



THE NATIONAL ACTION PLAN TO COMBAT HUMAN TRAFFICKING

DECEMBER 2021



THE WHITE HOUSE
WASHINGTON



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Human trafficking is a stain on our society’s conscience and an affront to the ideals that form the basis of our national strength: liberty, justice, equality, and opportunity. This abhorrent crime targets the most vulnerable in society and exploits them and their labor—stealing away their God-given rights, freedom, and dignity. At the same time, it erodes the safety of our communities, the security of our borders, the strength of our economy, and the rule of law. And my Administration is committed to keeping the fight to end human trafficking at the forefront of our national security agenda.

Any form of trafficking in people—from forced labor to sex trafficking—must not be tolerated, in the United States or anywhere around the world. This has been a shared, bipartisan priority since the United States ratified the Palermo Protocol and enacted the Trafficking Victims Protection Act in 2000, which I proudly supported as U.S. Senator. And today, I am building on that bipartisan tradition by releasing my administration’s updated version of our *National Action Plan to Combat Human Trafficking*.

Originally released in 2020, this document reflects extensive collaboration among federal anti-trafficking experts from across the United States government, who have decades of experience on the front lines of our nation’s fight against human trafficking. It was also informed by the expertise of survivors, who generously contributed their insights and wisdom to strengthen the U.S. response to human trafficking. And its focus on the foundational pillars of the U.S. and global anti-trafficking efforts—prevention, protection, prosecution, and partnership—remains unchanged.

Throughout, however, we have been purposeful in integrating my Administration’s core commitment to gender and racial equity, workers’ rights, fair trade, and support for underserved communities across all aspects of the plan. Because we know that human trafficking disproportionately impacts racial and ethnic minorities, women and girls, LGBTQI individuals, vulnerable migrants, and others from historically marginalized and underserved communities, our mission to combat human trafficking cannot be cut off from our broader efforts to build equity for members of marginalized communities. They are inextricably linked.

This updated National Action Plan also reflects our priority effort to end human trafficking and forced labor in global supply chains. COVID-19 made clear the need to secure our supply chains and make them more transparent and accountable, so that we can ensure uninterrupted access to essential goods in times of crisis without fueling corruption, exploitation and forced labor.

I learned from my father that the cardinal sin was the abuse of power—and there is no more pernicious abuse of power than human trafficking. No human being should be preyed on for

profit. And we must all work together to eradicate it. Individuals, businesses, faith-based communities, academic institutions, non-governmental organizations, journalists, and law enforcement, all have a role to play. It also demands the close cooperation of a wide range of agencies across federal, state, local, tribal, and territorial governments. We can accomplish far more working in partnership than we could working alone. And my Administration will remain relentless in our efforts to protect the most vulnerable among us, bring perpetrators to justice, empower survivors, and address the systemic inequities that expose vulnerable individuals and marginalized communities to the threat of human trafficking. This plan is how we will do it—together.

Joseph R. Biden, Jr.

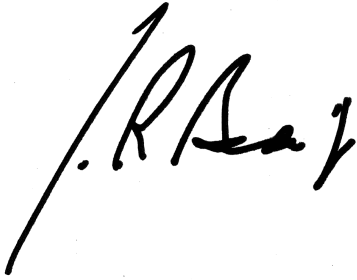
A handwritten signature in black ink, appearing to read "J. R. Biden, Jr.", with a large, sweeping initial "J" and a stylized "Biden".



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ACRONYMS

ACF	Administration for Children and Families, a component of HHS
ACTeam	Anti-trafficking Coordination Team, an initiative of DOJ, DHS, and DOL
ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives, a component of DOJ
BIA	Bureau of Indian Affairs, a component of DOI
BJA	Bureau of Justice Assistance, a component of DOJ
BOP	Federal Bureau of Prisons, a component of DOJ
CB	Children’s Bureau, a component of HHS
CBP	United States Customs and Border Protection, a component of DHS
DEA	Drug Enforcement Administration, a component of DOJ
DHS	United States Department of Homeland Security
DOC	United States Department of Commerce
DOD	United States Department of Defense
DOI	United States Department of Interior
DOJ	United States Department of Justice
DOL	United States Department of Labor
DOS	United States Department of State
DOT	United States Department of Transportation
DSS	Diplomatic Security Service, a component of DOS
EEOC	Equal Employment Opportunity Commission
EOIR	Executive Office for Immigration Review, a component of DOJ
ERO	Enforcement and Removal Operations, a component of DHS
FBI	Federal Bureau of Investigation, a component of DOJ
FDA	Food and Drug Administration, a component of HHS
FEMA	Federal Emergency Management Agency, a component of DHS
FinCEN	Financial Crimes Enforcement Network, a component of Treasury
FYSB	Family and Youth Services Bureau, a component of HHS
GSA	General Services Administration
HHS	United States Department of Health and Human Services
HRSA	Health Resources and Services Administration, a component of HHS
HSI	Homeland Security Investigations, a component of DHS

HUD	United States Department of Housing and Urban Development
ICAO	International Civil Aviation Organization, an agency of the United Nations
ICE	United States Immigration and Customs Enforcement, a component of DHS
IRS	Internal Revenue Service, a component of Treasury
ITA	International Trade Administration, a component of DOC
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons
NCMEC	National Center for Missing and Exploited Children, an NGO
NGO	Non-Governmental Organization
NIJ	National Institute of Justice, a component of DOJ
NOAA	National Oceanic and Atmospheric Administration, a component of the United States Department of Commerce
OFAC	Office of Foreign Assets Control, a component of Treasury
OIG	Office of Inspector General
OJJDP	Office of Juvenile Justice and Delinquency Prevention, a component of DOJ
OJP	Office of Justice Programs, a component of DOJ
OMB	Office of Management and Budget, a component of the White House
OSHA	Occupational Safety and Health Administration, a component of DOL
OTIP	Office on Trafficking in Persons, a component of HHS
OVC	Office for Victims of Crime, a component of DOJ
OVW	Office on Violence Against Women, a component of DOJ
PITF	President's Interagency Task Force to Monitor and Combat Trafficking in Persons
SAMHSA	Substance Abuse and Mental Health Services Administration, a component of HHS
SPOG	Senior Policy Operating Group, PITF-designated representatives
T visa	T nonimmigrant status
Treasury	United States Department of the Treasury
TSA	Transportation Security Administration, a component of DHS
TVPA	Trafficking Victims Protection Act
U visa	U nonimmigrant status
USAID	United States Agency for International Development
USAOs	United States Attorney's Offices, components of DOJ
USCG	United States Coast Guard, a component of DHS
USCIS	United States Citizenship and Immigration Services, a component of DHS
USDA	United States Department of Agriculture

USICH	United States Interagency Council on Homelessness
USMS	United States Marshals Service, a component of DOJ
USPS	United States Postal Service
USTR	Office of the United States Trade Representative, a component of the White House
WHD	Wage and Hour Division, a component of DOL



INTRODUCTION

The United States Government is committed to eradicating human trafficking, often referred to in U.S. law as trafficking in persons,¹ in all its forms. Human trafficking, a crime of exploiting a person for compelled labor, services, or commercial sex act(s), has no place in a society that values freedom and the rule of law. Nonetheless, it exists in every region of the United States and around the world. Human trafficking poses a grave danger to individual well-being, public health, public safety, national security, economic development, and prosperity.

Our Nation’s understanding of human trafficking, an underreported crime, has grown, and we have learned that this crime is far more pervasive than previously understood. In 2020, 11,193 situations of human trafficking were identified through the United States National Human Trafficking Hotline.² Globally, an estimated 24.9 million people are subjected to human trafficking,³ which generates an estimated \$150 billion annually in illicit profits.⁴

Human trafficking is generally understood within the United States to mean:

- The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act (sex trafficking)⁵, in which a commercial sex act⁶ is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; and

¹ Human trafficking is also commonly referred to as a form of modern slavery. The United States Government recognizes that there is no equivalent in the United States today to the experience of United States institutionalized slavery that lasted until the ratification of the Thirteenth Amendment to the Constitution in 1865. Slavery, peonage, and involuntary servitude are separately criminalized in 18 U.S.C. §§ 1581 – 1588 in the same Chapter of Title 18 as trafficking in persons crimes.

² See Department of State Annual Trafficking in Persons Report, 2021, *available at* https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf.

³ International Labour Organization and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (2017), *available at* https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf. This report used data from the International Organization for Migration’s victim assistance database and surveys of more than 71,000 respondents from 48 countries. Of the 24.9 million victims, the report finds that “16 million were in the private economy, another 4.8 million were in forced sexual exploitation, and 4.1 million were in forced labour imposed by state authorities.”

⁴ See International Labour Organization, *Profits and Poverty: The Economics of Forced Labour* (2014), *available at* https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf.

⁵ See 22 U.S.C. § 7102(12).

⁶ The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person. 22 U.S.C. § 7102(4). 18 U.S.C. § 1591 provides a criminal definition for sex trafficking that is similar to that contained within 22 U.S.C. § 7102(11); it prohibits the same acts in addition to enticing, advertising, or maintaining a person for the same purpose and through the same means.

- 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.⁷

Human trafficking takes many forms. Sex trafficking of adults involves exploiting adults by causing them to engage in commercial sex through the use of force, fraud, or coercion. When a person under 18 years old is induced to perform a commercial sex act, it is a crime of sex trafficking regardless of whether there is any force, fraud, or coercion.⁸

Sex traffickers may exploit victims through the use of escort services, outdoor solicitation, cantinas, and online commercial sex advertising, among other means. Traffickers often manipulate adult or child victims' difficult economic conditions, instability in housing, substance abuse issues, or lack of family support to isolate victims and make them wholly dependent upon their traffickers. Those who engage in the sex trafficking of minors target vulnerable children and gain control over them using a variety of manipulative methods. Victims frequently fall prey to traffickers who lure them in with an offer of food, clothes, attention, friendship, love, and a seemingly safe place to sleep. After cultivating a relationship with the child and engendering a false sense of trust, the trafficker will begin engaging the child in commercial sex, and use physical, emotional, and psychological abuse to keep the child trapped in these circumstances. It is common for traffickers to isolate victims by moving them far away from friends and family, altering their physical appearances, or continuously moving them to new locations. Victims are heavily conditioned to remain loyal to the trafficker and to distrust law enforcement. No child is immune to becoming a victim of child sex trafficking, regardless of the child's race, age, socioeconomic status, or location, and every child involved in this form of commercial sexual exploitation is a victim.⁹

Labor trafficking¹⁰ occurs across many different industries, including domestic work, traveling sales crews, food services, peddling and begging, agriculture, health and beauty services, construction, hospitality, and landscaping. In some industries, such as illicit massage businesses or bars, strip clubs, and cantinas, there are often victims of both sex and labor trafficking.¹¹ The United States Government has found forced labor overseas in industries – such as apparel,

⁷ See 22 U.S.C. § 7102(11). For additional legal definitions, see 18 U.S.C. Chapter 77 (criminal definitions) and 19 U.S.C. § 1307 (includes customs definition of “forced labor”). Among other provisions, Chapter 77 includes the core forced labor and sex trafficking crimes; crimes related to peonage, slavery and involuntary servitude; and a crime captioned “trafficking with respect to peonage, slavery, involuntary servitude, or forced labor,” which prohibits recruiting, harboring, transporting, providing, or obtaining by any means a person for labor or services in violation of Chapter 77. 18 U.S.C. § 1590.

⁸ See *id.*; see also <https://www.acf.hhs.gov/otip/about/what-human-trafficking>.

⁹ See <https://www.justice.gov/criminal-ceos/child-sex-trafficking>.

¹⁰ While the term “labor trafficking” does not appear in the United States Code, it is another term that may be used to refer to human trafficking involving compelled labor or services, as distinct from sex trafficking.

¹¹ See Polaris, *The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States* (2017), available at <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-Typology-of-Modern-Slavery-1.pdf>; Polaris, *2019 Statistics from the National Human Trafficking Hotline* (2019), available at <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>; Department of State Annual Trafficking in Persons Report, 2021, available at https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf.

manufactured goods, electronics, and seafood – which produce goods that are or are likely to be imported into the United States.¹²

Examples of types of force, fraud, or coercion that apply to either sex or labor trafficking may include: actual force, threats of force, physical restraint, threats of serious harm, abuse of the law, threats to the safety of family members, abuse of vulnerability, restriction of movement, isolation, retention of identity documents, withholding drugs to induce withdrawal sickness, threats of deportation, debt manipulation, sunk-cost schemes (false promises to pay wages in the future), or threats to expose embarrassing conduct or imagery. Ultimately, many victims of human trafficking do not leave their situation to seek help because the trafficker's force, fraud, or coercion and the associated fear compel them to remain in the exploitative situation.

Human trafficking is distinct from the separate crime of human smuggling, which is not covered in this *Action Plan*. It is a misconception that human trafficking requires crossing a border.¹³ In fact, it does not require movement at all. By contrast, human smugglers engage in the crime of bringing people across international borders through deliberate evasion of immigration laws, often for financial benefit.¹⁴ While human trafficking and human smuggling are distinct crimes, individuals who are smuggled are vulnerable to becoming victims of human trafficking and other serious crime.¹⁵ Understanding these distinct concepts will support improved human trafficking prevention and victim identification efforts.

¹² See United States Department of Labor, *List of Goods Produced by Child Labor or Forced Labor*, available at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>; see also United States Customs and Border Protection, *Withhold Release Orders and Findings*, available at <https://www.cbp.gov/trade/programs-administration/forced-labor/withhold-release-orders-and-findings>.

¹³ See <https://www.dhs.gov/blue-campaign/myths-and-misconceptions>.

¹⁴ See, e.g., 8 U.S.C. § 1324.

¹⁵ In addition to being subjected to unsafe conditions on the smuggling journeys (sometimes resulting in serious injury or death), smuggled persons may be subjected to physical and sexual violence, fraud, or other forms of exploitation. Frequently, at the end of the journey, smuggled persons are held hostage until their debt is paid off by family members or others. According to the United Nations Convention against Transnational Organized Crime (UNTOC) Protocol against the Smuggling of Migrants by Land, Sea, and Air, migrant smuggling is transnational by definition, allows illicit actors and networks to circumvent borders and use the proceeds from this criminal activity to finance greater insecurity and instability, and may unwittingly serve as a source of revenue or means of travel for terrorist actors.

Characteristics of Human Trafficking

Who is victimized? Human trafficking victims can be of any age, race, ethnicity, sex, gender identity, sexual orientation, nationality, immigration status, cultural background, religion, socio-economic class, and education attainment level. Individuals particularly vulnerable to human trafficking in the United States include children in the child welfare system or who have encountered the juvenile justice system; runaway and homeless youth¹⁶; unaccompanied children; persons who do not have lawful immigration status in the United States; American Indians, Alaska Natives, Native Hawaiians, Pacific Islanders, and other indigenous peoples of North America; Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) individuals; migrant laborers; persons with disabilities; and individuals with substance use disorder. While girls, women, and LGBTQI+ community members are notably more vulnerable, sex and labor traffickers also regularly target boys and men. There are strong indicators that Black and Latino women and girls are disproportionately represented among human trafficking victims and survivors identified in many communities, although there is a dearth of nationwide data related to people of color.¹⁷ There are other factors that correlate with a higher risk of human trafficking victimization, such as recent migration or relocation, substance misuse, unstable housing, abuse, childhood trauma, and mental health issues.¹⁸

Human trafficking victims in the United States may be United States citizens or foreign nationals who have lawful immigration status or who are present without documentation, sometimes as a direct result of their victimization. One of the biggest challenges facing law enforcement and service provider professionals is the ability to accurately identify human trafficking victims, which is due to several factors, including the level of trust that victims bestow in these professionals.. Nevertheless, information from these sources may still provide some insight into the scope of the crime. A 2019 Non-Governmental Organization (NGO) study found that about 72 percent of calls to the National Human Trafficking Hotline related to sex trafficking, 11 percent related to labor trafficking, four percent were both, and 13 percent were unspecified.¹⁹ According to a 2019 Federal Bureau of Investigation (FBI) study based on data derived from its investigations in the United States over a three-year period (2015-2017), 80 percent of human trafficking cases that were investigated involved victims of sex trafficking, 19 percent were victims of labor trafficking, and one percent involved both sex and labor trafficking.²⁰ The FBI study also found that 43 percent of victims recruited for labor trafficking were foreign nationals residing outside the United

¹⁶ In this *Action Plan*, the term “youth” refers to older children and young adults.

¹⁷ See Polaris, *Racial Disparities, COVID-19, and Human Trafficking* (2020), available at <https://polarisproject.org/blog/2020/07/racial-disparities-covid-19-and-human-trafficking>.

¹⁸ See Polaris, *2019 Data Report: The U.S. National Human Trafficking Hotline* (2019), available at <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>.

¹⁹ Id.

²⁰ Federal Bureau of Investigation Intelligence Study, *Human Traffickers Almost Certainly Engage in Sex Trafficking as Most Prevalent Form of Human Trafficking, Threatening Economic and Social Interests* (February 8, 2019). The FBI study used data derived from a three-year analysis of 309 investigations during the 2015-2017 timespan.

States.²¹ In FY 2020, the United States Department of Health and Human Services (HHS) certified²² 508 foreign national adult victims of human trafficking, of which 70 percent were victims of labor trafficking, 15 percent were victims of sex trafficking, 11 percent were victims of both sex and labor trafficking, and four percent were unknown. Similarly, HHS certified 673 foreign national child victims of human trafficking, of which 69 percent were victims of labor trafficking, 25 percent were victims of sex trafficking, five percent were victims of both sex and labor trafficking, and one percent was unknown.²³ Historically, labor trafficking has been more difficult for law enforcement to detect than sex trafficking.²⁴

In 2020, victims in the United States originated from almost every region of the world. The top three countries of origin of federally identified victims were the United States, Mexico, and Honduras. Both United States citizens and foreign nationals in the United States are exploited. Also, victims from the United States are trafficked abroad, and foreign victims of child sex trafficking are exploited by United States citizens in foreign countries or over the internet.²⁵

Who are the human traffickers? Human traffickers come from a wide variety of backgrounds and demographic categories. Human traffickers can be relatives, friends, individuals who are politically connected in their country of origin, individuals operating alone, or those in loosely affiliated groups or as part of gangs or transnational criminal organizations. Many times, prosecutors obtain convictions of human traffickers and their associates for crimes other than human trafficking, such as money laundering or fraud. Human trafficking networks may be linked to other criminal activities, such as kidnapping, extortion, racketeering, foreign corrupt practices, production of counterfeit goods, prostitution, drug trafficking, money laundering, document fraud, visa fraud, immigration-related crimes, and public corruption.

More generally, human traffickers often operate a range of illicit enterprises both in the United States and abroad. For example:

- Transnational criminal organizations engage in human trafficking, frequently in conjunction with other criminal activities.

²¹ This FBI data comports with a recent International Labour Organization (ILO) report finding that traffickers typically exploit 77 percent of victims in their countries of residence. See *Global Estimates of Modern Slavery*, available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf. Similarly, according to a 2018 study by the United Nations Office on Drugs and Crime (UNODC), evidence shows that for the first time ever, a majority of victims had been identified in their countries of citizenship. See UNODC, *Global Report on Trafficking in Persons* (2018), available at https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf.

²² HHS certification enables foreign nationals who are human trafficking victims to be eligible to apply for federal and state benefits and services under certain circumstances. United States Department of State Annual Trafficking in Persons Report, 2021, available at https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf.

²³ United States Department of State Annual Trafficking in Persons Report, 2021, available at https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf.

²⁴ Id.

²⁵ Id.

- The Zhao Wei drug trafficking organization engages in human trafficking to generate funds to further its other criminal activities.²⁶
- MS-13 engages in human trafficking both domestically and transnationally.²⁷
- Mexican origin transnational criminal organizations engage in sex trafficking to facilitate other illicit activity.²⁸
- Multiple European countries have documented transnational organized crime operations that exploit both European nationals and migrants in sex and labor trafficking, including forced criminality such as pickpocketing and the distribution of narcotics.²⁹
- Terrorist organizations – including Islamic State in Iraq and Syria, Boko Haram, and Al-Shabaab³⁰ – engage in human trafficking crimes.
- State actors such as Afghanistan, Burma, Cuba, the Democratic People’s Republic of Korea, Eritrea, Iran, the People’s Republic of China, Russia, South Sudan, Syria, and Turkmenistan engage in state-sponsored forced labor or sex trafficking.³¹

How do the human traffickers operate? To control their victims, human traffickers may use tactics and techniques such as physically isolating their victim, emotionally manipulating a victim through false promises of love, threatening a victim with various forms of harm, including from the legal system, such as deportation or arrest, and manipulating a victim’s substance use. Human traffickers also engage in debt bondage. Prospective victims are often led to take on debt, ostensibly to support the costs of accessing a “good” job, via credible, but false, promises of a better situation. Then, human traffickers and their co-conspirators ensure that the debts are sufficient for the victim to fear that if the debt is not repaid, the victim or their family will suffer serious consequences threatening their life, health, welfare, or property. Human traffickers use diverse modes of transportation to facilitate their illicit activities. Human traffickers also use technology to facilitate the trafficking, such as online social media platforms to recruit and advertise human trafficking victims and livestreaming platforms to facilitate child sex trafficking. Law enforcement continues to make strides in interdicting illicit online activity including the

²⁶ United States Department of the Treasury Press Release, *Treasury Sanctions the Zhao Wei Transnational Criminal Organization* (January 30, 2018), available at <https://home.treasury.gov/news/press-releases/sm0272>.

²⁷ See, e.g., DOJ, *MS-13 Members and Associates Arrested for Sex Trafficking a Minor* (Aug. 5, 2020), available at <https://www.justice.gov/usao-edva/pr/ms-13-members-and-associates-arrested-sex-trafficking-minor>; the United States Department of Justice, Office of Justice Programs-funded study, *The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County* (April 2016), Ami Carpenter and Jamie Gates, available at <https://www.ojp.gov/pdffiles1/nij/grants/249857.pdf>.

²⁸ The United States Department of State Office to Monitor and Combat Trafficking in Persons-funded study, *Trafficking in Persons Along Mexico’s Eastern Migration Routes: The Role of Transnational Criminal Organizations* (March 2017), Woodrow Wilson International Center for Scholars, available at <https://www.wilsoncenter.org/article/trafficking-persons-along-mexicos-eastern-migration-routes>.

²⁹ United States Department of State Annual Trafficking in Persons Report, 2021, available at https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf.

³⁰ See the Financial Action Task Force (FATF) 2018 report, *Financial Flows of Human Trafficking* (July 2018), available at <http://www.fatf-gafi.org/media/fatf/content/images/Human-Trafficking-2018.pdf>.

³¹ United States Department of State Annual Trafficking in Persons Report, 2021, available at https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf; United States Department of State, Treasury, Commerce, Homeland Security, USTR, and Labor, *Xinjiang Supply Chain Business Advisory*, 2021, available at <https://www.state.gov/xinjiang-supply-chain-business-advisory>.

seizure of online platforms that advertise commercial sex involving human trafficking. These seizures severely disrupt traffickers' operations and those facilitating the illegal activity. However, law enforcement must invest in the latest tools and technology and remain vigilant to the adjustments traffickers make to avoid detection, including the movement of internet servers overseas. Some emergent technologies, like anonymous browsing, also allow human traffickers to evade law enforcement.

Certain environments are more likely to enable human traffickers to conduct and profit from their criminal exploitation. Human traffickers take advantage of breakdowns in the rule of law and weakened social support caused by conflict, natural disaster, and other crises to recruit victims. Corrupt government officials also enable human traffickers; for example, officials may accept bribes from labor brokers engaged in deceptive practices.³² These breakdowns are compounded when governments are actively hostile to civil society, precluding partnerships with NGOs that otherwise could reinforce counter-trafficking efforts. The weakness of government institutions fuels not only impunity, but also the desperation of individuals eager to support their families and, in some cases, simply to survive. Human traffickers exploit these needs in order to lure victims with false promises of a better situation in the United States or elsewhere. For example, Mexico is the top origin country in human trafficking cases involving foreign national victims in which the United States is the destination.³³ Recent cases involved sex trafficking enterprises linked to a region in central Mexico, which recruited young victims who were then smuggled into the United States and compelled into commercial sex acts in New York, Atlanta, and other cities.³⁴

In cases where human traffickers have recruited individuals outside the United States with the intent of exploiting them in the United States, they may be moved through intermediary or "transit" countries, sometimes for extended periods, during which victims may also be forced into labor or commercial sex. Transit countries are chosen for the geographical location and are usually characterized by weak border controls, proximity to destination countries, corruption of immigration officials, or affiliation with organized crime groups that are involved in human trafficking and human smuggling.

Financial activity from human trafficking activities can intersect with the formal financial system at any point during the recruitment, transportation, and exploitation stages. The illicit proceeds from human trafficking can include income associated with logistics, such as housing and transportation of victims, as well as earnings from the exploitation of victims. The movement of

³² See UNODC, *The Role of Corruption in Trafficking in Persons* (2011), available at https://www.unodc.org/documents/human-trafficking/2011/Issue_Paper_-_The_Role_of_Corruption_in_Trafficking_in_Persons.pdf; United States Department of State Annual Trafficking in Persons Report, 2021, available at https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf.

³³ See HHS, *Trafficking Victims Assistance Program, FY 2019*, available at https://www.acf.hhs.gov/sites/default/files/documents/otip/tvap_infographic_fy_2019_508.pdf

³⁴ See DOJ, *Eight Members of Mexican Sex Trafficking Enterprise Plead Guilty To Racketeering, Sex Trafficking, And Related Crimes* (April 21, 2017), available at <https://www.justice.gov/usao-edny/pr/eight-members-mexican-sex-trafficking-enterprise-plead-guilty-racketeering-sex>; DOJ, *Five Members of Mexican Sex Trafficking Organization Sentenced to Prison* (Jan. 7, 2019), available at <https://www.justice.gov/opa/pr/five-members-mexican-sex-trafficking-organization-sentenced-prison>.

human trafficking proceeds can constitute money laundering³⁵ or, if designated terrorist organizations are involved, terrorist financing.³⁶ Money launderers and human traffickers exploit the fact that companies can be incorporated in many countries without disclosing their beneficial ownership information.³⁷ Human traffickers establish front companies to hide the true nature of a business, its illicit activities and its owners and associates. There are strong indicators of the use of anonymous companies for money laundering and human trafficking. For example, in a recent NGO study, only 21 percent of the 6,000 business records found for illicit massage businesses name the owner, and even in those cases, the information may not be legitimate.³⁸ When insufficient controls are in place, human traffickers benefit from ready access to financial systems to maintain their enterprises.

Complex supply chains impede traceability and make it challenging to verify that goods and services are free of forced labor.³⁹ Globally and in the United States, forced labor and associated harmful employment practices hide the true cost of labor and subvert the legitimate job market, such as displacing American workers, driving down wages, and corrupting the domestic and global economy. These practices create an uneven playing field for responsible businesses that invest in measures to prevent forced labor in their product supply chains.⁴⁰ The United States Department of Labor (DOL) has identified 156 goods from 77 countries that are produced with child labor or forced labor globally, some of which are connected to products imported into the United States.⁴¹ Meanwhile, human traffickers benefit most from complex and nontransparent supply chains as well as permissive regulatory environments abroad.

³⁵ Money laundering in violation of 18 U.S.C. § 1956(a)(1) is the crime of knowingly conducting, or attempting to conduct, a “financial transaction” with proceeds from “specified unlawful activity” (SUA). Sex trafficking, forced labor, and other crimes related to trafficking in persons are considered SUAs. Other money laundering statutes relevant to human trafficking investigations include international money laundering, 18 U.S.C. § 1956(a)(2); the “spending statute,” 18 U.S.C. § 1957; structuring in violation of 31 U.S.C. § 5324; operating unlicensed money transmitting businesses in violation of 18 U.S.C. § 1960; and conspiracy to violate either Section 1956 or Section 1957 (or both) in violation of 18 U.S.C. § 1956(h).

³⁶ See Financial Crimes Enforcement Network (FinCEN), *Supplemental Advisory on Identifying and Reporting Human Trafficking and Related Activity* (October 15, 2020), available at <https://www.fincen.gov/resources/advisories/fincen-advisory-fin-2020-a008> and *Guidance on Recognizing Activity that May be Associated with Human Smuggling and Human Trafficking — Financial Red Flags* (September 11, 2014), available at <https://www.fincen.gov/resources/advisories/fincen-advisory-fin-2014-a008>.

³⁷ See National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116 283, available at <https://www.congress.gov/bill/116th-congress/house-bill/6395>.

³⁸ See Polaris, *Corporate Secrecy Fuels Human Trafficking in United States* (April 19, 2018), available at <https://polarisproject.org/news/press-releases/corporate-secrecy-fuels-human-trafficking-united-states>.

³⁹ See the Financial Action Task Force (FATF) 2018 report, *Financial Flows of Human Trafficking* (July 2018), available at <http://www.fatf-gafi.org/media/fatf/content/images/Human-Trafficking-2018.pdf>.

⁴⁰ See Verité, *Strengthening Protections against Trafficking in Persons in Federal and Corporate Supply Chains* (2017), available at <https://www.verite.org/wp-content/uploads/2017/04/EO-and-Commodity-Reports-Combined-FINAL-2017.pdf>; Responsible Sourcing Tool, *Compliance Resources*, available at <https://www.responsiblesourcingtool.org/resources/complianceresources>.

⁴¹ See *List of Goods Produced by Child Labor or Forced Labor*, United States Department of Labor, September 2020, available at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

Strengthening efforts to combat human trafficking

Despite the United States' global leadership in the fight against human trafficking,⁴² its comprehensive legal framework, rule of law, and the resources devoted to combating human trafficking, the crime persists within our borders. Through this *Action Plan*, the United States Government seeks to enhance the impact of its broad-based, multi-disciplinary, whole-of-government efforts to combat human trafficking. This *Action Plan* sets the priority actions needed to improve capabilities and build on existing momentum over the next three years.

Mission Statement

The United States Government will fully leverage its authorities and resources to combat human trafficking by preventing it from occurring, supporting and empowering survivors, prosecuting traffickers, coordinating the United States Government's response, and strengthening federal anti-trafficking efforts through external partnerships.

Guiding Principles

This *Action Plan* was informed by:

- the Trafficking Victims Protection Act (TVPA) of 2000⁴³ as amended,
- Section 307 of the Tariff Act of 1930, which prohibits importing any product that was mined, produced, or manufactured wholly or in part by forced labor, including forced or indentured child labor,⁴⁴
- the 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (the Palermo Protocol), supplementing the *United Nations Convention against Transnational Organized Crime* (UNTOC),⁴⁵
- Executive Order 13773, *Enforcing Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking*,⁴⁶

⁴² In 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC), marked an important transition into the modern movement against human trafficking. The United States was a key drafter of the Palermo Protocol and adopted the United States Trafficking Victims Protection Act (TVPA) the same year. In part through United States leadership, as of March 31, 2020, 178 parties had ratified the Palermo Protocol. See United Nations Treaty Collection, available at

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en.

⁴³ See Pub. L. No. 106-386 (2000) and subsequent amendments. Major provisions of the TVPA are codified at 22 U.S.C. §§ 7101-7114 and 18 U.S.C. Chapter 77. For more information on this legislation see <https://www.state.gov/international-and-domestic-law/>.

⁴⁴ 19 U.S.C. § 1307.

⁴⁵ See <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.

⁴⁶ See <https://www.govinfo.gov/content/pkg/FR-2017-02-14/pdf/2017-03113.pdf>.

- Executive Order 13627, *Strengthening Protections Against Trafficking in Persons in Federal Contracts*,⁴⁷
- Executive Order 13126, *Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor*,⁴⁸
- Executive Order 13898, *Establishing the Task Force on Missing and Murdered American Indians and Alaska Natives*,⁴⁹
- Executive Order 13903, *Combating Human Trafficking and Online Child Exploitation in the United States*,⁵⁰
- Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,⁵¹
- Executive Order 14020, *Establishment of the White House Gender Policy Council*,⁵² and
- the Executive Office of the President, Office of Management and Budget Memorandum on Anti-Trafficking Risk Management Best Practices and Mitigation Considerations.⁵³

Further, as outlined in the *President’s Interagency Task Force (PITF) Report on United States Government Efforts to Combat Trafficking in Persons* in October 2020,⁵⁴ the following strategic objectives from that document inform this *Action Plan*:

- Investigate and prosecute traffickers and dismantle the criminal networks that perpetrate trafficking in persons.
- Enhance victim identification and the provision of relief and services for all victims of trafficking.
- Enhance training of stakeholders, including civil society, law enforcement entities, and government officials, to increase identification of victims.
- Encourage foreign governments to combat trafficking through international diplomacy and engagement.
- Forge and strengthen partnerships and other forms of collaboration to combat trafficking in persons.

⁴⁷ See <https://www.govinfo.gov/content/pkg/FR-2012-10-02/pdf/2012-24374.pdf>.

⁴⁸ See <https://www.govinfo.gov/content/pkg/WCPD-1999-06-21/pdf/WCPD-1999-06-21-Pg1105.pdf>.

⁴⁹ See <https://www.govinfo.gov/content/pkg/FR-2019-12-02/pdf/2019-26178.pdf>.

⁵⁰ See <https://www.govinfo.gov/content/pkg/FR-2020-02-05/pdf/2020-02438.pdf>.

⁵¹ See <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>.

⁵² See <https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05183.pdf>.

⁵³ See <https://www.whitehouse.gov/wp-content/uploads/2019/10/M-20-01.pdf>.

⁵⁴ See <https://www.state.gov/wp-content/uploads/2020/10/2020-PITF-Report.pdf>.

- Fund domestic and international anti-trafficking programs focusing on prosecution, protection, and prevention.
- Integrate anti-trafficking components into relevant government programs.
- Promote public awareness about modern slavery.
- Spur innovation and improve capacity to combat modern slavery through data collection and research.
- Gather and synthesize actionable intelligence to increase the number of domestic and international trafficking prosecutions.

In addition to the strategic objectives from the *PITF Report*, this *Action Plan* will:

- Leverage financial authorities to identify human traffickers and their networks.
- Prevent their access to the United States and international financial system.
- Disrupt and disable the financial underpinnings of these networks.
- Support efforts to ensure that goods produced with forced labor do not enter U.S. markets and businesses operating in the United States do not benefit from forced labor anywhere in the world.
- Support law enforcement investigations that lead to accountability and justice.



PILLAR 1: PREVENTION

Prevent Human Trafficking

The United States Government remains committed to strengthening its approach to preventing human trafficking. While all anti-trafficking efforts contribute to the vision of eradicating human trafficking, prevention is fundamental to achieving this desired end state. Government and external stakeholders face key challenges to preventing human trafficking, including a lack of information about highest risk populations, environments, and circumstances; the difficulty in connecting to the most vulnerable populations; and insufficient understanding and access to scientifically-rigorous data analysis and program evaluation that could better inform which strategies are most effective. Strategic intervention programs can be developed so that governments offer appropriate support to allow communities and individuals to reduce their vulnerability through mitigating identified risk factors. Prevention efforts are wide-ranging, from the targeted education of vulnerable populations to demand reduction efforts to prohibiting goods produced with forced labor from entering United States markets. The dissemination of targeted information helps communities and individuals understand how to reduce human trafficking risks. Meaningful engagement with the private sector and civil society expands awareness and leads to creative solutions informed by diverse expertise.

This goal presents 13 priority actions organized under five principles related to enhancing outreach and education; strengthening efforts to address demand; addressing human trafficking in product supply chains; building capacity to prohibit the importation of goods produced with forced labor; and improving aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders.

Priority Actions

Principle 1.1: Enhance outreach and education efforts to prevent human trafficking

Communities benefit from knowing the threat they could be facing and what actions they could take to prevent crime from occurring. Targeted information helps increase the public's understanding of the risks and vulnerabilities to human trafficking, including human traffickers' deceptive and exploitive recruitment strategies. With this information, communities and individuals are able to counteract human traffickers' tactics and techniques, and reduce vulnerabilities. In many cases, public outreach campaigns aim for prevention and protection where protection outreach may seek to identify victims and refer them to help. For priority actions related to protection, see the Protection and Crosscutting Pillars of this *Action Plan*.

Priority Action 1.1.1: Enhance community-coordinated responses to human trafficking

The United States Department of Justice (DOJ) provides training on preventing and responding to human trafficking to schools, law enforcement, courts, court systems, community programs, medical providers, LGBTQI+ programs, foster care, and drop-in/homeless shelters. Additional grant projects focus their intervention efforts on mentoring youth who are at risk for or are victims of sex trafficking and sharing strategies focused on raising awareness of the crime in local communities. DOJ has developed and disseminated training modules and tools to assist communities in their efforts to respond to human trafficking. DOJ has funded the development of a toolkit to assist communities in creating community-coordinated responses to human trafficking as well as referral networks. DOJ will support the next national conference on “Sovereign Responses to Sex Trafficking in Indian Country and Alaska” planned for January 2022.

HHS’s Office on Trafficking in Persons (OTIP), Children’s Bureau (CB), and Family and Youth Services Bureau (FYSB) also provide community-coordinated responses to human trafficking of youth through grants, programs, training, resources, and partnerships. HHS programs will provide training and technical assistance for health and human service professionals working with populations at high risk for human trafficking who are intersecting with health care systems, child welfare, runaway and homeless, domestic violence, adolescent pregnancy prevention, unaccompanied children, and community programs for American Indians, Alaska Natives, Native Hawaiians, Pacific Islanders, and other indigenous peoples of North America.

Priority Action 1.1.2: Implement the HHS Administration for Children and Families National Human Trafficking Prevention Action Plan

HHS’s Administration for Children and Families (ACF) will release and implement the ACF *National Human Trafficking Prevention Action Plan*, outlining a framework for action and agency collaborations to increase the scale and quality of human trafficking prevention efforts across the United States. Utilizing a collective impact strategy grounded in HHS’s principles of violence prevention, ACF will coordinate with government, non-government, and private sector partners to reduce human trafficking in the United States.

Priority Action 1.1.3: Create a training for children in United States Department of Defense Education Activity

The United States Department of Defense’s (DOD) Education Activity is responsible for planning, directing, coordinating, and managing pre-kindergarten through 12th grade educational programs for 163 schools. There are over 996,000 military-connected children of all ages worldwide, of which more than 70,000 are enrolled in DOD schools and served by approximately 8,700 educators. The Combating Trafficking in Persons Program Management Office, in consultation with experts on prevention programming for children, will work with the DOD Education Activity to raise awareness of human trafficking and train students about understanding the risks of human trafficking. DOD Education Activity will make the training available to parents as well.

Principle 1.2: Strengthen efforts to address demand reduction

Certain initiatives to reduce demand may be more effective than others in reducing instances of human trafficking, including forced labor. Cultivating a better understanding of demand reduction efforts will lead to more informed, evidence-based policymaking.

Priority Action 1.2.1: Examine existing initiatives to reduce demand and encourage research and evaluation of future initiatives

The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018⁵⁵ recognized the need for efforts to examine the role of demand reduction. Prevention and demand reduction strategies should be considered as elements in the U.S. Government's comprehensive approach to combating all forms of human trafficking.

However, there is limited information on the range of initiatives intended to reduce demand and their effectiveness. Further research on demand reduction strategies and the monitoring and evaluation of existing demand reduction programs could better inform the policies and programs of federal, state, local, tribal, and territorial partners.

The Senior Policy Operating Group (SPOG) recently formed a Demand Reduction Working Group to examine the role of demand reduction in preventing human trafficking or otherwise achieving the purposes of the TVPA and the Justice for Victims of Trafficking Act. DOJ's National Institute of Justice (NIJ), in coordination with the SPOG, will conduct a literature review regarding demand, subject to the availability of funding, and provide recommendations to federal agencies on initiatives that are likely to prevent human trafficking.

Principle 1.3: Strengthen efforts to identify, prevent, and address human trafficking in product supply chains and ventures

Governments, the private sector, and individuals can all make a difference when it comes to addressing human trafficking in product supply chains and ventures. Each occupies a unique position to leverage economic power to influence existing markets, and create new ones, where workers can enjoy decent work and human dignity, and are free from coercion and the exploitation associated with human trafficking. The United States has a standing policy prohibiting government employees, contractors, subcontractors, grantees, and sub grantees from engaging in trafficking in persons. This policy was strengthened in the National Defense Authorization Act for Fiscal Year 2013 "Title XVII Ending Trafficking in Government Contracting"⁵⁶ and implemented in 2015 when the Federal Acquisition Regulation rule, entitled "Ending Trafficking in Persons,"⁵⁷ implemented trafficking-related prohibitions for federal contractors and subcontractors.

⁵⁵ See Sec. 115 of Pub. L. No. 115-425 (2019).

⁵⁶ See Pub. L. No. 112-239 (2013).

⁵⁷ See Federal Acquisition Regulation Clause 55.222.-18,-19, and -50.

Additionally, DHS opened the Homeland Security Investigations (HSI) led Center for Countering Human Trafficking (CCHT) in October 2020. A component of the CCHT's mission is to combat trade in goods produced with forced labor overseas by leveraging the civil trade enforcement authority of U.S. Customs and Border Protection to detain and seize goods produced with forced labor at the ports of entry and U.S. Immigration and Customs Enforcement (ICE) HSI authority to conduct criminal investigations into entities or individuals with a nexus to the United States who knowingly or in reckless disregard violate the prohibition on importing goods produced with forced labor and benefit from such a forced labor venture.

Priority Action 1.3.1: Require select agencies to designate a senior accountable official to ensure effective implementation of anti-trafficking acquisition rules and best practices

Agencies with significant spend and/or heightened risk of human trafficking in government contracts – including DOD, United States Department of State (DOS), United States Department of Homeland Security (DHS), and United States Agency for International Development (USAID), or other agencies as identified by Office of Management and Budget (OMB) – will designate the Assistant Secretary for Management or equivalent to ensure effective coordination between the procurement trafficking in persons point of contact and the agency trafficking in persons expert outlined in the *Anti-Trafficking Risk Management Best Practices & Mitigation Considerations Memorandum*.⁵⁸ Not less than annually, the Chief Acquisition Officers should support a public outreach session hosted by the SPOG Procurement and Supply Chains Committee for contracting companies, NGOs, international partners, and associations of state, local, tribal and territorial officials, to build understanding and awareness about the anti-trafficking requirements of the Federal Acquisition Regulation.

Priority Action 1.3.2: Develop initiatives for engaging with various industries on the issue of forced labor in product supply chains

DOS, DOL, DHS, HHS, Department of Commerce's International Trade Administration (ITA) and National Oceanic and Atmospheric Administration (NOAA), United States Department of the Treasury (Treasury), DOD, and USAID will work collectively to develop initiatives to provide information about forced labor in product supply chains and ventures and highlight existing federal resources (e.g., the Comply Chain application, Responsible Sourcing Tool, DOS's Trafficking in Persons Report, and DOL's List of Goods Produced by Child Labor or Forced Labor) to key private sector partners. These initiatives would involve proactive outreach to convene industry leaders and include presentations and webinars. Facilitated discussions will include both general information sessions and deeper discussions to address specific challenges and opportunities in the various industries.

Priority Action 1.3.3: Identify DOD contractors' promising hiring practices and expand outreach to inform workers of their rights under United States law

⁵⁸ See <https://www.whitehouse.gov/wp-content/uploads/2019/10/M-20-01.pdf>

DOD's Combating Trafficking in Persons Program Management Office will engage contracting authorities and debarment and suspension officials to identify promising practices on hiring, including the use of recruitment services. DOD will then share promising practices throughout the federal contracting community that aim to decrease the risk of labor trafficking. DOD will also assess expanding the number of foreign languages in which its DOD Worker's Rights cards are available, which inform other country nationals working on DOD installations, and recruited by contractors, of their rights under United States law.

Principle 1.4: Build capacity to prohibit goods produced with forced labor from entering United States markets and stop those seeking to criminally benefit from forced labor overseas

International trade frequently involves markets with extensive product supply chains and networks of ventures. Trade policies and enforcement practices require constant modernization to prevent products produced with forced labor from entering the United States and prevent businesses with a presence in the United States from benefitting from forced labor anywhere in the world. The Office of the United States Trade Representative (USTR) coordinates trade policy on behalf of the Executive Office of the President. DHS enforces the customs law that prohibits the importation of goods mined, produced, or manufactured, wholly or in part, with forced labor, including forced child labor, and conducts criminal investigations of egregious violators.

Priority Action 1.4.1: Publish accessible information on the Withhold Release Order and Findings Process

To help companies, foreign governments, and NGOs support or comply with the prohibition on the importation of goods produced with forced labor, including any civil enforcement actions taken against goods produced with forced labor, DHS's United States Customs and Border Protection (CBP) will publish accessible explanations of its forced labor trade enforcement, such as pamphlets on its website, and publish new and modified Withhold Release Orders on its website and press releases, and its Findings in the Federal Register. CBP will link to other sources of information supporting due diligence to remove goods produced with forced labor from product supply chains, such as information provided by Commerce, DOL, DOS, and USTR.

Priority Action 1.4.2: Seek to utilize the full range of trade tools to ensure that trading partners create accountability for forced labor and that goods produced with forced labor are not imported into the United States

USTR is responsible for negotiating trade agreements and monitoring and enforcing foreign government compliance with trade agreements; and administering trade preference programs, which includes United States Government priorities to end the forced labor of adults and children. DOL participates in negotiation of the labor provisions of trade agreements and reviews submissions alleging violations of labor commitments. To prevent forced labor, USTR coordinates closely with other United States Government agencies, including DOS, DHS, Commerce, and DOL, to ensure that trade policy reflects United States anti-trafficking strategy and priorities. USTR will consider all options to combat forced labor and enhance government

and corporate accountability in the global market, including engaging with allies to achieve commitments to fight forced labor, and increase transparency and accountability in global supply chains. For example, as part of the United States-Mexico-Canada Agreement, USTR negotiated ground-breaking commitments for each Party to take measures in prohibiting the importation of goods produced in whole or in part with forced or compulsory labor, and will continue to engage our counterparts in ensuring this provision is effectively implemented.

Principle 1.5: Address aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders

Each year, hundreds of thousands of people enter the United States on temporary nonimmigrant worker visas. Programmatic challenges can potentially increase an individual’s vulnerability to being targeted by a trafficker. Ongoing reports from workers and advocates highlight the urgent need to examine the ways in which current nonimmigrant visa programs could inadvertently facilitate the exploitation of workers and exchange visitors.

Priority Action 1.5.1: Monitor and support implementation of bilateral agreements with key countries concerning United States temporary worker programs and expand to additional countries

The United States has signed bilateral agreements with El Salvador, Honduras, and Guatemala that provide safeguards for temporary workers in the H-2 nonimmigrant visa programs. These agreements aim to ensure H-2 nonimmigrant workers are less vulnerable to criminal or unscrupulous actors and are not charged prohibited recruitment and other fees to take part in the nonimmigrant visa programs. The agreements will require the foreign governments to establish a process for the regular application, bonding, and approval or renewal of registration for foreign labor recruiters and prohibit such recruiters from subjecting H-2 visa program workers to any form of human trafficking or forced, compulsory, bonded, indentured, or prison labor.

Separately, the United States Government will encourage United States companies to proactively engage with recruiters they employ either directly or indirectly and verify recruiters and any downstream agents, facilitators or similar employment services comply with applicable laws and regulations, particularly rules surrounding the prohibition on worker-paid fees. In addition to increasing engagement with employers and recruiters, agencies will continually emphasize the information contained in the “Know Your Rights” pamphlet.

Agencies will consider pursuing agreements with other countries who use the H-2 nonimmigrant visa programs to better protect workers participating in these programs from abuse at home and in the United States while working.

Priority Action 1.5.2: Review current protections for workers across employment-based nonimmigrant visa programs to identify gaps and inconsistencies and propose recommendations

Visa requirements and worker protections regarding recruitment or conditions of continued employment vary by visa category. Many foreign temporary worker visa categories regulate the process for recruiting workers, such as by prohibiting worker-paid recruitment fees and fees imposed as a condition of employment and providing workers with written contracts in a language they understand. Not all employment-based nonimmigrant visa categories include these protections or require the employer to provide these protections. The SPOG will establish an interagency working group to analyze and compare the rights and protections granted to workers of each employment-based nonimmigrant visa category to identify which categories require additional protections related to the labor recruitment and treatment of workers. The agencies will then discuss ways to address any gaps and inconsistencies, including developing and proposing necessary regulatory or legislative changes.

Priority Action 1.5.3: Identify enhancements to existing procedures through which migrant workers may leave potentially exploitative situations to prevent human trafficking

Workers are sometimes subjected to abusive work situations, but because their immigration status is dependent on continued employment with the employer in whose name the visa has been issued, workers may be left with few options to leave that situation. In many cases, workers believe they must either endure the abuse or return home, which is typically not a viable option. For example, the workers may have arrived in the United States indebted due to recruitment expenses or may face threats at home. Under certain visa programs based on employer petitions, such as the H-2 temporary worker programs, workers are able to change employers while remaining in the United States but only if a new prospective employer files another petition, a process that contributes to fewer workers changing employers. DHS, DOL, and DOS will review existing procedures to identify what improvements can be incorporated so that temporary foreign workers may leave potentially exploitative situations while retaining their employment flexibility. If the improvements that can be identified are insufficient, agencies will recommend statutory changes to Congress.

Priority Action 1.5.4: Increase general awareness of human trafficking among all student and exchange visitor programs stakeholders

The DOS Exchange Visitor Program includes 15 different J-1 exchange categories. The DHS Student and Exchange Visitor Program monitors an estimated 1.1 million international students and their dependents to ensure that rules and regulations are followed by international students. The DHS program also certifies schools to allow international students to enroll. The DOS Exchange Visitor Program and DHS Student and Exchange Visitor Program will expand outreach to enhance awareness of human trafficking indicators and potential risk factors among program stakeholders, including exchange visitors, international students, sponsors, academic and vocational schools, designated school officials, third parties, and government staff managing these programs. Both programs will partner with agencies to identify human trafficking awareness materials and resources to promote to their stakeholders.



PILLAR 2: PROTECTION

Identify, Assist, and Protect the Victims of Human Trafficking

The United States Government remains committed to offering a diversity of interventions, services, and support to protect and help victims of human trafficking. Protection starts with robust outreach and proactive identification efforts. Identifying victims of human trafficking can be challenging, making it difficult to provide necessary protections and assist in rebuilding their lives. It is incumbent on everyone encountering and working with possible victims to identify the indicators of human trafficking, offer a protective response, and seek appropriate help. All actors must work to build trust with victims. Protection of victims continues through providing comprehensive services that are survivor-centered and trauma-informed, including crisis intervention, medical and mental health care, substance use disorder treatment, adequate and safe housing, basic needs, employment services, job training, education, legal services, financial services support, English language learning and translation services, cultural and religious support, and transportation assistance.

For foreign national victims, temporary immigration protections also exist, including Continued Presence,⁵⁹ T nonimmigrant status (“T visa”),⁶⁰ and U nonimmigrant status (“U visa”).⁶¹ Victims who receive comprehensive services are more likely to achieve safety, autonomy, healing, and economic security. Consistent application of victim-centered, trauma-informed strategies enables victims to safely come forward, report to law enforcement, and participate as witnesses in law enforcement investigations and prosecutions, as applicable. While human trafficking victim protections have been in place for nearly 20 years, the effort to improve identification of more victims, increase access to services to support more survivors, and refine the victim-centered approach is continually underway and reflected in this *Action Plan*.

This goal presents 17 priority actions organized under six principles related to applying an equitable victim-centered and trauma-informed approach to engaging with victims; safeguarding victims from inappropriate penalization; improving access to immigration benefits and options; expanding and improving victim assistance associated with federal law enforcement; seeking financial remedies for victims; and offering or connecting victims to social services.

⁵⁹ See 22 U.S.C. § 7105(c)(3)(A)(i).

⁶⁰ See 8 U.S.C. § 1101(a)(15)(T); 8 U.S.C. § 1184; 8 U.S.C. § 1255; 8 CFR § 214.11.

⁶¹ See 8 U.S.C. § 1101(a)(15)(U); 8 U.S.C. § 1184; 8 U.S.C. § 1255; 8 CFR § 214.14.

Priority Actions

Principle 2.1: Identify and engage with victims in an equitable victim-centered, trauma-informed, and culturally competent manner

The wide variety of professionals likely to encounter human trafficking victims should be familiar with indicators of human trafficking, so these professionals can identify victims and refer them for appropriate services. Professionals conducting such screening should determine if there is a reasonable suspicion that human trafficking has occurred and should only request further details when necessary. Professionals should immediately refer cases to service providers or investigative agencies or both, as appropriate. The principles of an equitable victim-centered, trauma-informed, and culturally competent approach⁶² apply to professionals conducting screening as well as service providers and investigators engaging with a potential human trafficking victim. For example, research shows that ingrained racial and gender biases and stereotypes lead to disparate assumptions about who should have access to victim protection and services.⁶³ As part of the victim-centered approach, law enforcement's drive for criminal justice should be appropriately balanced with identifying victims, protecting them from harm, and supporting them through comprehensive services.

Priority Action 2.1.1: Develop or update, validate, and implement screening forms and protocols

The SPOG will convene an interagency⁶⁴ working group to develop best practices in implementing screening forms and protocols as relevant for all federal officials who have the potential to encounter a human trafficking victim in the course of their regular duties that do not otherwise pertain to human trafficking. Within a year, and subject to the availability of appropriations, each federal agency will have updated all forms and protocols unless these forms and protocols were recently updated or already meet the agency's needs, or the funding or validation required to

⁶² See Appendix A: Glossary of Terms for further explanation of these approaches.

⁶³ Coalition to Abolish Slavery and Trafficking, *Connecting the Dots* (June 19, 2020), available at <https://www.castla.org/connecting-the-dots>; *Polaris, Racial Disparities, COVID-19, and Human Trafficking* (July 19, 2020), available at <https://polarisproject.org/blog/2020/07/racial-disparities-covid-19-and-human-trafficking/>; Thema Bryant-Davis and Pratyusha Tummala-Narra, *Cultural Oppression and Human Trafficking: Exploring the Role of Racism and Ethnic Bias* (Oct. 3, 2016), *Women & Therapy* 40:1-2, available at <http://www.tandfonline.com/doi/full/10.1080/02703149.2016.1210964?af=R>; Cheryl Nelson Butler, *The Racial Roots of Human Trafficking* (Sept. 1, 2015), *UCLA Law Review*, available at <https://www.uclalawreview.org/racial-roots-human-trafficking>.

⁶⁴ Participating agencies should include FBI, CBP, United States Immigration and Customs Enforcement (ICE, including Homeland Security Investigations and Enforcement and Removal Operations), United States Coast Guard (U.S.C.G.), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Postal Service (USPS), DOJ, Transportation Security Administration (TSA), Federal Emergency Management Agency (FEMA), Federal Bureau of Prisons (BOP), Drug Enforcement Administration (DEA), HHS, DOS, USCIS, DOL (including Wage and Hour Division (WHD) and Occupational Safety and Health Administration (OSHA)), Equal Employment Opportunity Commission (EEOC), United States Marshals Service (USMS), United States Department of Agriculture (USDA), Food and Drug Administration (FDA), Bureau of Indian Affairs (BIA), and National Oceanic and Atmospheric Administration (NOAA).

complete this action would unduly impact the agency's operations. Recently enacted provisions of law direct DHS⁶⁵ and DOJ⁶⁶ to issue a victim screening protocol for use in all federal operations targeting human trafficking. Subject to the availability of funding, this working group will also develop timelines and plans to validate the screening tools in an effort to accurately identify all forms of human trafficking.

Immigration enforcement authorities will continue to improve their screening of all adults and minors who pass through immigration custody or detention for indicators of human trafficking, while implementing special screening protocols for minors. Minors suspected of having experienced human trafficking will be referred to HHS within 24 hours, as required by law, for further assessment, referral to social services, and determination of eligibility for benefits and services.⁶⁷

Children and youth in the child welfare and juvenile justice systems, or who are receiving services as runaway and homeless youth, at-risk youth, youth in households experiencing domestic violence, and child abuse victims are particularly vulnerable to human trafficking. The federal government will aim to enhance the capacity of state child welfare agencies, court and legal professionals, and systems for runaway and homeless youth to perform better assessments and improve use of screening forms and protocols to screen minors and young adults for indicators of human trafficking. All unaccompanied children will periodically be screened for human trafficking, and HHS will ensure that they are not placed in situations where they are vulnerable to trafficking. The intake assessment for sponsors of unaccompanied children will be updated appropriately within one year. HHS will enhance training on identification and prevention of human trafficking for grantees and staff that serve unaccompanied children and ensure that regular welfare checks are conducted with unaccompanied children in federal long-term foster care placement.

Priority Action 2.1.2: Establish protocols and incorporate promising practices regarding victim interviews for law enforcement

Evidence-based policymaking is more likely to lead to desired outcomes such as improved identification of victims. When engaging with potential victims of human trafficking, federal officials should adopt a victim-centered, trauma-informed approach, which includes cultural competence and meaningful language access. Extra care is required when encountering minor victims, and additional legal and administrative considerations and requirements often exist.

DOJ's NIJ will conduct a literature review within two years to collect promising practices of law enforcement conducting victim interviews, including known victim-centered practices around selecting the interview location, working with interpreters, putting victims at ease, crafting interview questions, and recognizing trauma cues. Within a year of completion of the literature

⁶⁵ Pub. Law No. 115-392, Section 5.

⁶⁶ Pub. Law No. 115-393, Section 502.

⁶⁷ See 22 U.S.C. § 7105b.

review, federal law enforcement agencies will convene to share and standardize draft guidance that all participating investigatory agencies will implement.

The experience of human trafficking victims varies from person to person. Some victims of human trafficking may initially be willing participants in a human smuggling scheme. DHS will provide internal guidance regarding the distinction between human trafficking and human smuggling, the possible circumstances where human smuggling may evolve into human trafficking, and, in such cases, the recognition of smuggled individuals as victims of human trafficking.

Priority Action 2.1.3: Regularly train federal law enforcement and service provider agencies on identifying human trafficking

Federal prison personnel will be trained on identifying human trafficking and traffickers' recruitment efforts. All immigration officers will be trained on identifying human trafficking in connection with visa applications and interviews. DOD will update its training for new civilian and military hires as well as investigative and acquisition personnel on protocols for reporting incidents of suspected human trafficking. All security personnel at military bases will be trained in identifying indicators of human trafficking. DOS consular officers will be trained biennially on identifying human trafficking and response protocols. HHS will develop training on indicators of human trafficking available to relevant federal, state, tribal, and territorial human service professionals, such as social security, unemployment, and Medicaid program professionals. HHS will update its training on identifying indicators of human trafficking and responding for federal child welfare officials working with the unaccompanied children program. Additionally, HHS programs serving runaway and homeless youth, youth at-risk, and domestic violence and sexual assault programs will receive an updated training on human trafficking indicators and screening processes. DOJ's Office on Violence Against Women (OVW) administers federal grant programs authorized by the Violence Against Women Act that support trainings for domestic violence and sexual assault services programs, as well as programs working with youth on addressing dating violence, sexual assault, and sex trafficking.

Each federal department or agency represented on the SPOG will ensure training and awareness materials are tailored to context where possible and culturally relevant. For example, training and awareness materials intended for tribal communities will be tailored to the type of human trafficking present on tribal lands. The subjects in these training and awareness materials should include American Indians, Alaska Natives, Native Hawaiians, and Pacific Islanders; and the development of these training and materials will involve significant consultation with American Indian, Alaska Native, Native Hawaiian, and Pacific Islander communities and survivors. This consultation should be done in coordination with relevant interagency efforts. Training must include information on how to respond appropriately. All human trafficking training will be reviewed regularly to provide updated information (such as news stories, social science research, and case studies) to ensure the training remains relevant. DOJ's Office on Violence Against

Women is supporting the next national conference on Sovereign Responses to Sex Trafficking in Indian Country and Alaska, planned for January 2022.

Accessible, quality training incorporating a victim-centered approach is greatly needed. Relevant training for federal law enforcement will be recorded, transcribed, and available online to law enforcement across the country within one year. HSI Academy Advanced Human Trafficking Training and the Federal Law Enforcement Training Centers' Human Trafficking Awareness Training will continue to be expanded. FBI and Drug Enforcement Administration (DEA) Training Academies will consider introducing human trafficking awareness training into their basic training within 2 years. DOJ's Office for Victims of Crime (OVC) will evaluate whether to promote an interactive five-part self-paced online training for service providers and others on identifying and responding appropriately to human trafficking and will release a self-guided training on understanding trauma and integrating trauma-informed engagement in supporting individuals and communities impacted by human trafficking. DOJ and HHS will consider providing federal law enforcement agencies, such as those in DHS and DOJ, with already existing training on vicarious trauma for dealing with the experience of working on emotionally challenging human trafficking cases. HHS' Family and Youth Services Bureau (FYSB) will make its training on the trauma-informed approach available to any United States law enforcement agency. The BOP will add training on a trauma-informed approach. DOJ, in coordination with the working group referenced above, will consider ways to offer human trafficking training curricula to state, local, territorial, and tribal police academies and build their capacity to offer the training. The SPOG Public Awareness and Outreach Committee will develop guidelines for introductory-level human trafficking awareness training that agencies could use as a resource and share with their stakeholders.

Priority Action 2.1.4: Increase access to public awareness materials focused on victim identification, including by displaying those materials in priority locations within 1 year

Information about indicators of human trafficking in awareness materials will be context appropriate and specific to types of human trafficking. To the extent this or other direction in this Priority Action requires the development of new material, such development will be subject to the availability of appropriations. DHS will display notices describing the indicators of human trafficking in federally-controlled transportation areas, such as airport screening areas, land port crossings, and train stations. The United States Department of Transportation (DOT) will expand its awareness materials tailored to more modes of transportation and share them with public and private transportation stakeholders across the country. Prisons and immigration detention centers will provide inmates and detainees with information on human trafficking and hotlines for victims of crime to receive assistance. DOL will include information on labor trafficking in its outreach materials and targeted initiatives. EEOC will update its Youth@Work program materials to include information on labor trafficking. The Department of Education will make guidance available to schools on identifying and responding to human trafficking and child exploitation.

HHS will distribute information and sample resources on legislatively mandated⁶⁸ posting requirements of the National Human Trafficking Hotline in all federal buildings. HHS will also distribute information about human trafficking identification and services through its network of stakeholders including early childhood education programs, runaway and homeless youth, family violence, adolescent pregnancy prevention, child welfare, and other relevant health and human service programs. Additionally, the Department of Education will hold listening sessions for education service providers and parents on the issue and its impact on vulnerable populations. In coordinating with existing efforts led by National Indian Gaming Commission in conjunction with the United States Department of Interior's (DOI) Bureau of Indian Affairs, Treasury with support of DHS and the departments and agencies will conduct outreach to tribal hospitality enterprises to raise awareness on the risks of human trafficking in the industry. Social media awareness campaigns will target key demographics and be assessed on their effectiveness. Private sector, faith-based organizations, and other partners that can display human trafficking awareness materials will be engaged and prioritized based on where human trafficking victims are most likely to be encountered, such as in emergency rooms or urgent care facilities, human service centers that administer public benefits, mental health services, substance use treatment services, religious buildings, and jails, prisons or juvenile detention facilities. The SPOG Public Awareness and Outreach Committee will help coordinate and track these efforts.

Principle 2.2: Safeguard victims of human trafficking from being inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked

The federal government has been addressing this particular principle in United States law for almost 20 years.⁶⁹ The initial criminalization of human trafficking in 2000 was in part a response to the inappropriate treatment and penalization of human trafficking victims. The United States Government will more effectively implement this principle and also encourage state, local, tribal, and territorial governments to adopt and more effectively implement it, such as through training and consultation with survivor experts.⁷⁰

Priority Action 2.2.1: Review and update training, policies, and guidance for federal law enforcement to protect human trafficking victims

Federal training and policies should be reviewed with consideration for the principle that victims should not be inappropriately penalized or prosecuted for the unlawful acts their trafficker compelled them to commit. Unlawful activity includes, but is not limited to, engaging in commercial sex acts, entering the country without documentation, or working without authorization or with false documents. Federal law enforcement agencies will consider issuing information to field offices and task forces outlining best practices for victim-centered, trauma-

⁶⁸ See Abolish Human Trafficking Act of 2017, Pub. L. No. 115-392 (2018).

⁶⁹ 22 U.S.C. § 7101(b)(19).

⁷⁰ The term "survivor expert" is used in this report to refer to a human trafficking survivor who has expertise on human trafficking issues.

informed law enforcement operations, the options to use of appropriate shelter rather than jail or detention for individuals properly identified as human trafficking victims, and screening for human trafficking during other operations, including worksite, drug, and gang-related enforcement operations, before arrest or detention.

Priority Action 2.2.2: Provide human trafficking victims protection from removal

Protection from inappropriate detention and removal is a central tenet of the TVPA and the basis for the victim protections created within it. Federal law enforcement officials have discretion and the responsibility to assess the impact of a potential removal on criminal enforcement efforts. The TVPA and two decades of its implementation have proven that human trafficking victims should not be removed absent serious adverse factors, because detaining and removing human trafficking victims can harm law enforcement's ability to effectively identify, investigate, and prosecute human trafficking crimes and can cause further trauma and increased risk of harm to survivors of trafficking. ICE and the Executive Office for Immigration Review (EOIR) will receive regular training on immigration options for victims of human trafficking to assist officials when they encounter such victims during removal proceedings.

Priority Action 2.2.3: Provide remedies for victims with inappropriate arrests and criminal records

A federal law enforcement working group will be convened by DOJ to issue recommendations for updating the notation on disposition of arrest records for human trafficking victims who were not recognized as such at the time of arrest. The group will consider drafting, if needed, proposed federal legislation and model state legislation, in collaboration with relevant stakeholders. Human trafficking victims with criminal records as a result of their victimization are sometimes unable to access affordable housing, employment, higher education, and more and may be impacted in immigration proceedings. Enabling human trafficking victims to shield or clear their criminal records of crimes committed as a direct result of being trafficked through vacatur and expungement may encourage victims to work with law enforcement that are investigating and prosecuting traffickers. Federal agencies will review availability of current training on the issue of vacatur and expungement and encourage states to adopt programs appropriate for their state to address assistance with vacatur and expungement motions.

Priority Action 2.2.4: Encourage state, local, tribal, and territorial governments to protect victims from inappropriate punishment for conduct committed as a direct result of being trafficked

Federal law enforcement agencies will provide information to state, local, tribal and territorial governments on policies that would prevent the inappropriate arrest of human trafficking victims for unlawful conduct resulting directly from victimization and offer victim services instead. The federal government will encourage state, local, tribal, and territorial partners to issue updated recommendations, and to support the development of a model law to establish state vacatur and expungement provisions for crimes committed as a direct result of an individual being trafficked and a model safe harbor law for minors engaged in commercial sex acts. The federal government will also offer training and technical assistance to state, local, territorial, and tribal law enforcement

on the benefits of appropriately identifying child sex trafficking and protocols that mandate that law enforcement refer minors engaged in commercial sex acts to child welfare or community-based services rather than arrest them.

Principle 2.3: Improve access to immigration benefits and options programs to efficiently and effectively provide assistance

Expediently providing immigration benefits and options to eligible victims of a crime contributes to their ability to recover from trauma and participate in an investigation and prosecution of their traffickers. Potential recipients of these benefits and options should be treated with respect for their rights as crime victims. Delays in providing immigration benefits to foreign national human trafficking victims affect a victim's ability to stabilize, find employment, and access federal benefits and services. Efforts to improve access to and the integrity of these programs will ensure that the United States Government fulfills its mandate to assist foreign national victims of human trafficking in the United States.

Priority Action 2.3.1: Modernize immigration program systems connected to human trafficking victims

Immigration program systems will be modernized, subject to the availability of appropriations. In doing so, ICE, in coordination with United States Citizenship and Immigration Services (USCIS), will migrate the submission and approval process for Continued Presence from a paper-based system to a digital process. This will reduce overall processing time and lower barriers for law enforcement to make the requests. Shortcomings in the U visa electronic records system that currently do not sufficiently support data analytics will be addressed by upgrading the system over the long term. Law enforcement certifications of T visa applications and U visa petitions will be submitted and processed electronically to improve usability and data integrity. All systems changes will be in accordance with relevant privacy and confidentiality laws.

Priority Action 2.3.2: Provide immigration protections to ensure eligible victims are not removed

Protecting victims of crime is critical to law enforcement and public safety. As with confidential informants, victims of human trafficking may lack legal immigration status, yet their participation is virtually always necessary to the successful prosecution of law enforcement's criminal targets. Removing them from the country could prevent an investigation or prosecution from moving forward, and could further endanger victims of trafficking. Temporary immigration options and benefits make it possible for victims to rebuild their lives, ultimately enabling them to cooperate with law enforcement. On average, law enforcement officials have made fewer than 200 requests annually for Continued Presence for foreign national human trafficking victims since the TVPA created the program in 2000. The T visa program, which has an annual cap of 5,000 visas per year, has averaged 602 T visa principals approved annually since 2008.⁷¹ In response, DHS and DOJ convened an interagency working group, which will consider whether any legislation is

⁷¹ See, e.g., https://www.uscis.gov/sites/default/files/document/reports/I914t_visastatistics_fy2020_qtr4.pdf.

needed to modernize the Continued Presence statute and devise strategies, including targeted training, to further encourage federal, state, local, tribal, and territorial law enforcement to request Continued Presence any time they encounter a foreign national who is likely to be a victim of human trafficking.

USCIS, ICE, and EOIR will coordinate to consider the most efficient means of exchanging information about identified victims throughout removal proceedings. When conducting outreach on immigration benefits and options for victims of crime, DHS will clarify immigration policies impacting victims of human trafficking, including any applicable exclusions from the “public charge” ground of inadmissibility.

Principle 2.4: Expand and improve assistance to victims encountered by federal enforcement agencies

Federal victim assistance is not only required by law,⁷² but also provides critical support to the victim in the aftermath of a crime and thus is an integral part of any law enforcement agency’s human trafficking mission.

Priority Action 2.4.1: Increase victim assistance personnel

Federal criminal investigative agencies will ensure that there are victim assistance personnel in locations where their agency participates in human trafficking task forces and available to cover the entire United States to provide mandatory services under the law.⁷³ HSI and Diplomatic Security Service (DSS) will discuss funding options with OMB to enhance federal victim assistance staffing to the extent funds are available. Other federal law enforcement agencies, such as ICE ERO, BOP, and Internal Revenue Service (IRS), shall designate a victim coordinator responsible for ensuring the agency implements training, policy, and identification efforts. HSI will pursue additional staffing to support victim assistance programs. Increasing personnel would provide the protections as intended under the TVPA and as mandated by the Crime Victims’ Rights Act and the Victims’ Rights and Restitution Act and serve to inform victims of their rights, to advise them on the process for restitution, and to provide information on emergency medical and social services. DOJ will also consider ways to increase victim-witness assistance expertise and support in human trafficking prosecutions.

Principle 2.5: Seek financial remedies for victims

For some victims, financial remedies are the most important aspect of justice. Victims may find themselves penniless and in need of medical and mental health care, adequate and safe housing, job training, and resources to care for family members, among other needs. Federal law mandates that victims receive restitution and that forfeiture be ordered in human trafficking cases and that

⁷² See, e.g., the Trafficking Victims Protection Act as amended (22 U.S.C. §§ 7101-7114); the Crime Victims’ Rights Act (18 U.S.C. § 3771 and 34 U.S.C. § 20141), the Victims’ Rights and Restitution Act (34 U.S.C. § 20141), and the Mandatory Victims Restitution Act (18 U.S.C. § 3663A).

⁷³ See 18 U.S.C. § 3771 and 34 U.S.C. § 20141.

victims are prioritized to receive the value of forfeited assets.⁷⁴ According to some organizations, however, courts have awarded victims restitution in only a minority of cases,⁷⁵ and even in cases where courts ordered restitution, the full amounts were not recovered from the defendant for transfer to the victim. Actions taken at each stage of a criminal case from investigation, to charging, plea negotiations, and sentencing all affect whether the court orders forfeiture and victims will receive full and timely restitution. Yet, in some cases forfeiture and restitution are not considered until the sentencing phase of a criminal prosecution. Identifying and seizing the assets of traffickers as soon as possible during the investigation may make more funds available for victims' compensation down the road. Further, prosecutors and judges may lack awareness of who is entitled to restitution, what is recoverable, and what information is required in determining which property and assets can be forfeited and potentially directed to victim compensation. While significant efforts have been made to ensure that prosecutors vigorously pursue restitution and forfeiture on behalf of human trafficking victims, more effort is needed to maximize the likelihood of recovering perpetrators' assets and to ensure that courts are well-informed about mandatory restitution under federal law.

Priority Action 2.5.1: Create comprehensive training on restitution

To support court assessments and to ensure that the government can maximize the recovery of assets for restitution to victims of human trafficking, DOJ and federal investigative agencies should conduct comprehensive training covering the investigation, imposition (charging through sentencing), collection of restitution and transfer of forfeited funds to victims under the Justice for Victims of Trafficking Act.⁷⁶ A training plan should also include outreach to judicial branch via the Administrative Office of the United States Courts and for probation officers at the United States Probation and Pretrial Services National Training Academy. Training will explain the importance of focusing on forfeiture and restitution at the early stages of investigation and the role of DOL in assisting with calculating forfeiture and restitution in both forced labor and sex trafficking cases. DOJ will develop public materials on advocating for forfeiture and restitution in a case and on the availability of other financial remedies, such as private civil causes of action and crime victims' compensation programs.

Principle 2.6: Offer or connect victims to social services to increase short and long-term stability

Human trafficking survivors, who have experienced severe trauma and have been deprived of opportunities, require social services and health care to rebuild their lives. The United States Government funds a range of services and grant programs, some of which are already available to human trafficking survivors in recognition of their need for comprehensive services. Some programs require expansion while others require refinement in order to meet the needs of diverse survivors and their equally diverse needs on the road to stability.

⁷⁴ See 18 U.S.C. §§ 1593 – 1594.

⁷⁵ The Human Trafficking Institute, 2019 Federal Human Trafficking Report, available at https://www.traffickinginstitute.org/wp-content/uploads/2020/05/2019-Federal-Human-Trafficking-Report_High-Res.pdf.

⁷⁶ See Pub. L. No. 114-22, § 105 (a)(4) (2015) (18 U.S.C. § 1594(f)).

Priority Action 2.6.1: Increase access to mental health and other healthcare services

The United States Government will support greater incorporation of funding for mental healthcare into grant opportunities. Outreach and public awareness campaigns related to human trafficking will stress the importance of mental health and well-being. HHS will ensure that the National Human Trafficking Hotline is able to make referrals to mental health organizations and health care providers with the appropriate expertise to work with human trafficking victims, to include those who have cultural competency for working with communities of color, indigenous peoples of North America and the Pacific, migrants, individuals with limited English proficiency, LGBTQI+ individuals, men and boys, and formerly incarcerated individuals. HHS's Substance Abuse and Mental Health Services Administration (SAMHSA) acknowledges the importance of training of mental health professionals to provide evidence-based treatment to address the short- and long-term trauma experienced by trafficking survivors and their families. HHS's FYSB will incorporate resources on trauma into their training on human trafficking for service providers working with runaway youth, high-risk youth, and domestic violence and sexual assault victims. HHS's Health Resources and Services Administration (HRSA) will provide programmatic and technical assistance on trauma-informed models to support survivors of human trafficking in settings of care, including the Community Health Center Program and the Ryan White HIV/AIDS Program. HRSA, in partnership with other federal agencies, will advance innovative health care delivery models at the state, local, tribal and territorial levels that support survivors of human trafficking.

Priority Action 2.6.2: Increase access to shelters and safe housing

A shortage of emergency shelter space and homelessness are serious problems for survivors of human trafficking. Federal agencies will commit to developing policies that facilitate safe and secure emergency, short-term, transitional, and long-term housing options, and address barriers that human trafficking victims, particularly those with a criminal record directly resulting from their victimization, may face in accessing public housing. The United States Department of Housing and Urban Development (HUD) will conduct an awareness campaign with the owners and landlords who manage federally-subsidized housing. The campaign will address victims' criminal records resulting from their victimization and seek to remove any barriers to entering HUD-subsidized housing. OVC will continue to prioritize the human trafficking housing program to support safe, stable housing options for human trafficking victims.

The SPOG Victim Services Committee will continue to share best practices in housing for human trafficking survivors. HUD, HHS, General Services Administration (GSA), USICH, and DOJ will convene a human trafficking housing working group to enhance federal coordination on viable options for providing temporary and/or permanent housing to human trafficking victims – including through access to housing vouchers, or the McKinney-Vento Homeless Assistance Act

of 1987⁷⁷ when local resources are overwhelmed. HHS and DOJ will strengthen safe housing options for survivors of human trafficking.⁷⁸

Priority Action 2.6.3: Increase access to employment

The United States Government will connect relevant grantees to facilitate referrals from human trafficking victim assistance providers to DOL-funded employment and training programs for which they are eligible in their communities (such as American Job Centers, Reentry Employment Opportunities, Job Corps, and YouthBuild). DOJ will consider ways to adequately connect victims of human trafficking leaving incarceration to the appropriate reentry services. HHS will adapt resources on two-generation/whole family approaches to strengthen economic self-sufficiency through early childhood development, postsecondary and employment pathways, social capital, and economic assets.

Priority Action 2.6.4: Increase access to education

DHS will issue a Request for Information on the availability of academic scholarships for victims of human trafficking and incorporate the feedback into advising victims on available services.

The United States Government will also look at leveraging existing resources or funding financial literacy programs that support victims and teach skills related to budgeting, opening bank accounts, and overcoming poor credit scores and identity fraud. The U.S. Department of Education will continue to leverage existing resources on financial literacy programs available on the Department's supported website, Y4Y.ed.gov, to support victims of human trafficking and provide other out-of-school course offerings and learning opportunities.

Priority Action 2.6.5: Increase access to assistance broadly

Strengthening coordination on existing federal housing, employment, and social service programs at the regional level may result in initiatives that better meet the needs of human trafficking survivors. HUD, HHS, DOJ/OVC, and DOL regional offices will explore developing a pilot collaboration, in partnership with federally funded service providers, to overcome current challenges in connecting survivors of all forms of human trafficking to sustainable housing and meaningful employment, including consideration of self-employment or social enterprise opportunities.

HHS OTIP will offer technical assistance to bolster peer-to-peer support models for human trafficking survivors.

⁷⁷ See Pub. L. 100-77 (1987), title V, § 501 (as amended) (42 U.S.C. § 11411).

⁷⁸ This work would also satisfy the requirement in Sec. 4(b) of Executive Order 13903, Combating Human Trafficking and Online Child Exploitation, available at <https://www.govinfo.gov/content/pkg/FR-2020-02-05/pdf/2020-02438.pdf>.

One challenge for many survivors is that they lack “foundational” identity documents such as a birth certificate or driver’s license needed to obtain access to the financial system. Treasury will continue to support a risk-based approach to the use of responsible physical and digital identity solutions that can help survivors of human trafficking obtain access to the financial system.⁷⁹ For example, the customer identification program rules permit a person to open an account on behalf of an individual that lacks legal capacity, such as a minor.⁸⁰ Additionally, an account may be opened where there is a lack of a physical address in certain circumstances.⁸¹ More generally, the rules permit the verification of a person’s identity through non-documentary means.⁸²

⁷⁹ See <https://www.state.gov/wp-content/uploads/2020/10/Final-AML-Report-to-Congress.pdf>

⁸⁰ See 31 CFR 1020.100(c)(1)(ii)(A).

⁸¹ See 31 CFR 1020.220(a)(2)(i)(3)(ii).

⁸² See 31 CFR 1020.220(a)(2)(ii)(B).



PILLAR 3: PROSECUTION

Dismantle Human Trafficking Networks and Hold Traffickers Accountable

The United States Government remains committed to holding accountable individuals and entities engaged in human trafficking and to dismantling human trafficking networks. The investigation and prosecution of human trafficking present a distinct set of challenges. Many human trafficking violations span years, involve dozens or hundreds of victims, and cross jurisdictions. The target of an investigation may lead to an extensive network of potentially culpable co-conspirators, including facilitators who benefit financially and buyers of goods, labor, or services who turn a blind eye to victims. In those cases, asset forfeiture and restitution are valuable and effective tools. Multiple investigative agencies must deploy experts to dismantle large criminal enterprises, to address offenses related to narcotics, immigration, racketeering, money laundering, fraud, extortion, and sexual exploitation, and to disgorge profits. Many human trafficking cases rely on victim testimony, yet there are challenges in securing human trafficking victims' participation as witnesses. Some may not identify as crime victims, may fear retaliation from their trafficker, and may suffer from complex trauma, requiring intensive support to victims (see additional discussion above under Pillar 2: Protection). Accordingly, the commitment of significant resources over multiple years must be prioritized to bring a human trafficking enterprise to justice. To confront these complexities, federal human trafficking investigators and prosecutors must improve coordination among themselves and their partners; deploy a broad range of federal enforcement tools; build strategies to combat labor trafficking, which is prosecuted infrequently; and ensure advanced training on an ongoing basis.

This goal presents 12 priority actions organized under four principles related to increasing criminal enforcement through improved coordination among enforcement partners; employing a broader range of non-criminal enforcement tools; increasing accountability for labor trafficking; and building capacity of law enforcement.

Priority Actions

Principle 3.1: Increase criminal enforcement through improved coordination among law enforcement agencies and their partners

To target and dismantle complex human trafficking networks and hold human traffickers accountable, federal prosecutors and law enforcement agencies must leverage the diverse

perspectives, skills, and capacities of many partnerships. These partners include survivor experts and NGOs. Coordination will occur through creating federally-led initiatives, partnering with private entities that can disrupt trafficking, strengthening referral mechanisms, and expanding task forces to a broad range of partners. Federal investigative agencies with significant human trafficking responsibility include HSI, FBI, DSS, and DOL Office of Inspector General (OIG). Numerous other investigative agencies have specialized jurisdiction or expertise that contributes importantly to the mission of combating human trafficking. Federal prosecuting authorities include 94 USAOs and two components at DOJ headquarters—the Human Trafficking Prosecution Unit and the Child Exploitation and Obscenity Section—in coordination with specialized prosecuting units as appropriate, including the Money Laundering and Asset Recovery Section, the Human Rights and Special Prosecutions Section, the Organized Crime and Gang Section, the Fraud Section, and the Computer Crime and Intellectual Property Section.

Priority Action 3.1.1: Consider building on the interagency Anti-trafficking Coordination Team (ACTeam) Initiative

The Anti-Trafficking Coordination Team (ACTeam) Initiative, which convenes interagency teams of federal agents, prosecutors, and victim specialists in competitively-selected jurisdictions nationwide, has proven highly effective in increasing the numbers of federal human trafficking prosecutions in participating Districts. Relevant federal agencies, including the Departments of Justice, Homeland Security, Labor, State, and Treasury, will continue coordinating through the Federal Enforcement Working Group on Human Trafficking to consider building on the ACTeam Initiative. Interagency enforcement partners should consider the structures, resources, policies, and personnel necessary to continue the ACTeam Initiative, as well as other opportunities to increase federal human trafficking investigations and prosecutions, including complex, high-impact investigations and prosecutions of transnational trafficking enterprises.

Priority Action 3.1.2: Consider Expanding the United States-Mexico Bilateral Human Trafficking Enforcement Initiative through intelligence-driven targeting

The United States-Mexico Bilateral Human Trafficking Enforcement Initiative connects United States and Mexican law enforcement counterparts on human trafficking operations to expedite the sharing of leads, evidence, information, and expertise that can result in dismantling cross-border human trafficking networks. The initiative has proven highly effective at advancing high-impact bilateral investigations and prosecutions to dismantle transnational human trafficking enterprises. This impact has been effectuated through a series of federal prosecutions in the United States and related Mexican state and federal prosecutions of associated traffickers. These networks have trafficked highly vulnerable Mexican and Central American women and girls throughout the United States. The networks have lured victims on false promises of love, marriage, and a better life, then compelled them into commercial sex acts by using deception, psychological manipulation, beatings, rapes, isolation, intimidation, threats against victims' families, and control over the victims' children. The traffickers have retained virtually all of the proceeds derived from compelling the victims to perform dozens of commercial sex acts each day, then laundered these criminal proceeds back to Mexico, while the victims retain next to nothing. Under the leadership of DOJ's Human Trafficking Prosecution Unit and DHS's HSI, the initiative leverages the expertise of multiple federal agencies and incorporates case-mentoring exchanges. This initiative

also uses advanced analytics to conduct intelligence-driven targeting and incorporates financial investigations and prosecutions.

DOJ and DHS will consider ways to expand the impact of the United States-Mexico Bilateral Human Trafficking Enforcement Initiative, including by leveraging DOJ, DHS, and partners' intelligence analysis assets to expedite simultaneous investigations and prosecutions in multiple United States and Mexican jurisdictions. Treasury, including its regulatory and enforcement arms, will continue to augment human trafficking investigations in coordination with DOJ to leverage anti-money laundering expertise. Federal agencies may need to identify sufficient resources to most effectively expand impact. DOJ and DHS may consider engaging directly with additional USAOs and federal law enforcement agency offices to expand the scale and impact of the Initiative.

Priority Action 3.1.3: Evaluate the Enhanced Collaborative Model Task Forces to Combat Human Trafficking and recommend implementation options

DOJ's Enhanced Collaborative Model Task Forces to Combat Human Trafficking⁸³ are multidisciplinary human trafficking task forces bringing together professionals from a variety of disciplines. These professionals collaborate to identify victims of all forms of human trafficking; engage in victim-centered investigations; prosecute or refer sex and labor trafficking cases to state, local, tribal, and territorial agencies; and address the needs of human trafficking victims through a comprehensive array of services. Each task force may receive two separate grant awards – one to a law enforcement entity and one to a service provider.

DOJ completed an evaluation of the structure and impact of the Enhanced Collaborative Model Task Force Program, which it published in June 2021.⁸⁴ The results of the evaluation will inform the evolution of the task force model. DOJ will continue to consider enhancements to the program including increased collaboration between law enforcement, victim services, and community stakeholders. Any program modification will continue to be informed by survivor experts.

Priority Action 3.1.4: Seek to establish federally-funded human trafficking task forces that are sustainable and state, tribal, territorial, or locally-led

DOJ will enhance efforts to establish state, tribal, territorial, or locally-led human trafficking task forces that fulfill the principles of sustained state law enforcement leadership and comprehensive victim assistance. These efforts will draw on lessons from evaluations of other collaborative multidisciplinary efforts, including the Enhanced Collaborative Model Task Forces (see Priority Action 3.1.3). Survivor experts will inform program development. DOJ will not propose to diminish resources provided from current DOJ funding sources for victim assistance grants.

⁸³ This task force program is funded under the TVPA, which authorizes OVC to make grants for direct services to victims of human trafficking. OVC and the Bureau of Justice Assistance (BJA) developed the Enhanced Collaborative Model Task Forces to support the development and enhancement of multidisciplinary task forces.

⁸⁴ Evaluation of the Enhanced Collaborative Model to Combat Human Trafficking (2021), Technical Report, available at <https://www.ojp.gov/pdffiles1/nij/grants/300863.pdf>.

Federally funded, state- or locally-led human trafficking task forces should include stable, long-term funding to state, local, tribal and territorial law enforcement and victim assistance programs to avoid disrupting progress at the end of the grant period. Task forces should be distributed broadly across the country building toward at least one task force, whether funded through federal or other sources, in each state. These task forces should build on lessons learned, including the importance of sustaining law enforcement leadership to build, retain, and exchange institutional knowledge. It is also important for task forces to sustain collaborations among grant recipients and federal law enforcement and promote actionable intelligence sharing, investigative capacity, and a strategic approach to prosecution at all levels of government. A human trafficking victim's access to protection and resources regardless of whether and when victims collaborate with law enforcement is equally important to successful enforcement. Providing assistance to human trafficking victims also meets urgent United States Government protection goals (see Pillar 2). In the context of task forces, providing critical assistance to victims allows them to stabilize and rebuild their lives and, in some cases, become ready to collaborate with law enforcement investigations and prosecutions against human traffickers.

Priority Action 3.1.5: Develop a protocol to refer human trafficking cases that will not be criminally prosecuted at the federal level so that other criminal, civil, and administrative authorities can be exercised

Some human trafficking cases cannot be federally prosecuted or addressed through civil actions by the Department of Justice⁸⁵ for various reasons. In such cases and in any other situations in which a federal criminal human trafficking case concludes without prosecution, federal criminal investigative agencies should adopt a protocol to consistently refer appropriate case information to state, local, tribal, and territorial law enforcement agencies for criminal investigation and prosecution. When appropriate, referrals will also be made to other federal agencies, such as DOL, EEOC, and Treasury, or NGOs, such as legal services organizations able to assist victims with private civil claims, that may be able to pursue other avenues to justice. Federal investigative agencies, including FBI, HSI, DSS, and DOL OIG, will collaborate to develop referral practices that can be integrated into their respective policy or guidance documents.

Principle 3.2: Build capacity of law enforcement to investigate and prosecute human trafficking

Law enforcement investigators require advanced training to address the complex crime of human trafficking. Training programs should be survivor-informed. Topics should include: strategies to implement a victim-centered, trauma-informed approach; developing evidence of victims' state of mind to use in prosecutions for coercion-based crimes; engaging in proactive investigations relying on financial and other intelligence; and investigating financial crimes and identifying assets. The United States Government can build its investigative capacity by expanding partnerships, such as with technology companies and child welfare systems in order to locate exploited children.

⁸⁵ See, e.g., DOJ-initiated civil injunctions under 18 U.S.C. § 1595A; or federal civil forfeiture actions.

Priority Action 3.2.1: Engage relevant stakeholders, including state, local, tribal and territorial law enforcement and survivors and survivor organizations, to strengthen their prosecutions related to child sex trafficking

DOJ will consider bringing together investigative and prosecutorial stakeholders from the federal, state, local, tribal and territorial levels and survivors and survivor organizations to describe the child sex trafficking threat landscape, developing strategies for strengthening investigations and prosecutions, and identifying subject matter experts available to provide training and outreach. Since passage of the TVPA of 2000, federal child sex trafficking investigations and prosecutions have steadily increased. However, given that most crimes are not prosecuted federally, coupled with limitations on federal resources and the strong state, local, tribal and territorial equities, the federal government must continue to invest in building capacity of these law enforcement partners. Partners should consider appropriate sentences for child sex trafficking and should be trained on child sex trafficking investigations and prosecutions, including protecting trafficked children (as compared to buyer stings that do not identify children). This DOJ-led working group's engagement will occur through various forums and could include the National Association of Attorneys General, the National District Attorneys Association, the International Association of Chiefs of Police, the National Congress of American Indians, the National Native American Law Enforcement Association, and the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States, which includes members of the judiciary, prosecutors, law enforcement, survivors and other important stakeholders.

Priority Action 3.2.2: Enhance capabilities to locate children who are missing, including those who have run away from foster care, and are vulnerable to human trafficking

Enhanced efforts and abilities are needed to locate missing children, including youth who have run away from foster care and are highly vulnerable to human trafficking.

DOJ, DHS, and HHS will pursue facilitating the sharing of information on potential child trafficking victims between the technology industry, state, local, tribal and territorial child welfare agencies, the National Center for Missing and Exploited Children (NCMEC), and law enforcement at all levels. The aim will be to take an old idea, like putting photos of missing children on ubiquitous items like milk cartons to increase the number of people looking for those children, and modernize it to create a "virtual milk carton" to help locate potential child trafficking victims, particularly those missing from foster care. When a child goes missing from foster care, the state would notify NCMEC and provide a photograph of the child. NCMEC would then provide that information and photo to law enforcement, as well as make it available to social media companies, internet service providers, and NGOs that scrape online sex trafficking advertising and other internet data, so that they can all look for any information on the identity and location of the child. Any information that technology companies or NGOs found would be fed back to law enforcement via NCMEC. DOJ and DHS, in consultation with HHS, will consider whether any legislation is needed to support this initiative.

DOJ and HHS, in consultation with the USMS, will also collaborate to expand Operation HOPE nationally to identify children missing from foster care, screen recovered children for potential trafficking, connect victims to appropriate care, and prosecute offenders as appropriate. The first significant challenge in protecting children who are missing from care is in locating the missing child. Operation HOPE has brought together federal, state, and local authorities for joint regional efforts led by HHS OIG Office of Investigations. Its aim is to locate and recover children missing from foster care programs. Early iterations of this program have led to the recovery of 42 children missing from care. HHS, DOJ, and USMS, will work to expand this operation to other regions, to include incorporating it into other investigative efforts, and develop human trafficking prosecutions as appropriate.

Priority Action 3.2.3: Develop improved technology for human trafficking interdiction and identify technical barriers impeding investigations

Because traffickers frequently use electronic platforms and devices to conduct their illicit activities, including recruiting and advertising victims, DOJ, DHS, and HHS will work with the social media and technology industry to identify potential barriers to their voluntary reporting of suspected human trafficking on their platforms, as well as possible solutions. DOJ, DHS, and HHS will also work with the social media and technology industry, NGOs, and academia on the development of innovative technical tools to interdict human trafficking, including demand, and how to promote adoption of those tools by relevant stakeholders. The National Advisory Committee on the Sex Trafficking of Children and Youth in the United States is a potential forum, among others, for engaging with industry partners on these issues.

In many cases law enforcement officials are unable to access data due to general privacy and security measures (e.g., encryption) despite the issuance of legal process (e.g., subpoenas, search warrants, or other legal process). These measures make it harder to identify current and historical victims, prevent traffickers from recruiting new victims, collect evidence to assist in identifying and bringing human traffickers and co-conspirators to justice, and may prevent the removal of harmful online data or images of the victims, which causes re-victimization by allowing harmful data or images to remain online. DOJ and DHS, working with their international and domestic partners, will engage with the social media and technology industry on the need for lawful access to digital evidence in human trafficking investigations.

Priority Action 3.2.4: Enhance focus on investigating and prosecuting the demand and other facilitators of human trafficking

Enhanced efforts are needed to target entities and individuals that knowingly contribute to or facilitate human trafficking. Buyers in sex trafficking cases and businesses that knowingly procure goods or services from entities or employers using forced labor are potential enforcement targets. Likewise, facilitators such as hotel owners who knowingly profit from sex trafficking or companies that recklessly disregard their labor recruiters' involvement in labor trafficking are potential targets. These individuals may be important participants in the criminal network and are sometimes overlooked by investigators and prosecutors.

Focusing on the demand and facilitators serves two main purposes. First, these are persons or entities directly involved in the crime of human trafficking and contributing to its profitability. Second, these offenders may have assets that could be forfeited and used for restitution. Restitution is one resource to assist the victims on a road to recovery. In sum, addressing all participants in the crime will disrupt traffickers' ability to victimize people and will hold all responsible persons accountable.

DOJ will continue to train federal, state, local, tribal and territorial investigators and prosecutors on identifying and prosecuting the demand and facilitation aspects of human trafficking under relevant statutes using a victim-centered, trauma-informed approach that is designed to build trust with law enforcement among victims and potential victims. DOJ will explore increased collaboration with its state, local, tribal and territorial partners who may be able to pursue cases that are not brought to federal court for prosecution.

Principle 3.3: Enhance efforts to bring traffickers to justice by deploying a broader range of federal non-criminal tools

The United States Government can deploy a range of federal enforcement tools including civil forfeiture actions, civil injunctions, False Claims Act litigation, federal contracting suspension and debarment, financial tools including sanctions and anti-corruption measures, travel restrictions, export control, and enforcement of reporting requirements in conjunction with or as an alternative to criminal prosecution of human trafficking crimes, in order to disrupt human trafficking networks and enhance accountability. While human trafficking criminal prosecutions are critical, they cannot be undertaken in all cases and are highly resource intensive; the availability of additional forms of accountability increases the effectiveness of United States Government efforts.

Priority Action 3.3.1: Deploy a wide range of administrative and regulatory tools to disrupt human trafficking

Federal agencies, including Treasury, DOS, and DOT, will seek to further leverage a broad range of tools designed to target and deter malign actors. Those tools may be used in coordination with criminal prosecutions of human trafficking and related financial crimes as well as alongside other civil enforcement actions.

These tools include financial sanctions and other special measures. Within Treasury, components of the Office of Terrorism and Financial Intelligence⁸⁶ collect and analyze financial intelligence and data to identify human traffickers and their networks; disrupt and disable the financial underpinnings of these networks; and support law enforcement investigations that lead to accountability and justice. Treasury's Office of Foreign Assets Control (OFAC) applies financial sanctions to combat human trafficking. OFAC oversees a range of sanctions programs that can target human trafficking conduct. These programs include global and country programs focused on human rights abuse and corruption as well as programs with the authorities to target activities that overlap with human trafficking, including narcotics trafficking, malign cyber-enabled

⁸⁶ Components of this office include the Office of Terrorist Financing and Financial Crimes (TFFC), the Financial Crimes Enforcement Network (FinCEN), the Office of Foreign Assets Control (OFAC), and the Office of Intelligence and Analysis (OIA).

activities, terrorism, and transnational organized crime. As a result of United States financial sanctions, United States persons are generally prohibited from engaging in dealings with the designated (sanctioned) person; and the designated person's property is blocked. Treasury will examine ways to further combat human trafficking using a range of tools, and will identify opportunities to coordinate with international partners, where appropriate.

Treasury's Financial Crimes Enforcement Network (FinCEN) is the primary regulator and administrator of the Bank Secrecy Act (BSA). Financial institutions submit information and reports to FinCEN as required by the BSA and its implementing regulations, including on customers or transactions suspected of engaging in illicit activity, for use by FinCEN and law enforcement, *inter alios*. FinCEN also serves as the financial intelligence unit (FIU) of the United States and exchanges financial intelligence with foreign FIUs in furtherance and support of U.S. and foreign law enforcement investigations of financial crime. Finally, FinCEN as a member of the Egmont Group of FIUs, currently comprising 166 FIUs worldwide, leads on initiatives involving combating illicit financing related to human trafficking.

BSA information and financial intelligence collected and analyzed is used to develop advisories and other notices to alert financial institutions to human trafficking typologies and red flags, which in turn can lead to additional reporting and enhance our understanding of the human trafficking threat. Financial intelligence is also used to tip and lead law enforcement investigations related to human trafficking and build out financial networks associated with the crime.

In coordination with DOJ and human trafficking investigative agencies, FinCEN may be able to deploy special recordkeeping and related measures against entities involved in human trafficking networks in order to assist investigations and address money laundering concerns. FinCEN can require United States financial entities to take certain "special measures" under Section 311 of the USA PATRIOT Act⁸⁷ if a foreign jurisdiction, foreign financial institution, class of transaction, or type of account is of "primary money laundering concern." Special measures include increased recordkeeping and reporting, collection of account and transaction information, and limits on opening or maintaining accounts. When appropriate, FinCEN will issue geographic targeting orders, which impose additional recordkeeping or reporting requirements on domestic financial institutions or other businesses relating to a specific geographic area for 180 days.

DOT will implement the No Human Trafficking on Our Roads Act⁸⁸ and its final rule,⁸⁹ which requires every state to permanently ban drivers convicted of a severe form of human trafficking from operating a commercial motor vehicle for which a commercial driver's license or a commercial learner's permit is required. Under the final rule, states must come into compliance with the Act and regulation no later than September 23, 2022.

⁸⁷ See Pub. L. No. 107-56 (2001) (31 U.S.C. § 5318A).

⁸⁸ See Pub. L. No. 115-106 (2018).

⁸⁹ See 84 C.F.R. 35335.

Priority Action 3.3.2: Propose legislation to facilitate revocation of passports and other administrative actions against individuals convicted of certain travel-related human trafficking and child sexual exploitation crimes

The TVPA requires the Attorney General to notify the Secretaries of State and Homeland Security whenever a defendant is convicted of violating certain child sex offenses involving travel and transportation.⁹⁰ For foreign defendants, the law authorizes DHS to take any action appropriate under the Immigration and Nationality Act. The law further requires DOS to revoke or refrain from issuing passports to United States citizen convicts who traveled internationally to commit the offense. However, other laws⁹¹ constrain the Attorney General's ability to effectively collect and transmit the necessary information on convicted individuals to DOS and DHS. As a consequence, the law has not been effectively implemented. The relevant agencies will consider whether any legislation is necessary to resolve this issue. For example, the statute could be broadened to cover individuals convicted of similar crimes, such as human trafficking and the production of child sexual abuse material, when those crimes involve international travel by the defendant.

Principle 3.4: Increase efforts to investigate and prosecute forced labor

Forced labor is prevalent across certain sectors in the United States. Governmental and external stakeholders regularly recommend prosecuting more cases of forced labor in the United States and connected to global product supply chains. Forced labor often occurs alongside otherwise legitimate business activity connected to companies widely perceived by the public as reputable. As a result, successful prosecutions of forced labor, while resource intensive, are likely to have a significant deterrent effect. Because many forced labor cases involve foreign national victims, investigative agencies should convey that strong criminal law enforcement need not be perceived as undermining immigration enforcement but instead can exist *alongside* immigration enforcement, when both are focused on accountability for human traffickers and protection of victims.

Priority Action 3.4.1: Increase coordination and strategic engagement in investigating and prosecuting forced labor

Federal enforcement agencies have consistently prosecuted a few dozen forced labor defendants per year in recent years, while service providers funded with federal grants have reported serving significantly more identified victims of forced labor.⁹² These cases are resource intensive, which is a challenge for federal prosecuting offices, because they currently have no dedicated funding for human trafficking (including forced labor) prosecutors.

DOJ's Human Trafficking Prosecution Unit, FBI's Crimes Against Children and Human Trafficking Unit, and the DHS Center for Countering Human Trafficking's HSI personnel will

⁹⁰ See 18 U.S.C. § 2423 and 22 U.S.C. § 212a.

⁹¹ See 5 U.S.C. § 552a.

⁹² See Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Human Trafficking for FY 2018 and preceding years, available at <https://www.justice.gov/humantrafficking/attorney-generals-trafficking-persons-report>.

work to increase forced labor investigations and prosecutions in select districts. These three agencies will identify districts that commit to designating at least one federal investigator and one federal prosecutor to coordinate these efforts, drawing on the ACTeam Initiative's lesson of strengthening coordination through horizontal partnerships between investigators and prosecutors. The headquarters offices will provide guidance on intelligence-driven targeting and proactive methods of investigation and will facilitate coordination with other DOJ components and departments and agencies that can offer special expertise in support of forced labor investigations and prosecutions, including DOL, Treasury, DOS and others. The initiative will strengthen engagement with worksite enforcement agencies that may encounter forced labor and promote the use of victim-centered, trauma-informed approaches by all federal enforcement partners.

Prosecuting novel cases against companies that benefit financially from forced labor within their value chains holds significant potential to suppress global criminal conduct that poses a threat to its victims and to United States labor markets. Collaboration among federal partners, including DOJ, DHS, DOL, DOS, Treasury and others, will enhance the success of these investigations and prosecutions.



PILLAR 4: CROSSCUTTING APPROACHES AND INSTITUTIONAL EFFECTIVENESS

Enable Prevention, Protection, and Prosecution through Collaboration

Effectively combating human trafficking requires lines of effort that complement and support achievement of the other three aims of prevention, protection, and prosecution, in addition to enhancing collaboration. Aiming to improve the United States Government's institutional capacity to combat this crime will lead to improved outcomes across multiple goals. In the 20 years since human trafficking became a federal crime, the United States Government has made significant progress in adapting its institutions to combat this threat effectively. This whole-of-government approach will enhance opportunities to better partner together in this effort. In particular, information gaps persist that hinder progress toward human trafficking prevention, survivor protection, and enhanced prosecution. As a result, government agencies are seeking to strengthen research, data collection, and integration. In order to enhance human trafficking enforcement efforts, government agencies are also seeking ways to deliver strategic analysis, generate actionable leads, and uncover evolving human trafficking trends.

This goal presents 19 priority actions organized under five principles related to strengthening understanding of human trafficking; enhancing information sharing; incorporating survivor input; conducting outreach to external partners; and evaluating authorities and resources to combat human trafficking.

Priority Actions

Principle 4.1: Strengthen understanding of human trafficking affecting the United States

The United States Government cannot effectively prosecute traffickers, assist victims, and prevent trafficking, without first improving its understanding of the nature of the threat and its association with transnational organized crime and illicit financial activity. Specifically, the United States Government must better combine sources of information to map the threat: who is involved, what illicit activity are they engaged in, and what are the associated financial flows. Using the most current information to ensure that methodology to combat human trafficking keeps pace with current illicit practices is imperative to successful actions. Access to strategic analysis of

meaningful information about human trafficking is critical to leveraging all United States Government tools to prevent and disrupt human trafficking and recover illicit proceeds.

Priority Action 4.1.1: Conduct an intelligence assessment on human trafficking⁹³

Within 120 days of the publication of the *Action Plan*, Federal law enforcement agencies with support of the Intelligence Community will develop an intelligence assessment of human trafficking with a nexus to the United States. The intelligence assessment will address both sex trafficking and labor trafficking of adults and children with a nexus to the United States, as well as the different typologies⁹⁴ of human trafficking and methods of operation. The intelligence assessment will integrate information from NGOs, and state, tribal and local Government entities as appropriate and may be strategically focused on specific aspects of human trafficking. The intelligence assessment will delineate the difference between human smuggling and human trafficking while also depicting the means by which smuggled migrants may become victims of human trafficking.

Priority Action 4.1.2: Identify research gaps to better serve vulnerable populations and underserved victims

The SPOG Research and Data Committee will convene federal agencies to determine what additional research is needed to understand the impact of human trafficking on underserved, underrepresented, or vulnerable groups of victims, such as women and girls, as well as men and boys, LGBTQI+ individuals, American Indians, Alaska Natives, Native Hawaiians, Pacific Islanders, racial and ethnic minorities, individuals with disabilities, and youth in the child welfare system. From agency-funded research and analysis, recommendations will be provided on how human trafficking programs can better support and collaborate with these specific groups and how to bolster effective prevention and intervention efforts. Such research would be beneficial for enhancing training and outreach, developing policies, programs, and partnerships, and allocating resources. In addition, relevant federal agencies will continue to take steps to address the factors that increase vulnerabilities to human trafficking.

Priority Action 4.1.3: Solicit research to identify effective interventions to combat forced labor

More research is needed to understand forced labor and how best to address it. Enhanced partnerships with DOL, DHS, HHS, DOJ, and other agencies may provide new avenues for increased identification, refined measurement practices, and better understanding of recruitment patterns. Additional research is needed to better understand the most at-risk industries, needs, and specific vulnerabilities of victims. This research should include an analysis of gaps in agency authorities to address at-risk industries and in programs to assist victims of forced labor. The analysis will be disseminated to law enforcement and other first responders for integration into training. This research should reflect demonstrated expertise working with underserved or

⁹³ The drafting process began as stipulated by this priority action and was completed in July 2021.

⁹⁴ See *The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States* (2017) available at <https://polarisproject.org/sites/default/files/Polaris-Typology-of-Modern-Slavery.pdf>.

vulnerable groups of victims, such as men and boys, LGBTQI+ individuals, American Indians, Alaska Natives, Native Hawaiians, Pacific Islanders, racial and ethnic minorities, individuals with disabilities, and youth in the child welfare system.

Principle 4.2: Enhance information sharing to achieve a strategic outcome

Efforts are underway to streamline departments' and agencies' access to relevant, actionable data and intelligence on human trafficking crimes. This includes surveying existing data-sharing efforts and technologies to identify gaps, challenges, and opportunities, both domestically and internationally.

Enhanced information sharing is needed to support national-level planning and policy, leveraging whole-of-government information and data holdings, to include law enforcement and Intelligence Community information. Encouraging multidisciplinary approaches and department and agency coordination on enforcement actions is imperative to successfully preventing human trafficking, protecting victims, and prosecuting human traffickers to maximize the use of all United States Government tools against significant threats.

Priority Action 4.2.1: Formalize routine law enforcement and Intelligence Community engagement to ensure consistent knowledge sharing

The Intelligence Community will regularly meet with federal law enforcement agencies to exchange information about current initiatives and information gaps and disseminate expertise from the field including external partners. This group will share financial intelligence from financial institutions, as appropriate and in accordance with applicable law and policy. This effort will facilitate leveraging all source intelligence, identifying common aims, and harmonizing missions to support departments and agencies coordination.

Priority Action 4.2.2: Ensure existing departments' and agencies' mechanisms – to include international forums – are employed to counter specific transnational human trafficking threats with a significant impact on the United States

Collaboration, information sharing, and coordinated efforts with international counterparts for all United States Government components in this process are necessary to fully understand and disrupt illicit transnational activities. Anti-trafficking activities need to be synchronized at the national level to unify a whole-of-government approach. Activities in this space will take into account complementary efforts within the Intelligence Community and law enforcement agencies. Dismantling of human trafficking entities would prevent future harm to the United States.

Priority Action 4.2.3: Integrate financial intelligence into anti-trafficking efforts across the United States Government

Leveraging financial intelligence is critical to identify, disrupt, and dismantle human trafficking related threats. Financial intelligence provided by financial institutions includes currency transaction reports, data about financial transactions indicative of money laundering and predicate

offenses including human trafficking, reports on the physical transportation of currency or certain other monetary instruments, and reports on foreign financial accounts. Federal statutes and regulations require covered financial institutions to submit such financial intelligence and reports to Treasury's FinCEN for use by FinCEN and law enforcement, including on illicit activities such as human trafficking. United States Government agencies should further incorporate financial intelligence in existing efforts and proactively implement actions to disrupt the financial flows of human traffickers and deny revenue sources to human traffickers and corrupt facilitators. DOJ, DHS, DOL, and Treasury should coordinate and leverage financial intelligence to target, investigate, and apply the full range of enforcement actions to disrupt the illicit use of the financial system by targeting priority human traffickers and facilitators. The Intelligence Community will support this effort with information, as available.

Additionally, law enforcement agencies and federal regulatory agencies will work to improve human trafficking-related information sharing between such agencies and financial institutions, as appropriate, as well as information sharing among financial institutions.⁹⁵

Priority Action 4.2.4: Ensure human trafficking data collection, fusion, analysis, and dissemination efforts are included in the proposal of the National Security Presidential Memorandum-7 transnational organized crime process

The National Security Council staff will convene a working group involving intelligence and law enforcement agencies and PITF agencies with significant relevant data sets in order to develop a proposal for data collection, fusion, analysis and dissemination. The proposal will contribute to the National Security Presidential Memorandum-7 process⁹⁶ for the transnational organized crime executive agent, which is charged with developing a data fusion solution. The proposal will also address intelligence analysis and dissemination efforts. Dissemination can support enforcement operations, awareness or influence campaigns conducted by other agencies, and other important government purposes. The proposal will identify relevant data sets, study existing fusion mechanisms that can be leveraged, and identify dissemination needs.

Principle 4.3: Strengthen federal anti-trafficking efforts by incorporating survivor input

Survivor input into anti-trafficking efforts is critical, as reflected in law and federal policy priorities. Survivor voices are a vital part of establishing effective and comprehensive anti-trafficking strategies that advance prosecution, protection, and prevention efforts.

⁹⁵ See Section 7154(a) of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. No. 116-92), which provides an analysis of anti-money laundering efforts of the United States Government, United States financial institutions, and international financial institutions related to human trafficking and recommendations to strengthen the efforts of those institutions.

⁹⁶ National Security Presidential Memorandum-7 (NSPM-7) is the Presidential Memorandum that outlines the policy in which the United States Government analyzes, evaluates, integrates, correlates, and shares classified national security information and other information concerning threat actors and their networks, and then uses that information to support a broad array of national security missions and activities, which is an essential component of our national security strategy. NSPM-7 (Oct. 4, 2017), available at <https://fas.org/irp/offdocs/nspm/nspm-7.pdf>.

Priority Action 4.3.1: Prioritize implementing recommendations of the United States Advisory Council on Human Trafficking

Each member of the United States Advisory Council on Human Trafficking is a survivor of trafficking; as part of its mandate,⁹⁷ the Council advises the federal government on how to strengthen its anti-trafficking policies and programs. The Council provides specific recommendations through an annual report, regular engagement with federal agencies, and its participation in PITF meetings. United States agencies should continue to strengthen engagement with the Council and consider implementation of its recommendations.

Priority Action 4.3.2: Leverage federal survivor-consultant networks and federal training and technical assistance centers to ensure survivor input is consistently incorporated into policies and programs

The United States Government has engaged with survivor experts in various ways throughout the years. For example, DOJ, HHS, DHS, and DOS have mechanisms to integrate survivor consultant expertise into policies and programs. All PITF agencies will examine their efforts to incorporate survivor input into their work. In developing and implementing federal anti-trafficking policies and programs, each federal agency will receive and consider incorporating survivor input. Some federal entities' programs are informed by survivors through training and technical assistance centers, robust consultant pools or recommendations from formal advisory bodies. Other agencies should develop a plan to begin working with diverse survivors who have subject-matter expertise and relevant skills. Such plans should be trauma-informed and should build on survivors' knowledge and skills while also contributing to further empowerment. Through the Human Trafficking Expert Consultant Network, DOS will lead an effort to assess successes and challenges of federal efforts to engage survivors.

Principle 4.4: Strengthen federal anti-trafficking efforts through external partnerships

Engagement, information sharing, and consistent messaging from the United States Government with external partners is essential. Partners and the public need information on human trafficking to take action.

Priority Action 4.4.1: Conduct future outreach initiatives based on a review of prior federal outreach efforts

Targeted outreach is needed to stakeholders and communities that typically underreport human trafficking and to high-risk industries, especially those that do not have corporate responsibility efforts to combat human trafficking in global supply chains. The SPOG Public Awareness and Outreach Committee will convene federal agencies to create a comprehensive inventory and description of federal human trafficking prevention and protection outreach efforts, awareness

⁹⁷ See Pub. L. No. 114-22, § 115 (2015).

campaigns, and toolkits and any evaluations of their effectiveness. This will lead to recommendations on adapting these efforts and materials going forward to be more inclusive, culturally competent, linguistically accessible, victim-centered, and survivor-informed. This review will be updated annually after completion.

Priority Action 4.4.2: Provide information to the private sector on the threat of human trafficking to better identify human trafficking facilitators and victims

DHS and FBI will continue to offer targeted information and messaging on the nature of human trafficking impacting the United States. Treasury, in collaboration with law enforcement, will provide outreach to financial sector partners on illicit finance associated with human trafficking. Targeted information and assessments will include precise typologies, indicators, regionally specific information, and methodologies of traffickers. In addition to information on traffickers, information related to human trafficking indicators is necessary for prevention efforts. Critical partners to receive this information and provide their insight include industries that intersect with human trafficking such as agriculture, transportation, hospitality, seafood, domestic work, health, education, technology, social media, and the financial sector, including cryptocurrency exchangers. The DHS Blue Campaign will develop targeted human trafficking indicator cards in partnership with survivors and agencies to raise awareness among these various sectors, as well as faith-based organizations. HHS will provide a series of information briefs on how human trafficking impacts health and human service systems, including impact on health sector procurement. Agencies can leverage the Sector Coordinating Councils⁹⁸ to provide information to the private sector. DOT will expand Transportation Leaders Against Human Trafficking outreach efforts to private sector partners through leadership engagement, employee training, public awareness, and development of a multimodal training, expanded public awareness materials, and an anti-trafficking toolkit.

Priority Action 4.4.3: Regularly provide information on threats, vulnerabilities, trends, and investigations to state, local, tribal, and territorial governments

Each FBI and HSI field office should endeavor to provide periodic briefings to senior state government officials and select local, tribal, and territorial government officials within its area of responsibility. The Attorney General—through the Enforcement Working Group, composed of state and local prosecuting authorities—will provide information including on United States Government activities to combat human trafficking.

Priority Action 4.4.4: Develop a recommendation for Secretary-level, five country ministerial meeting on human trafficking

⁹⁸ The Sector Coordinating Councils (SCCs) are self-organized and self-governed councils that enable critical infrastructure owners and operators, their trade associations, and other industry representatives to interact on a wide range of sector-specific strategies, policies, and activities. The SCCs coordinate and collaborate with sector-specific agencies (SSAs) and related Government Coordinating Councils to address the entire range of critical infrastructure security and resilience policies and efforts for the sector.

Partnering with foreign governments is critical to combating transnational human trafficking and its facilitators. For the next Five Country Ministerial⁹⁹ meeting, federal agencies will develop a recommendation on how to better collaborate on human trafficking. Potential recommendations for areas of collaboration include intelligence and information sharing, emerging technologies, joint investigations and assessments, victim protection, and policy initiatives.

Priority Action 4.4.5: Strengthen international frameworks to combat human trafficking in the maritime domain and seafood supply chain

The United States Government has limited ability to enforce provisions under Chapter 77 of Title 18 of the U.S. Code on non-United States flagged vessels outside of the United States' territorial sea. As such, the United States Government's responses to suspected human trafficking and the full spectrum of labor exploitation on such vessels rely heavily on intergovernmental cooperation. Accordingly, the United States Coast Guard, NOAA, DOS, USAID, DOJ, DOL, and other federal agencies will work to create frameworks to coordinate and cooperate with international partners to promote the identification and protection of victims of human trafficking as well as the investigation and prosecution of perpetrators. These frameworks will address forced labor and other forms of labor exploitation on vessels, as well as other potential risk areas throughout the seafood supply chain, such as shore-based processing operations. Additionally, DOT will engage with international multilateral maritime fora to share best practices in combating human trafficking within the transportation sector, and to foster the development of culturally-sensitive counter-trafficking awareness materials.

Priority Action 4.4.6: Engage with international multilateral fora to develop transportation-specific anti-trafficking educational resources

DOT will engage with the International Civil Aviation Organization (ICAO) to develop a comprehensive strategy for ICAO's 193 member countries to combat human trafficking in the aviation sector. Key components will include leadership, policies, reporting protocols, partnerships, training, public awareness, data collection and information-sharing, and victim and survivor support. DOT will also engage with the Asia Pacific Economic Cooperation (APEC) Transportation Working Group (TPT-WG) to develop a set of training and awareness resources. These resources may be used by Asia Pacific Economic Cooperation's 21-member countries to educate transportation employees and the traveling public to recognize and report potential instances of human trafficking to the proper authorities.

Priority Action 4.4.7: Improve and consolidate human trafficking tip line operations

The United States Government will conduct a review of all available federal agencies' tip lines on human trafficking in the United States. Following this review, HHS will follow up with DHS, DOJ, and other agencies to assist these agencies in harmonizing outreach, directing callers to the

⁹⁹ The Five Country Ministerial is a forum whereby Australia, Canada, New Zealand, the United States and the United Kingdom meet to discuss shared emerging threats. See: <https://www.gov.uk/government/publications/five-country-ministerial-communicue>.

National Human Trafficking Hotline, consolidating and integrating operations where beneficial, and implementing best practices for tip line operations. A review will include recommendations for ensuring appropriate responses to tips about human trafficking victims, improving quality tips and leads, highlighting and streamlining United States Government tip intake channels including those specific to the importation of goods produced with forced labor and making intake information available in a timely manner within the United States Government to relevant enforcement agencies.

Principle 4.5: Continuously evaluate the authorities and resources of the United States Government to combat human trafficking

Through the development of the *Action Plan*, federal agencies identified gaps and challenges that require new administrative and statutory authorities or funding allocations to combat human trafficking. Identifying gaps and challenges should not be a one-time exercise, but rather be continuously evaluated to ensure the government is adapting to new challenges, threats, and needs.

Priority Action 4.5.1: Explore opportunities for legislative proposals

Executive agencies will identify gaps in their ability to prevent human trafficking, protect victims of trafficking, and prosecute human traffickers that require legislation to address. As appropriate, executive agencies will consult with departments and agencies, survivor experts, and external stakeholders to develop these proposals. Agencies will have the opportunity to submit these proposals for consideration as part of the President's Budget.

Priority Action 4.5.2: Conduct an assessment of United States Government allocation of existing resources to combat human trafficking

Currently, the United States Government lacks a comprehensive assessment of how personnel and resources are allocated in federal efforts to combat human trafficking. This gap hinders the government's ability to prioritize efforts. Agencies will assess the delineation of human trafficking specific resources and share this data with relevant stakeholders.

Priority Action 4.5.3: Adopt inclusive policies for government-run systems or programs that disproportionately and negatively impact marginalized communities or increase their vulnerability to human trafficking

To be truly effective, a comprehensive approach to prosecution, protection, and prevention must embed racial justice and equity across all anti-trafficking policies and programs. In line with Executive Order 13985, each agency will assess the ways in which systemic racism intersects with its anti-trafficking work and identify how it can integrate racial justice and an equity-based approach into its anti-trafficking response. This ongoing task to ensure the United States Government's anti-trafficking work is intentional in decreasing systemic disparities that marginalize certain communities and embolden traffickers can be done in collaboration with those who have experienced the connection between systemic racism and human trafficking. Additionally, in line with Executive Order 14020, on the Establishment of the White House Gender

Policy Council, executive departments and agencies are called to advance gender equity and equality, both domestically and globally, and provide a coordinated federal response on issues that have a distinct impact on gender equity and equality. This includes, among other things, combating systemic biases and discrimination; increasing economic security and opportunity; increasing access to comprehensive health care; and combating gender-based violence. The government's anti-trafficking initiatives should also seek to address the compounded barriers faced by individuals at the intersection of race and gender, in order to focus on increasing pathways to safety and wellbeing for individuals in marginalized communities.



APPENDIX A: GLOSSARY OF TERMS

Forms of Human Trafficking¹⁰⁰

Forced Labor¹⁰¹: The term forced labor is defined for enforcement purposes in two separate sections of the United States Code. In the criminal statutes of Title 18, it encompasses the range of activities involved when an individual or entity uses prohibited means that include force or physical threats; psychological coercion; abuse of the legal process; a scheme, plan, or pattern intended to hold a person in fear of serious harm; or other coercive means to obtain the labor or services of a person. Once a person’s labor is obtained by such means, the person’s previous consent or effort to obtain employment with the trafficker does not preclude the person from being considered a victim, or the government from prosecuting the offender. Forced labor in Title 18 also encompasses when an individual or entity knowingly benefits, financially or by receiving anything of value, from participating in a venture which has engaged in providing or obtaining labor or services by prohibited means, knowing or in reckless disregard of the fact that the venture has engaged in providing or obtaining labor or services by such prohibited means. In the customs-related statute of Title 19, it is also defined in connection with the prohibition on the importation of goods produced wholly or in part by forced labor, including forced child labor; convict labor; and/or indentured labor under penal sanctions. In this context, forced labor is defined as: “all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.” In addition, Title 22 includes the following definition to describe this as a severe form of human trafficking: “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.”

- **Forced Child Labor:** Forced child labor is always implicitly included in prohibitions related to forced labor in U.S. law. Although some children may legally engage in certain forms of work depending on the jurisdiction, forced child labor continues to exist both in the United States and globally, despite legal prohibitions and widespread condemnation.

¹⁰⁰ See President’s Interagency Task Force Report on United States Government Efforts to Combat Trafficking in Persons (December 2020), available at <https://www.state.gov/wp-content/uploads/2020/10/2020-PITF-Report.pdf>.

¹⁰¹ As noted in footnote 12, while the term “labor trafficking” does not appear in the United States Code, it is another term that may be used to refer to human trafficking involving compelled labor or services, as distinct from sex trafficking.

Sex Trafficking¹⁰²: When a person is required to engage in a commercial sex act as the result of force, threats of force, fraud, coercion or any combination of such means, or when a person under the age of 18 is caused to engage in commercial sex, that person is a victim of sex trafficking. Under such circumstances, perpetrators involved in recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a person for that purpose are guilty of the federal crime of sex trafficking.¹⁰³ This is true even if the victim previously consented to engage in commercial sex.

Child Sex Trafficking: U.S. law explicitly includes a distinct definition of “sex trafficking of children.”¹⁰⁴ Any child (under the age of 18) who has been recruited, enticed, harbored, transported, provided, obtained, advertised, maintained, patronized, or solicited to engage in a commercial sex act is a victim of human trafficking, regardless of whether or not force, fraud, or coercion is used. Children cannot consent to commercial sex, therefore, child sex trafficking occurs regardless of whether or not force, fraud, or coercion is used.

Transnational or extraterritorial child sexual abuse (formerly referred to as child sex tourism)¹⁰⁵: Transnational or extraterritorial child sexual abuse is a crime that occurs when an American citizen or legal permanent resident travels to a foreign country or resides abroad (whether permanently or temporarily) and engages in illicit sexual conduct with a child. Though not every instance of transnational or extraterritorial child sexual abuse is child sex trafficking, this offense can involve child sex trafficking when the offender engages in a commercial sex act with a child. It is also a crime to arrange or facilitate such travel for the purpose of commercial or private profit. This conduct is a crime whether or not the offender had the intent to engage in sexual activity with a child before the travel took place.

Additional Terms

Victim: This term means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime.¹⁰⁶

Survivor: A term used for an individual who suffered harm as a result of criminal conduct and that recognizes the strength it takes to continue on a journey toward healing in the aftermath of a traumatic experience.¹⁰⁷

Victim-centered approach: Placing the crime victim’s priorities, needs, and interests at the center of the work with the victim; providing nonjudgmental assistance, with an emphasis on self-determination, and assisting victims in making informed choices; ensuring that restoring victims’

¹⁰² See 22 U.S.C. § 7102(12).

¹⁰³ See 18 U.S.C. § 1591(a).

¹⁰⁴ Ibid.

¹⁰⁵ See 18 U.S.C. § 2423(b)-(d) for the relevant crimes.

¹⁰⁶ See 34 U.S.C. § 20141(e)(2).

¹⁰⁷ This definition was adapted slightly from the *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017*, available at <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/FederalHumanTraffickingStrategicPlan.pdf>.

feelings of safety and security are a priority and safeguarding against policies and practices that may inadvertently re-traumatize victims. A victim-centered approach should also incorporate a trauma-informed, survivor-informed, and culturally competent approach.¹⁰⁸

Trauma-informed approach: A trauma-informed approach recognizes signs of trauma in individuals and the professionals who help them and responds by integrating knowledge about trauma into policies, procedures, practices, and settings, and seeking to actively resist re-traumatization. This approach includes an understanding of the vulnerabilities and experiences of trauma survivors, including the prevalence and physical, social, and emotional impact of trauma. A trauma-informed approach places priority on restoring the survivor’s feelings of safety, choice, and control. Programs, services, agencies, and communities can be trauma-informed.¹⁰⁹

Survivor-informed: A program, policy, intervention, or product that is designed, implemented, and evaluated with intentional leadership, expertise and input from a diverse community of survivors to ensure that the program, policy, intervention, or product accurately represents their needs, interests, and perceptions.¹¹⁰

Cultural competence: The ability of an individual or organization to interact effectively with people of different cultures. This includes drawing on knowledge of culturally based values, traditions, customs, language, and behavior to plan, implement, and evaluate service activities. Some organizations use the terms “cultural accountability” or “cultural responsiveness.”¹¹¹

Debt Bondage¹¹²: Debt may be used illegally as a prohibited means of compelling someone into forced labor. Some workers fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed as a condition of employment, while in certain countries some workers “inherit” the debt. Although contract violations and hazardous working conditions for migrant laborers do not in themselves constitute human trafficking, the imposition of costs and debts on these laborers can contribute to a situation of debt bondage. In other cases, employment-based temporary work programs in which the workers’ legal status in the country is tied to a particular employer present challenges to workers who would like to flee from such an employer.

¹⁰⁸ This definition was adapted slightly from the Department of Justice, Office for Victims of Crime Model Standards for Serving Victims and Survivors of Crime, available at <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/model-standards/5/glossary.html>.

¹⁰⁹ Id.

¹¹⁰ Id.

¹¹¹ Id.

¹¹² The term “debt bondage” is defined in the TVPA as “the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.” 22 U.S.C. § 7102(7).

Immigration Options

Continued Presence¹¹³: A temporary immigration designation provided to individuals identified by law enforcement as victims of “severe forms of trafficking in persons” who may be potential witnesses. This status allows human trafficking victims to lawfully remain in the United States temporarily and work during the investigation into the human trafficking-related crimes committed against them and during any civil action under 18 U.S.C. § 1595 filed by the victims against their traffickers. Continued Presence is initially granted for two years and may be renewed in up to two-year increments. Continued Presence recipients also receive federal benefits and services.¹¹⁴

T nonimmigrant status (“T visa”)¹¹⁵: An immigration benefit that is available to eligible victims of “severe forms of trafficking in persons.”¹¹⁶ To be eligible, the victim must have complied with any reasonable request for assistance in a federal, state, local, tribal, or territorial investigation or prosecution of human trafficking cases, and meet other requirements. Victims under the age of 18 and victims unable to cooperate because of physical or psychological trauma are not required to comply with any reasonable law enforcement requests for assistance. The T visa is a tool intended to offer protection to victims and strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking. T nonimmigrant status is valid for 4 years; T nonimmigrants may be able to adjust their status and become lawful permanent residents if they qualify.

U nonimmigrant status (“U visa”)¹¹⁷: An immigration benefit that is available to victims of certain qualifying crimes in the United States – including human trafficking – who have been helpful, are being helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the qualifying criminal activity, and meet other requirements. The U visa is a tool intended to strengthen the ability of law enforcement agencies to investigate and prosecute certain types of crimes, while also protecting crime victims and encouraging them to come forward and assist law enforcement. U nonimmigrant status is valid for four years and can be extended in limited circumstances; U nonimmigrants may be able to adjust their status and become lawful permanent residents if they qualify.

¹¹³ See 22 U.S.C. § 7105(c)(3).

¹¹⁴ See 22 U.S.C. § 7105(b)(1)(E).

¹¹⁵ Applicable laws and regulations include: 8 U.S.C. § 1101(a)(15)(T); 8 U.S.C. § 1184; 8 U.S.C. § 1255; 8 CFR § 214.11; 8 CFR § 245.23.

¹¹⁶ The term “severe forms of trafficking in persons” is defined in 22 U.S.C. 7102(11).

¹¹⁷ Applicable laws and regulations include: 8 U.S.C. § 1101(a)(15)(U); 8 U.S.C. § 1184; 8 U.S.C. § 1255; 8 CFR § 214.14; 8 CFR § 245.24.



APPENDIX B: PRIMARY AUTHORITIES

Trafficking Victims Protection Act (TVPA) and Amendments

- Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386 (2000)
- Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193 (2003)
- Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164 (2005)
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457 (2008)
- Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4 (2013)
- Trafficking Victims Protection Act of 2017, Pub. L. No. 115-393 (2018)
- Abolish Human Trafficking Act of 2017, Pub. L. No. 115-392 (2018)
- Trafficking Victims Protection Reauthorization Act of 2017, Pub. L. No. 115-427 (2019)
- Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, Pub. L. No. 115-425 (2019)

Federal Crimes and Related Criminal Statutes

- 8 U.S.C. § 1328 – Importation of alien for immoral purpose
- 18 U.S.C. § 371 – Conspiracy to commit offense or to defraud United States
- 18 U.S.C. § 542 – Entry of goods by means of false statements
- 18 U.S.C. § 545 – Smuggling goods into the United States
- 18 U.S.C. § 1351 – Fraud in foreign labor contracting
- 18 U.S.C. § 1589 – Forced labor
- 18 U.S.C. § 1590 – Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor
- 18 U.S.C. § 1591 – Sex trafficking of children or by force, fraud or coercion
- 18 U.S.C. § 1592 – Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor
- 18 U.S.C. § 1593 – Mandatory restitution
- 18 U.S.C. § 1593A – Benefitting financially from peonage, slavery, and trafficking in persons
- 18 U.S.C. § 1596 – Additional jurisdiction in certain trafficking offenses
- 18 U.S.C. § 1597 – Unlawful conduct with respect to immigration documents
- 18 U.S.C. § 1956 – Laundering of monetary instruments

- 18 U.S.C. § 1957 – Engaging in monetary transactions in property derived from specified unlawful activity
- 18 U.S.C. § 1761 – Transportation or importation (of goods made by convicts or prisoners)
- 18 U.S.C. § 1762 – Marking packages (of goods made by convicts or prisoners)
- 18 U.S.C. § 1963 – Criminal penalties (for Racketeer Influenced and Corrupt Organizations or RICO violations)
- 18 U.S.C. § 2261 – Interstate domestic violence
- 18 U.S.C. § 2422 – Coercion and enticement of minor
- 18 U.S.C. § 2423 – Transportation of minors
- 18 U.S.C. § 2251 – Sexual exploitation of children
- 18 U.S.C. § 2252 – Certain activities relating to material involving the sexual exploitation of minors
- 18 U.S.C. § 2252A – Certain activities relating to material constituting or containing child pornography
- 18 U.S.C. § 2260 – Production of sexually explicit depictions of a minor for importation into the United States
- 18 U.S.C. § 3014 – Additional special assessment
- 18 U.S.C. § 3271 – Trafficking in persons offenses committed by persons employed by or accompanying the federal government outside the United States
- 18 U.S.C. § 3283 – Offenses against children
- 18 U.S.C. § 3298 – Trafficking-related offenses
- 18 U.S.C. § 3299 – Child abduction and sex offenses
- 18 U.S.C. § 3663A – Mandatory restitution to victims of certain crimes
- 18 U.S.C. § 3771 – Crime victims’ rights
- 18 U.S.C. § 3772 – Sexual assault survivors’ rights
- 34 U.S.C. § 20141 – Services to victims

Civil Authorities, Associated Regulations, and Related Statutes

- 18 U.S.C. § 1595 – Civil remedy (for trafficking in persons violations)
- 18 U.S.C. § 1595A – Civil injunctions (for trafficking in persons violations)
- 19 U.S.C. § 1307 – Convict-made goods; importation prohibited (of goods made with convict labor, forced labor or indentured labor under penal sanctions)¹¹⁸
 - a. 19 C.F.R. §§ 12.42 – 12.45 – Merchandise Produced by Convict, Forced, or Indentured Labor
- 19 U.S.C. § 1592 – Penalties for fraud, gross negligence, and negligence
- 19 U.S.C. § 1595a – Aiding unlawful importation
- 19 U.S.C. § 1619 – Award of compensation to informers

¹¹⁸ While “Convict-made goods; importation prohibited” is the official title of this section, 19 U.S.C. § 1307 is commonly referred to as “the prohibition on the importation of goods produced with forced labor.” It is also commonly referred to as “Section 307 of the Smoot-Hawley Tariff Act of 1930” in reference to the original law and section of that law that created this customs prohibition (and which has since been amended).

- a. 19 C.F.R. §§ 161.12 - 161.16 – Compensation of Informant
- 22 U.S.C. § 9241a – Rebuttable presumption applicable to goods made with North Korean labor
- 31 U.S.C. §§ 3729 – 3733 – Claims Against the United States Government (originating from the False Claims Act)
- 47 U.S.C. § 230 – Protection for private blocking and screening of offensive material (originating from the Communications Decency Act) [specifically, § 230(e)(5)]

Administrative Authorities and Associated Regulations

- 8 U.S.C. § 1101 – Definitions (from the Immigration and Nationality Act) [specifically, § 1101(a)(15)(T)-(U)]
- 8 U.S.C. § 1184 – Admission of nonimmigrants
 - a. 8 C.F.R. § 214.11 – Alien victims of severe forms of trafficking in persons
 - b. 8 C.F.R. § 214.14 – Alien victims of certain qualifying criminal activity
- 8 U.S.C. § 1255 – Adjustment of status of nonimmigrant to that of person admitted for permanent residence
 - a. 8 C.F.R. § 245.23 – Adjustment of aliens in T nonimmigrant classification
 - b. 8 C.F.R. § 245.24 – Adjustment of aliens in U nonimmigrant status
- 22 U.S.C. § 7108 – Actions against significant traffickers in persons
- 31 U.S.C. §§ 5311 – 5332 – Records and Reports on Monetary Instruments Transactions (originating from the Bank Secrecy Act of 1970)
- 40 U.S.C. § 121 – Administrative (authority for the Federal Acquisition Regulation or FAR)
 - a. 48 C.F.R. § 52.222-18 – Certification Regarding Knowledge of Child Labor for Listed End Products
 - b. 48 C.F.R. § 52.222-50 – Child Labor – Cooperation with Authorities and Remedies
 - c. 48 C.F.R. § 52.222-50 – Combating Trafficking in Persons

Other Significant Laws

- Justice for Victims of Trafficking Act of 2015 (Pub. L. No. 114-22)
- The PROTECT Act of 2003 (Pub. L. No. 108-21) created 18 U.S.C. § 2423(c), which targets those United States citizens or lawful permanent residents who travel abroad for purpose of engaging in sex with a minor.
- National Defense Authorization Act of 2013 (Pub. L. No. 112-239), which provides authorities to end human trafficking in government contracting in Title XVII.
- Preventing Sex Trafficking and Strengthening Families Act of 2014 (Pub. L. No. 113-183) which prevents and addresses sex trafficking of children in foster care and establishes the national advisory committee on the sex trafficking of children and youth in the United States.

- Every Student Succeeds Act of 2015 (Pub. L. No. 114-95) authorizes support for safe and healthy students, including providing high quality training for school personnel on violence prevention topics including human trafficking.
- SOAR to Health and Wellness Act of 2018 (Pub. L. No. 115-398), which amended the Public Health Service Act to strengthen training and response to human trafficking in the health care system.
- FAA Reauthorization Act of 2018 (Pub. L. No. 115-254) expands the 2016 requirement for air carriers to train flight attendants to recognize and report human trafficking to customer-facing employees. Combating Human Trafficking in Commercial Vehicles Act (Pub. L. No. 115-99) authorizes DOT to establish the DOT Advisory Committee on Human Trafficking, appoint a human trafficking prevention coordinator, and expand motor carrier funding and educational outreach programs to encompass prevention activities. No Human Trafficking on Our Roads Act of 2018 (Pub. L. No. 115-106) includes a lifetime Commercial Drivers License disqualification for an individual who uses a commercial motor vehicle in committing a felony involving a severe form of human trafficking.
- Department of Homeland Security Blue Campaign Authorization Act of 2018 (Pub. L. No. 115-125)
- Missing Children’s Assistance Act of 2018 (Pub. L. No. 115-267) improves support for missing and exploited children in the juvenile justice system including the identification, location, and recovery of victims of and children at risk for child sex trafficking.
- Juvenile Justice Reform Act of 2018 (Pub. L. No. 115-385) strengthens protections for victims of human trafficking, including screening, identification, and documentation of victims and those at risk for human trafficking upon intake.
- International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes through Advanced Notification of Traveling Sex Offenders of 2016 (Pub. L. No. 114-119).
- United States – Mexico – Canada Agreement Implementation Act of 2020 (Pub. L. 116 – 113), which includes Sections 741 – 744 on forced labor that require the establishment of the Forced Labor Enforcement Task Force and creating reporting requirements.
- Not Invisible Act of 2019 (Pub. L. No. 116-166) increases governmental coordination to identify and combat violent crime within Indian country and against Indians and establishes a commission to make recommendations on responding to violent crime, including human trafficking, and tracking data.

Executive Orders

- Executive Order 13126 of June 12, 1999 – Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor
- Executive Order 13581 of July 25, 2011 – Blocking Property of Transnational Criminal Organizations
- Executive Order 13627 of September 25, 2012 – Strengthening Protections Against Trafficking in Persons in Federal Contracts
- Executive Order 13773 of February 9, 2017 – Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking

- Executive Order 13818 of December 21, 2017 – Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption
- Executive Order 13898 of November 26, 2019 – Establishing the Task Force on Missing and Murdered American Indians and Alaska Natives
- Executive Order 13903 of January 31, 2020 – Combating Human Trafficking and Online Child Exploitation in the United States
- Executive Order 13923 of May 15, 2020 – Establishment of the Forced Labor Enforcement Task Force Under Section 741 of the United States – Mexico – Canada Agreement Implementation Act of 2020
- Executive Order 13985 of January 20, 2021 – Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- Executive Order 13988 of January 20, 2021 – Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- Executive Order 14017 of February 24, 2021 – America’s Supply Chains
- Executive Order 14031 of May 28, 2021 – Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders
- Executive Order 14021 of March 8, 2021 – Establishment of the White House Gender Policy Council