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

## What is human trafficking?

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

The Trafficking Victims Protection Act of 2000 (TVPA; Division A of P.L. 106-386; 22 U.S.C. §7101 et seq.) defines “severe forms of trafficking in persons” to include

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act is under age 18; or
- 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.

The recruitment or use of child soldiers, as defined in the Child Soldiers Prevention Act of 2008 (CSPA, Title IV of P.L. 110-457; 22 U.S.C. §2370c et seq.), is also considered a form of human trafficking. (For information on the CSPA, see CRS In Focus IF10901, *Child Soldiers Prevention Act: Security Assistance Restrictions*.)

## How has Congress responded?

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

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

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

programs through regular appropriations, Congress has shaped U.S. policy to combat international human trafficking through a range of legislative provisions focused on discrete aspects of this issue. In chronological order, selected key statutes include the following:

- Section 307 of the Tariff Act of 1930 (19 U.S.C. §1307), which prohibits the importation of foreign goods made wholly or in part by forced labor.
- Title XVII of the National Defense Authorization Act, Fiscal Year 2013 (NDAA; P.L. 112-239), which expanded provisions in the TVPA to prevent trafficking in the federal procurement context. (The End Human Trafficking in Government Contracts Act of 2022 [P.L. 117-211] further amended these provisions.)
- Section 910 of the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125), which eliminated an exception to the forced labor import ban under Section 307 of the Tariff Act that had allowed imports if the level of U.S. domestic production of such products did not meet U.S. “consumptive demands.”
- Section 1298 of the NDAA for FY2017 (P.L. 114-328), which authorized “transformational” international assistance projects to combat “modern slavery” (see “The Program to End Modern Slavery” below).
- Section 321 of the Countering America’s Adversaries Through Sanctions Act (P.L. 115-44), which amended the North Korea Sanctions and Policy Enhancement Act (P.L. 114-122) to require sanctions on foreign persons employing North Korean laborers and to create a rebuttable presumption that goods mined, produced, or manufactured by such labor are prohibited from importation pursuant to Section 307 of the Tariff Act.
- P.L. 117-78, commonly referred to as the Uyghur Forced Labor Prevention Act, which among other provisions created a rebuttable presumption that goods mined, produced, or manufactured in China’s Xinjiang region, or by certain Xinjiang-related entities, are prohibited from importation pursuant to Section 307 of the Tariff Act.

## What is the State Department’s role?

The State Department leads federal efforts to combat human trafficking. The Secretary of State chairs the President’s Interagency Task Force (PITF) to Monitor and Combat Trafficking in Persons, which met most recently in February 2023. The Director of the TIP Office chairs the Senior Policy Operating Group (SPOG), a working-level interagency entity to coordinate federal responses. The TIP Office also administers international anti-trafficking grant programs and prepares the annual TIP Report.

## What is the TIP Report?

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

### How are countries ranked?

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

### What are the minimum standards?

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

### What is at stake in the rankings?

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

**Table 1. Tier 3 Countries and Restrictions (2023 TIP Report)**

Restricted	Partially Waived	Fully Waived
Burma, China, Cuba, North Korea, Iran, Nicaragua, Syria	Afghanistan, Belarus, Chad, Curacao, <sup>a</sup> Equatorial Guinea, Eritrea, Guinea-Bissau, Macau (China), Russia, South Sudan, St. Maarten <sup>a</sup>	Algeria, Cambodia, Djibouti, Papua New Guinea, Turkmenistan, Venezuela

**Source:** 88 *Federal Register* 73523.

- a. The 2023 TIP Report states that these "semi-autonomous entit[ies] within the Kingdom of the Netherlands" are not "countr[ies]" to which the TVPA's minimum standards apply, and the presidential determination does not describe the aid restrictions to them as being required by the TVPA.

## What international grant programs address human trafficking?

The U.S. government funds a range of anti-trafficking projects. The TIP Office oversees a substantial portion of these, although other State offices and U.S. agencies—including the U.S. Agency for International Development—also oversee relevant projects. According to the State Department, as of November 1, 2023, the TIP Office was managing 113 anti-trafficking projects in 105 countries worth more than \$248 million. These projects can be implemented by U.S. and foreign nonprofit organizations, educational institutions, public international organizations,

and for-profit organizations. Such programming has included the following:

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

## How much funding has Congress appropriated?

The Department of State, Foreign Operations, and Related Programs Appropriations Act for FY2023 (SFOPS; Division K of P.L. 117-328) and the accompanying explanatory statement directed a total of \$133.4 million in State Department and foreign aid funding to combat human trafficking internationally. This compares with \$123.4 million directed for such purposes in FY2022 SFOPS. The \$133.4 million for FY2023 comprised \$17 million directed to support TIP Office personnel and administrative costs with Diplomatic Programs (DP) funds and \$116.4 million in foreign aid for anti-trafficking programs. Of the latter figure, \$87 million was directed for the International Narcotics Control and Law Enforcement (INCLE) account managed by the State Department, including \$12.5 million for Child Protection Compacts. Other specific directives included \$10 million in INCLE monies for DNA forensic technology programs to combat human trafficking in Central America and Mexico, \$2 million in Economic Support Fund (ESF) monies for "West Africa anti-slavery programs," and \$2 million to address human trafficking along the northern border in Laos.

## When was the TVPA last reauthorized?

P.L. 115-425, enacted in January 2019, in part authorized annual appropriations for international anti-trafficking activities through FY2021. (Subsequently, some elements of the TVPA pertaining to domestic anti-trafficking efforts were reauthorized in January 2023, but these reauthorizations did not address international activities.) In the 118<sup>th</sup> Congress, S. 920 and H.R. 5856 would reauthorize international activities at differing levels of increased appropriations through FY2027 or FY2028, respectively; amend some international elements of the TVPA; and enact other relevant changes in law.

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