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HUMAN TRAFFICKING IN THE UNITED STATES

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INTRODUCTION



A powerful reminder on the impact of human trafficking, especially on child victims

<https://www.rn.com>

Human trafficking
– *The crime in which someone uses force, manipulation, or coercion to force someone to engage in sex acts or to solicit labor against the victim's will*

Even though slavery was legally abolished with the Thirteenth Amendment in 1865, forced labor is still alive and well in the United States today. **Human trafficking**, or “modern slavery,” is the act of forcing, manipulating, or coercing people to perform commercial sex acts or any type of labor. Contrary to popular belief, human trafficking does not have to involve any sort of movement across borders—many victims are not transported into foreign countries. Similarly, while human trafficking is commonly associated with sexual exploitation, the majority of victims are trafficked into labor exploitation. Human trafficking is truly a universal issue, including in the United States, where trafficked persons are reported in all 50 states each year.

Many people conflate human trafficking and **migration trafficking**; however, they are very different phenomenon. With migration trafficking, there is usually a consensual agreement between the migrant and the traffickers, whereas with human trafficking, the victim never gives consent to the traffickers. Moreover, in migration trafficking, the destination is usually the last stop in the journey that the migrant goes through; however, in human trafficking, arriving at the destination is usually the first stop in a long, emotionally devastating journey that the victim must endure.

Due to the lack of official statistics on human trafficking victims in the United States, there are many estimations of the extent of such activities within America's borders. The Global Slavery Index says that on any given day in 2021, there are 1.1 million victims of modern slavery in the U.S. That comes out to 3.3 victims per

thousand US residents. Internationally, there are more than 25 million people that are currently victims of human trafficking.

Human trafficking is the third most profitable crime in the world, behind arms dealing and drug trafficking. The profitability derives from the traffickers' ability to provide terrible living conditions and to demand constant labor. Victims who outlive their worth are disposed. A lack of identification, prosecution, and sentencing of perpetrators of human trafficking makes this kind of crime extremely low risk. For example, in 2021 in the United States, the National Human Trafficking Hotline received only 10,360 reports of human trafficking cases despite the hundreds of thousands of suspected cases nationwide, and only 260 people were charged with human trafficking by federal prosecutors.

Migration Trafficking – *The crime in which a person consensually agrees with a smuggler to be moved across an international border*

EXPLANATION OF THE ISSUE

Historical Development

The United States has a long history of forced labor and preying on vulnerable people. **Slavery**, of which human trafficking is a modern form, has been prevalent since the founding of this country. African people were abducted, brought to the United States, and sold into forced labor beginning in the 17th century. This slavery and the ensuing social hierarchy were institutionalized as African-Americans were not granted the same rights as white Americans. In 1807, the United States government banned the international slave trade, but domestic slavery continued until 1865 when the Thirteenth Amendment was passed.

Even after the federal abolition of slavery, many African-Americans in the United States were still forced to work against their will. Thousands of African-Americans were forced to work after being freed from bondage in order to pay debts that were either imposed on them by a racist and discriminatory criminal justice system or were put into contracts that they did not fully consent to. Modern day human trafficking continues this tradition of forced, free labor through torture and nonconsensual deals. People most vulnerable to trafficking are those who don't have strong support networks, are in a bad economic situation, are psychologically or emotionally unstable, or are victims of a national disaster or other type of disruptive life event. Every year, men, women, and children of all ages, races, and nationalities are trafficked.

Slavery – *When a person is owned by someone else and is forced to work*

Scope of the Problem

Lack of Arrests

Part of the reason that human trafficking is so lucrative and prevalent is that human traffickers are rarely caught, arrested, or convicted. As mentioned above, in 2021, the National Human Trafficking Hotline received reports of 10,360 suspected **human trafficking cases**. However, this only represents the number of *reported* cases - the actual number of human trafficking cases is almost certainly much higher. Of these 8,524 reported cases, very few will see initiated proceedings by the U.S. government, and fewer still will result in the prosecution of a human trafficker.

One reason for this is the nature of the victims. Often, victims of human trafficking may not have any family or friends to report them missing, or members of a marginalized demographic that might not have the ability to contact the authorities. Additionally, human trafficking is shrouded in secrecy. Those who are trafficked are kept in isolation, have their legal and identifying documents removed from them, and fall victim to fear tactics that are designed to make victims less likely to seek help.

Another important reason that human traffickers are rarely arrested is that there aren't enough resources for law enforcement agencies to properly fight it, especially because it is often very challenging and expensive to find human traffickers and to help its victims. Moreover, human traffickers are rarely caught due to the lack of data on the topic. There is little coordination between US government agencies and world governments that make it challenging to identify the scope of the problem and the areas in which human trafficking is most likely to occur. Finally, there are many different federal agencies that work to end human trafficking. While there are cooperation efforts, it is very challenging for a wide array of agencies to work together efficiently and to ensure that everyone is sharing information and data.

An International Crime that Takes Place Locally

The belief that human trafficking is an issue restricted to developing nations is a popular yet incorrect notion. The issue affects the United States because human trafficking not only takes place in America but involves American victims.

Traffickers find victims in many places, including locally, online, or through a romantic relationship. In cases of a romantic relationship, human traffickers seek to isolate victims and create an unequal power dynamic. Isolation measures typically involve restriction from loved ones and rapid relationship development, such as quickly moving in with one another. Additionally, traffickers will often try to make the victim financially and emotionally dependent on them. Traffickers will ensure that they

Human Trafficking Case –
An instance of human trafficking that can include one or more victim

2,105 of the 7,621 human trafficking cases in 2016 were US citizens

The Tariff Act of 1930 – also known as the *Smooth-Hawley Tariff Act*, this act that implemented protectionist policies in 1930

Trafficking and Violence Protection Act – The cornerstone of federal human trafficking policy and was the first federal legislation, passed in 2000, to specifically address modern human trafficking

75% of human trafficking victims are female

are the main or only source of income for the victim and will try to use emotional manipulation to coerce the victim to prevent them from leaving. Finally, traffickers often use physical violence or restraints in order to ensure that the victim stays confined.

Role of Structural Inequality

Marginalized groups are at higher risk of human trafficking. Victims are often selected because traffickers either know that they need money or know that they can be easily isolated and controlled. Living below the poverty line makes someone even more vulnerable to human trafficking because traffickers can easily make the victim financially dependent on them. Furthermore, people who live below the poverty line tend to be more socially isolated, so are less likely to be reported missing. The top five risk factors for becoming a victim of human trafficking are: (1) recent migration and/or relocation, (2) substance abuse, (3) running away or being homeless as a youth, (4) mental health concerns, and (5) involvement in the child welfare system.

Immigrants, particularly undocumented ones, are at high risk because many do not speak English, which makes isolation easier and seeking help harder. Often, traffickers steal the immigration papers of their victims to better control them.

Children are also extremely at-risk; 25% of human trafficking victims are children. One reason for this is because there is a large demand for child sex slaves. Another reason that children are particularly at risk is that they are extremely innocent, easy to manipulate, and if they are alone, easy to kidnap. One in three homeless children will be lured into the sex trade within 48 hours of leaving home.

Finally, women, and especially women of color and formerly incarcerated woman, are uniquely vulnerable to human trafficking; 75% of human trafficking victims are female. Part of the reason is that there is a larger demand for female sex slaves, but the overarching cause is gender inequality (even more so for women of color) that makes females more vulnerable to the manipulations of human traffickers. Prostitutes have an especially high rate of being victims of sexual assault as many of them are working against their will.

Federal Action

The cornerstone of federal law on human trafficking is the **Trafficking Victims Protection Act (TVPA) of 2000**. It instituted many ways to prosecute human traffickers, established human trafficking and its related activity as federal crimes and attached extremely severe legal punishments for traffickers. It also established the Office to Monitor and Combat Trafficking in persons and created the official definition of human trafficking.

The Tariff Act of 1930 establishes that imported goods cannot be made with forced or indentured labor while the Customs and Facilitations and Trade Enforcement Act in 2009 amended the Tariff Act of 1930 to include a prohibition on goods made through coercion or goods made by victims of human trafficking.

The PROTECT Act created more severe penalties for people engaging in sex tourism with minors, both within and outside the United States, and created the Amber Alert System that alerts the public to missing, exploited, or abducted children.

The Trump presidency made combating human trafficking one of its legislative priorities and passed multiple laws through Congress on the topic, including the Stop Enabling Sex Traffickers Act (SESTA) and the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA), which were designed to make it easier to stop illegal sex trafficking on the Internet and made it clearly illegal to knowingly aide, facilitate, or help sex trafficking. President Trump also signed an executive order that directed federal law enforcement to put a priority on ending the criminal organizations that use and perpetuate human trafficking.

The Biden-Harris Administration has taken similar steps against human trafficking. In 2022, Biden signed the Countering Human Trafficking Act of 2021, which enables and expands the capabilities of the Department of Homeland Security's Center for Countering Human Trafficking (CCHT). In addition, the Administration has invested nearly \$2 million in digital and school-based programs that are intended to protect youth from human trafficking.

Other Policy Action

New Jersey passed a bill in 2013 that strengthens support services to trafficking victims and forgives criminal convictions and other penalties that human trafficking survivors received unjustly while they were victims. Additionally, this bill increases penalties for human traffickers and for people who buy the services of a human trafficking victim.

In 2007, New York passed a law that was designed to target human trafficking by creating two new crimes: sex trafficking and labor trafficking. This distinction eliminated the difference between sex trafficking and prostitution, thus giving law enforcement more resources to fight human trafficking specifically. Moreover, this distinction gave prosecutors the ability to prosecute those who peddle **sex tourism**. Finally, this bill also created an Interagency Task Force on Human Trafficking whose job was to gather data on human trafficking, measure the effectiveness of the new law detailed above, create recommendations that would help the fight against human trafficking, and much more.

The PROTECT Act –
This 2003 law was passed to prevent child abuse and investigate violent crimes related to children

Sex tourism – *The organization of vacations in order to take advantage of lax restrictions in regard to prostitution*

In Alaska, anyone who benefits from human trafficking is guilty of 2nd degree human trafficking while those with direct involvement in the actual trafficking of humans are guilty of 1st degree human trafficking. In Alabama, Georgia, and Mississippi, businesses and corporations can be prosecuted for trafficking crimes under certain conditions. In Vermont, one can be prosecuted for participating in a venture in which you benefit financially from sex trafficking.

IDEOLOGICAL VIEWPOINTS

Both conservatives and liberals agree that human trafficking is a significant problem in the United States and there is an unexpected bipartisan desire to pass legislation addressing this issue. However, there is some disagreement on the best way to solve the recurring problem of human trafficking.

Conservative View

Some Republicans believe that having stricter immigration policies is a strong way to stem human trafficking in the United States. For example, one of the arguments for building a wall on the Mexican border is that it will be a great tool in stopping human trafficking activity in the United States.

Another conservative view, although uncommon, is that human trafficking laws should contain a **Hyde Amendment**. A Hyde Amendment is language within legislation that prohibits the use of federal funds to pay for abortion and abortion care except to save the life of the mother or if the pregnancy arises from incest or rape. In 2015, the Senate passed the Justice for Victims of Trafficking Act, introduced by Senator John Cornyn (R-TX), that established a fund to support human trafficking survivors from taxes imposed against traffickers. When introduced, the bill attached restrictions on what the fund could be used for – namely that it could not be used to fund abortion care. After debate, the bill was passed stipulating that the survivor fund could only be used for non-health purposes. Survivors would get health care from Community Health Centers, which would still be limited by the Hyde Amendment.

Liberal View

One way that conservatives and liberals differ in their approach to combating human trafficking is that liberals put a far larger emphasis on combating the cycles of systemic inequality that help perpetuate human trafficking than do conservatives. This is a fairly progressive idea that is becoming more mainstream as the Democratic Party shifts further left.

Hyde Amendment – language within legislation that prohibits the use of federal funds to pay for abortion and abortion care except specific cases

Republicans attempted to sneak a Hyde Amendment into human trafficking legislation in 2015, which ended up stalling the important bill for months

Additionally, many Democrats put a large emphasis on human trafficking victim protection. Liberals do not support Hyde Amendments in human trafficking victim legislation, and do not believe that trafficking survivors should have their healthcare options limited based on religious or ideological agendas.



Trump in front of a prototype of the border wall
<https://businessinsider.com>

AREAS OF DEBATE

Building a Wall on the Southern Border

Advocates of this policy idea suggest building a physical border wall on the US-Mexican border and training a massive amount of immigration officers to staff the border. This training, among other things, would involve teaching the officers the signs of human trafficking activity and how to best help and support the victims of human trafficking. This policy could help increase the amount of trafficker arrests and decrease the amount of human trafficking that occurs in the United States.

People in favor of this policy say that building an immigration wall on the US border with Mexico and staffing it with immigration authorities would discourage human traffickers from entering the country through Mexico. Additionally, this policy would increase the amount of arrests in regard to human trafficking as the immigration officers would be trained in how to effectively identify human trafficking activity.

People who argue against this policy say that this would be an ineffective way to reduce the amount of human trafficking that occurs in the United States, as a large portion of human trafficking activity begins in the United States. Moreover, building a border wall would not help American trafficking victims, who represent nearly 30% of human trafficking victims in the United States and are ensnared in the terrible control of human traffickers domestically.

As you consider this policy, note that between the Trump and Biden Administrations, the current segments of barrier on the U.S.-Mexico border currently add up to nearly 750 miles.

Political Perspectives on this Solution

Conservatives are largely in favor of this policy as they believe that it will reduce the amount of human trafficking in the United States while also reducing the amount of illegal immigration in to the country. States that border Mexico, including Texas and California, are consistently states with the highest number of reported human trafficking cases. Moreover, they view this policy as part of a general trend of tightening the United States immigration policy. Conservatives argue that the money lost due to illegal

immigrants would more than cover the cost of the wall once it successfully curbs illegal immigration.

Liberals are staunchly against this policy for a few reasons. One is that they don't believe that building an immigration wall on the southern border will help stop human trafficking activity because many human trafficking victims become victims in the United States. Also, they argue that traffickers would still easily be able to enter the country through different entry points. A border wall would also cost at least \$20 billion, which Democrats see as a huge sum of tax-payer money that should be spent on actions they believe will actually help US citizens.

Removing Human Trafficking from American Businesses' Supply Chains

Another potential policy solution is to hold companies accountable for not only their labor conditions, but their actual labor. Ensuring that the supply chains of American businesses are free of human trafficking will reduce the number of human trafficking victims as this policy will lessen the demand for slave labor. Implementing this policy will have several steps. The first will be mandating that American companies and companies operating on US soil will have to be transparent about the labor in their supply chain and ensure that they are not benefitting from the labor of human trafficking victims. The next will be making it illegal for companies to benefit in any way from human trafficking. Finally, because the American economy is so global, the last step would be to ensure that the countries we have trade relations with are taking the necessary steps to combat human trafficking within their own countries.

The main argument for this policy is that removing human trafficking from American businesses' supply chains would be a significant measure in reducing the global demand for human trafficking. Reducing this demand, in turn, would reduce the number of people who are trafficked not just globally, but in the US too.

An argument against this policy, although very uncommon, is that the economic cost of implementing such a policy, by forcing companies to publish transparent reports and by costing them cheap labor, would make a lot of goods in the United States more expensive and be over-regulation of US companies. Other arguments against this policy are that it violates ideals of a free market, and that it is an overreach of government power to legislate how private companies operate. Furthermore, since many companies outsource work internationally, it could be difficult to hold companies accountable to this policy for work abroad.

Political Perspectives on this Solution

There would be widespread bipartisan backing for such a policy. President Biden has made holding countries to a higher standard in their fight against human trafficking one of his trade priorities. However, ensuring effective international regulation against global trafficking from a U.S. Congress perspective poses substantial practical questions which Congress would need to grapple with as they draft such a policy.

Pardoning Crimes Committed by Human Trafficking Victims

Pardoning crimes committed by human trafficking victims would help reduce the effect of structural inequality on human trafficking. Implementing such a policy would require multiple parts. The first would be to legislate that any crime committed unwillingly or under duress as a victim of human trafficking would be forgiven. However, this would not go far enough in order to address the role of structural inequality in this problem.

This legislation could go a step further to guarantee amnesty for people who have engaged in prostitution to speak to law enforcement, or to legalize prostitution entirely. Gender and race inequality lead to economic inequality, which forces many people to become sex workers. Sex workers are in turn are more vulnerable to human trafficking because they are vulnerable targets of traffickers. By legalizing prostitution, these victims would be better able to reach out to law enforcement and would avoid unfair and biased legal punishments.

Those in favor of this policy argue that pardoning crimes committed unwillingly by victims would lead to more human trafficking arrests, as victims would be more willing to approach law enforcement and would ensure that victims are not punished unfairly for crimes that they did not want to commit. In particular, legalizing prostitution would help regulate an industry that is highly unregulated and rife with coercion.

An argument against this policy would be that it is very challenging to prove whether or not a victim of human trafficking committed a crime unwillingly, so some victims might be pardoned for a crime that they willingly committed. Another argument against these policies is that prostitution is an immoral act that should not be legalized, as legalizing the industry would increase the amount of people who sell and purchase sex.

Political Perspectives on this Solution

Many Democrats could be in favor of this policy because it helps increase protections for human trafficking victims by pardoning the crimes that they committed unwillingly. Moreover, loosening

criminal restrictions on prostitution would help reduce structural inequality. Many marginalized people in this country become sex workers due to a lack of alternative job choices and are then punished for it, while their clients often go unpunished.

Most Republicans, especially the more socially conservative members of Congress, would be against such a policy because it legalizes prostitution, something that they believe is highly immoral. Moreover, some Republicans would be against pardoning the crimes that victims committed unwillingly as it is very hard to determine conclusively whether or not they committed the crimes unwillingly. Therefore, they say, some people would be pardoned for crimes that they should not be pardoned for.

And More

The solutions presented here represent only a small fraction of the approaches the Senate Armed Services Committee can take toward addressing this crucially important issue. As you prepare for the conference, you are encouraged to think of ideas beyond those proposed in this briefing – we are relying on your political ingenuity to effectively minimize the abhorrent phenomenon of human trafficking.

BUDGETARY CONSIDERATIONS

As with any policy issue, policymakers must consider the financial implications of fighting human trafficking, including building a border wall. While it is Congress' discretion how much it would like to spend on combating sex trafficking, consider that when Congress passed the Trafficking Victims Protection Act of 2000, the flagship anti-human trafficking law, it was projected to cost nearly \$90 million over 5 years.

CONCLUSION

Today, the national security topics that dominate the news are global terrorism and the many wars that are going on throughout the world. Although human trafficking may not be as well-covered or flashy, the forced subjugation and coercion of American citizens and of innocent people on American soil is perhaps the national security issue that most directly impacts the daily lives of American citizens. The federal government has a duty to stop it.

There are many aspects to this issue: as members of the Senate Armed Services Committee, you will have to determine how to best assist law enforcement in the fight against human trafficking, assess

the role of structural inequality in perpetuating human trafficking, and protect American citizens and non-citizens living in the United States. Such a multi-faceted issue will require combining multiple solutions to draft legislation that effectively fights human trafficking.

Interestingly, there is bipartisan recognition of human trafficking as a problem and some bipartisan agreement on solutions to human trafficking. As partisan members of the Senate Armed Services Committee, your challenge will be to work across the aisle to draft comprehensive legislation that will combat human trafficking in the US and around the world while also balancing different partisan beliefs.

GUIDE TO FURTHER RESEARCH

Reading the links in the bibliography at the end of this briefing will give you a better background in discussing and coming up with effective policy solutions for combatting human trafficking than was possible for this briefing.

However, to continue your research, I would recommend searching scholarly databases, such as Google Scholar, to find articles regarding human trafficking in the United States. Moreover, look at the recommendations of interest groups such as the Polaris Project or the Coalition Against Trafficking Women for inspiration regarding your own policy recommendations. It is important to understand the global reach of human trafficking and its local effects when you are drafting legislation to combat human trafficking. Lastly, the US Department of State released its 2023 Trafficking in Persons Report, which definitely merits a read.

GLOSSARY

Human trafficking – The crime in which someone uses force, manipulation, or coercion to force to engage in sex acts or to solicit labor against the victim’s will

Hyde Amendment – Language within legislation that prohibits the use of federal funds to pay for abortion and abortion care except specific cases

Migration trafficking – The crime in which a person consensually agrees with a smuggler to be moved across an international border

Slavery – When a person is owned by someone else and is being forced to work

Human Trafficking Case – An instance of human trafficking that can include one or more victim

Sex tourism – The organization of vacations in order to take advantage of lax restrictions in regard to prostitution

The Tariff Act of 1930– Also known as the Smooth-Hawley Tariff Act, this act that implemented protectionist policies in 1930

The PROTECT Act – This 2003 law was passed to prevent child abuse and investigate violent crimes related to children

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