)

How has Congress responded?

For nearly two decades, the cornerstone legislative vehicle to address international human trafficking has been the TVPA, as reauthorized and/or amended most notably in 2003 (P.L. 108-193), 2005 (P.L. 109-164), 2008 (P.L. 110-457), 2013 (P.L. 113-4), and 2019 (P.L. 115-425; P.L. 115-427).

The TVPA established numerous key elements of the U.S. foreign policy response to human trafficking, including the State Department’s Office to Combat and Monitor Trafficking in Persons (TIP Office), interagency entities to coordinate anti-trafficking policies across U.S. agencies, authorities to provide anti-trafficking foreign aid, and the requirement for the State Department to annually publish reports on trafficking in persons (known as the TIP Report).

Both U.S. policy, through the TVPA, and international law (e.g., the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children), view anti-trafficking responses as encompassing efforts to *protect* victims, *prosecute* traffickers, and *prevent* opportunities for traffickers to exploit (known as the 3Ps). In addition to the TVPA and funding anti-trafficking programs through regular appropriations, Congress has shaped U.S. policy to combat international human

trafficking through a range of legislative provisions focused on discrete aspects of this issue. In chronological order, selected key statutes include the following:

- Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), which prohibits the importation of foreign goods made wholly or in part by forced labor.
- Section 504 of the Trade Act of 1974 (19 U.S.C. 2464), as amended by the Trade and Development Act of 2000 (P.L. 106-200), which requires an annual report by the Labor Department on the worst forms of child labor.
- Title XVII of the National Defense Authorization Act, Fiscal Year 2013 (NDAA; P.L. 112-239), which expands provisions in the TVPA to prevent trafficking in federal procurement, including by military contractors engaged in overseas contingency operations. (The End Human Trafficking in Government Contracts Act of 2022 [P.L. 117-211] further amends these provisions.)
- International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (P.L. 114-119), which seeks to prevent child sexual exploitation abroad by outbound U.S. sex offenders.
- Section 910 of the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125), which eliminated the so-called “consumptive demand exception” to Section 307 of the Tariff Act.
- Section 321 of the Countering America’s Adversaries Through Sanctions Act (CAATSA, P.L. 115-44), which amended the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9241 et seq.) to require sanctions on foreign persons employing North Korean labor and to create a rebuttable presumption that goods mined, produced, or manufactured by North Korean labor are prohibited from importation pursuant to Section 307 of the Tariff Act.
- Provisions in the NDAA for 2020 (P.L. 116-92) to combat human trafficking in seafood supply chains (§§3561-3563) and human trafficking-related illicit financing (§§7151-7155).
- The Uyghur Forced Labor Prevention Act (P.L. 117-78), which among other provisions creates a rebuttable presumption that goods mined, produced, or manufactured in China’s Xinjiang region, or by certain Xinjiang-related entities, are prohibited from importation pursuant to Section 307 of the Tariff Act.

What is the State Department’s role?

The State Department leads federal efforts to combat human trafficking. The Secretary of State chairs the President’s Interagency Task Force (PITF) to Monitor and Combat Trafficking in Persons, which met most recently in

January 2022. The Director of the TIP Office chairs the Senior Policy Operating Group (SPOG), a working-level interagency entity to coordinate federal responses. The TIP Office also administers international anti-trafficking grant programs and prepares the annual TIP Report.

What is the TIP Report?

The TVPA requires State to prepare a report, due June 30 each year, describing and ranking the anti-trafficking efforts of the United States and foreign governments.

How are countries ranked?

Countries fall into one of four possible tiers or categories: Tier 1 (best), Tier 2, Tier 2 Watch List, and Tier 3 (worst). Only Tier 1 countries comply with the TVPA's minimum standards for eliminating trafficking, while the rest are noncompliant and vary in terms of their level of effort.

What are the minimum standards?

To be eligible for a Tier 1 ranking, the TVPA establishes that governments should prohibit severe forms of trafficking in persons, punish acts of such trafficking commensurate with the gravity and heinous nature of the crime, and be making "serious and sustained efforts" to eliminate the problem. The TVPA further identifies criteria for what constitutes serious and sustained effort; Congress has modified and expanded these criteria over time.

What is at stake in the rankings?

As a general matter, foreign governments may wish to avoid being publicly identified by the United States as failing to take adequate steps to combat human trafficking. Additionally, for Tier 3 countries, the TVPA establishes restrictions on certain types of U.S. foreign aid (nonhumanitarian, nontrade-related) and other assistance, although the President is authorized to waive, in part or in full, such restrictions. Each year, these decisions are issued in a presidential determination (see **Table 1**).

Table 1. Tier 3 Countries (2022 TIP Report)

Aid	Restricted	
	Partial Waiver	Full Waiver
Burma, China, Cuba, Iran, Nicaragua, North Korea, Syria	Afghanistan, Belarus, Curacao, ^a Eritrea, Guinea-Bissau, Macau (China), Russia, South Sudan, St. Maarten ^a	Brunei, Cambodia, Malaysia, Turkmenistan, Venezuela, Vietnam

Source: 87 *Federal Register* 64361.

- a. The 2022 TIP Report states that these "semi-autonomous" entities within the Kingdom of the Netherlands are not considered "countries" for purposes of the report, and the presidential determination does not describe the aid restrictions to them as being required by the TVPA

What international grant programs address human trafficking?

The U.S. government funds a range of anti-trafficking projects. The TIP Office oversees a substantial portion of these, although other State offices and U.S. agencies—including the U.S. Agency for International Development—may also oversee relevant projects. According to the State Department, as of August 1, 2022, the TIP Office was

managing 116 anti-trafficking projects in over 95 countries, totaling more than \$225 million. These projects can be implemented by U.S. and foreign nonprofits, educational institutions, public international organizations, and for-profit organizations. Such programming has included the following:

- **Bilateral and regional projects** to address one or more of the 3Ps of anti-trafficking in priority countries, as guided in part by TIP Report findings. Activities may focus, for example, on improving victim services or building justice system capacity to prosecute cases.
- **The Program to End Modern Slavery (PEMS)**, which combines prevalence research methods with targeted programming toward the goal of showing measurable reductions in human trafficking from specific interventions. PEMS launched in 2017 and has supported \$150 million in programming to date.
- **Other global research or training/assistance projects** (e.g., for emergency assistance to victims or short-term assistance to governments).
- **Child Protection Compact (CPC) Partnerships** with Colombia, Ghana, Jamaica, Mongolia, Peru, and the Philippines. CPCs are negotiated bilateral partnerships to combat child trafficking.

How much funding has Congress appropriated?

The Consolidated Appropriations Act, 2022 (P.L. 117-103), provided not less than \$123.4 million in State Department and foreign aid efforts to combat human trafficking. This amount included \$17 million to support TIP Office personnel and administrative costs with Diplomatic Programs (DP) funds. Also included was \$106.4 million in foreign aid for anti-trafficking programs—including not less than \$77 million out of the International Narcotics Control and Law Enforcement (INCLE) account; the act specified that relevant projects should be programmed consistent with the country-specific recommendations in the TIP Report and be coordinated with the TIP Office. Of this, \$10 million in INCLE was directed to be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico. The accompanying joint explanatory statement further directed \$10 million in INCLE to support CPCs, as well as \$2 million from the Economic Support Fund (ESF) account for "West Africa anti-slavery programs."

When was the TVPA last reauthorized?

P.L. 115-425, enacted in January 2019, in part authorized annual appropriations for international anti-trafficking activities through FY2021, including \$13.8 million in funds for the TIP Office and \$65 million to State for anti-trafficking assistance. Pending legislation in the 117th Congress would amend and reauthorize the TVPA, including S. 4171 and the House-passed H.R. 6552, both of which would authorize appropriations through FY2026.

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