



March 28, 2023

The Honorable Robert Aderholt
Chair
House Appropriations Subcommittee on
Labor, Health and Human Services,
Education, and Related Agencies

The Honorable Tammy Baldwin
Chair
Senate Appropriations Subcommittee on
Labor, Health and Human Services,
Education, and Related Agencies

The Honorable Rosa DeLauro
Ranking Member
House Appropriations Subcommittee on
Labor, Health and Human Services,
Education, and Related Agencies

The Honorable Shelly Moore Capito
Ranking Member
Senate Appropriations Subcommittee on
Labor, Health and Human Services,
Education, and Related Agencies

Dear Representative Aderholt, Representative DeLauro, Senator Baldwin, and Senator Capito,

The Alliance to End Slavery and Trafficking (ATEST) thanks you for your leadership in the fight to end child labor, forced labor and human trafficking. We appreciate your efforts to pass legislation and provide resources to federal agencies engaged in combating these horrific crimes. With this in mind, we seek your assistance in funding essential programs in the FY 2024 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill.

The number of trafficking victims significantly exceeds the availability of services at the Departments of Labor (DOL), Health and Human Services (HHS) and Education (ED). ATEST recommends robust funding and accountability for programs at these key departments to fulfill the highest priority mandates of the *Trafficking Victims Protection Act of 2000* and subsequent reauthorizations (TVPA) and related legislation.

This letter provides concrete recommendations from ATEST — a nonpartisan coalition of organizations working at the front lines in the United States and internationally — that articulate how Congress can provide resources critical to ensuring the U.S. government is taking a comprehensive, victim-centered approach consistent with its commitment to address labor and sex trafficking and to support survivors' paths to self-sufficiency.

Human trafficking is one of the fastest growing criminal industries in the world, affecting 28 million people, and generating more than \$150 billion in annual profits for traffickers. More people have become vulnerable to trafficking because of ongoing impacts of the COVID-19 pandemic, the affordable housing crisis, impacts of climate change, the invasion of Ukraine, migration, and global economic disruptions. A robust fiscal response is essential to mitigate these increased risks and to provide essential services to survivors.

We understand the fiscal challenges our nation faces. However, we cannot lose sight of the human tragedies occurring every day within and beyond our borders. Trafficking is a national security, criminal justice, civil rights, and human rights issue that will define our generation. We can only eradicate it by dedicating the necessary resources.

DEPARTMENT OF LABOR

International Labor Affairs Bureau: \$168,000,000

We request \$168,000,000 for the Bureau of International Labor Affairs (ILAB) in the Department of Labor (DOL). Specifically, we request \$27,000,000 for the administration of ILAB, \$70,000,000 for the Child Labor and Forced Labor program, \$48,000,000 for Workers' Rights Programs, and \$23,000,000 for program evaluation.

ILAB is an essential part of the U.S. government's international response to forced labor, human trafficking, and child labor. It is responsible for implementing Section 105(b)(2) of the TVPRA of 2005 (P.L.109-164) and Section 110 of the TVPRA of 2008 (P.L.110-457). Funding will allow ILAB to fulfill its Congressional mandates including: producing annual findings on worst forms of child labor in certain U.S. trade beneficiary countries; the development and maintenance of a list of goods prohibited from entering the U.S. marketplace because they are produced by child or forced labor, including inputs to goods made with child or forced labor; and increased responsibilities in enforcing the U.S. Mexico Canada Agreement (USMCA). Adequate funding will ensure that staff is able to travel to the countries with which ILAB has partnered or where important research is needed to accurately maintain the list of goods made with forced labor or child labor. In addition, a robust and expertly staffed entity within the U.S. government's foreign policy establishment – that sits outside of the diplomatic constraints of the State Department and focuses particularly on worker rights – is tremendously important to the government's ability to tackle human trafficking and address the underlying factors that place individuals at risk.

We request \$48,000,000 for Workers' Rights Programs because they are essential to maintaining coherence with the U.S. trade agenda. ILAB provides technical assistance to countries on a variety of worker rights issues, many of which correspond directly to labor rights commitments

under trade agreements. Project goals include adopting or reforming labor laws or standards, improving labor inspectorates' enforcement capacity, increasing awareness of fundamental labor rights, and improving occupational safety and health conditions. ILAB provides technical advice and other support to labor ministries through workshops and exchange programs and homes in on areas of particular concern including the cocoa, cotton, fishing and cobalt sectors as well as other supply chains with heightened risks of child or forced labor.

ILAB assists U.S. businesses to comply with prohibitions on the importation of goods tainted by child or forced labor through the development and maintenance of online digital tools, Sweat & Toil and Comply Chain.

Employment and Training Administration: \$5,000,000

The Department of Labor Employment and Training Administration (ETA) should conduct a review of all employment readiness, training, and other discretionary programs, and update program guidance as needed to explicitly include eligibility for trafficking victims where possible, per Sec. 107(b) of the Trafficking Victims Protection Act (P.L. 106-386). The requested funds should be used for grant programming to deliver trauma-informed employment and training services that address particular barriers to service, and challenges to finding employment, faced by survivors of human trafficking. The U.S Advisory Council on Human Trafficking has highlighted the acute need to provide access to employment and training programs to all survivors of human trafficking. Career development programs help survivors become self-sufficient and provide for their families. When survivors are employed, it positively affects their lives, prevents dependence on public benefits, and creates financial resilience that reduces vulnerability to re-trafficking. We also recommend that the DOL integrate training to identify potential signs of trafficking and referral options as a regular activity for State Farmworker Monitor Advocates, and during the provision of relevant services to particular at-risk populations, including through the Youth Build, Job Corps and Reentry Employment Opportunity programs.

Labor trafficking affects both U.S. citizens and foreign nationals working across many industries, most commonly domestic work, agriculture, manufacturing, janitorial services, hotel services, construction, health and elder care, hair and nail salons, and strip club dancing. DOL needs resources to protect and support victims, particularly with much needed skills training and job placement services, as well as providing referrals to shelter, medical care, mental health services, legal services, and case management. ATEST member organizations have also worked with human trafficking survivors who were forced to engage in criminal acts, including forced activities related to gangs, weapons and narcotics. Victims impacted by this form of labor trafficking also require additional legal services in the realms of criminal law and immigration.

Proposed Report Language: The Committee encourages the Employment and Training Administration to increase access and eligibility to employment and training services for survivors of all forms of human trafficking as required by Sec. 107(b) of the Trafficking Victims Protection Act (P.L. 106-386). The Committee also encourages the development and integration of training to identify potential signs of trafficking and referral options as a regular activity for State Farmworker Monitor Advocates, and during the provision of relevant services to particular at-risk populations, including through the Youth Build, Job Corps and Reentry Employment Opportunity programs. The Committee also encourages the Department to continue and expand its pilot initiative to develop and support networks of service providers in collaboration with HHS and DOJ.

Wage and Hour Division: \$340,953,000

Among its many responsibilities, the Wage and Hour Division (WHD) enforces fundamental worker protections including minimum wage, overtime, child labor, recordkeeping, and anti-retaliation requirements under the Fair Labor Standards Act (FLSA); the wages and working conditions under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA); and the enforcement of the labor standards under the Immigration and Nationality Act (INA) for certain temporary nonimmigrant workers. Robust and widespread enforcement of these laws are critical to protecting workers from exploitation and forced labor.

Despite these vast enforcement responsibilities, WHD is understaffed and vastly underfunded. Staffing declined by more than 7% between FY 2015 and FY 2021.¹ In 2020, WHD had 779 investigators working to protect more than 143 million workers; in 1948, there were 1,000 investigators overseeing the protection of 22.6 million workers.² The Department of Labor attests that “WHD is operating with one of the lowest investigator levels in the last fifty years...Continuing to operate at these levels poses significant risks to the mission — even for an agency whose strategic approach to enforcement recognizes the limitations of the agency’s size.”³ This is especially troubling over the past 10 years: As the number of H-2A and H-2B temporary visas issued by the State Department tripled, the number of WHD wage theft investigations has remained largely steady. By persistently underfunding WHD, Congress

¹ USDOL WHD, FY 2015 Congressional Budget Justification Wage and Hour Division at WHD-6, <https://www.dol.gov/sites/dolgov/files/legacy-files/documents/general/budget/2016/CBJ-2016-V2-09.pdf> (showing approved total WHD Full Time Equivalents (FTEs) of 1,727); USDOL WHD, FY 2022 Congressional Budget Justification Wage and Hour Division at WHD-6, <https://www.dol.gov/sites/dolgov/files/general/budget/2022/CBJ-2022-V2-09.pdf> (showing approved revised total WHD FTEs of 1,601).

² Washington Center for Equitable Growth, Strategic Enforcement and Co-Enforcement of U.S. Labor Standards are Needed to Protect Workers Through The Coronavirus Recession at 1 (Jan. 14, 2021), <https://equitablegrowth.org/strategic-enforcementand-co-enforcement-of-u-s-labor-standards-are-needed-to-protect-workers-through-the-coronavirus-recession/>. This represents more than an 8-fold decrease in the number of investigators per worker since 1948.

³ USDOL, FY 2024 Budget in Brief, <https://www.dol.gov/sites/dolgov/files/general/budget/2024/FY2024BIB.pdf>.

enables widespread wage theft and other violations both in temporary visa programs and of U.S. workers. If Congress fails to fund WHD at levels sufficient to fulfill their mandate, America's workers will continue to be susceptible to wage theft, labor exploitation, and human trafficking.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families (ACF), Victim Services, Office on Trafficking in Persons (OTIP): \$50,000,000

We request \$50,000,000 for OTIP to provide grants to non-governmental organizations that provide comprehensive, trauma-informed services to trafficking victims and survivors. The funds should be divided equally: \$25,000,000 to support victims who are U.S. Citizens or Lawful Permanent Residents (LPRs), and \$25,000,000 to support victims who are foreign nationals.

The need for these vital services continues to escalate. OTIP's FY2021 Report, the most recent available, indicates that OTIP grant-funded organizations in more than 200 cities and 41 states provided comprehensive case management services to 4,293 individuals in FY21, a 33 percent increase from FY20. OTIP's training and technical assistance center reached 119,000 health and human service providers in FY21, helping to improve the standard of care for trafficking survivors across the U.S.

OTIP grant funding is crucial to providing victims of both labor and sex trafficking the necessary aid and services once they have been identified as a victim. When U.S. citizens and LPRs experience trafficking, they suffer devastating consequences, including psychological and physical trauma, fear of law enforcement, family estrangement, and loss of housing and income. Specialized services are necessary to support survivors to recover and build a support system to prevent re-exploitation. We support the Department's decision to include legal services within the comprehensive services available to victims, as an important service in a survivor's recovery.

OTIP grant services reach vulnerable populations of U.S. citizens and LPRs including runaway and homeless youth, the LGBTQI+ community, Native Americans, Asian Americans and Pacific Islanders, Latinos, migrant workers, youth of color, children, low literacy or numeracy individuals, and those with disabilities.

Similar trauma and survivor recovery needs are true for foreign nationals inside the U.S. who are trafficking victims. And an additional service is necessary for foreign nationals: the issuance of certification letters that allow foreign individuals access to public benefits in the U.S. Here too, we see increasing need; a rise in the issuance of certification letters corresponds to increasing numbers of survivors seeking help. For example, HHS issued 1,200 eligibility letters to foreign

national minors in FY2021 who were at risk of or had experienced human trafficking, a 78 percent increase over the previous year.

An implementation transition in the fall of 2022 at OTIP's Trafficking Victims Assistance Program caused an abrupt gap in the flow of funding to nonprofits serving survivors. A new implementing contractor is now in place. ATEST recommends vigilant Congressional oversight of OTIP spending.

**Administration for Children and Families (ACF), National Human Trafficking Hotline:
\$6,500,000**

The National Human Trafficking Hotline ("Trafficking Hotline") is a toll-free 24/7 crisis call center that connects victims and survivors of human trafficking with anti-trafficking services in their area (including emergency shelter, case management, and legal services), collects tips on human trafficking cases, and, when appropriate, reports actionable tips to law enforcement. The Trafficking Hotline's resource and referral directory contains almost 3,000 direct service providers, trained law enforcement officials, and other resources. Since the Trafficking Hotline's inception in 2007, the call volume to the hotline has increased more than forty-fold. In 2022, the Trafficking Hotline received 20,234 calls, texts, and chats on trafficking cases, including 11,518 calls, texts, and chats directly from domestic and foreign victims and survivors in the United States. The Trafficking Hotline is a trusted and vital component of America's whole-of-government anti-trafficking approach. The need for the vital services that the Trafficking Hotline provides will only grow in FY24 and beyond.

**Administration for Children and Families, Runaway and Homeless Youth Act:
\$362,000,000**

We request a total of \$362,000,000 for ACF to implement Runaway and Homeless Youth Act (RHYA) programs, Title III of the Juvenile Justice & Delinquency Prevention Act. This is the amount that will be included in the pending bill in the 118th Congress to fully reauthorize RHYA, the Runaway and Homeless Youth and Trafficking Prevention Act. RHYA programs have been chronically underfunded since its inception, despite these programs costing less than other systems that many youths experiencing homelessness and survivors of trafficking encounter. Everyone should have the opportunity to succeed regardless of their start in life, but young people who are trafficked and youth experiencing homelessness are not plugged into the networks, resources, and supports they need for healthy development.

Runaway and homeless youth are particularly at risk to become victims of trafficking and have been significantly impacted because of the COVID-19 pandemic. An estimated 4.2 million young people (ages 13-25) experience homelessness annually according to research from Chapin Hall at The University of Chicago. Recent data from the National Human Trafficking Hotline

also shows that being a runaway homeless youth and living in unstable housing are two of the top risk factors for human trafficking. Numerous studies have found trafficking rates among youth experiencing homelessness ranging from 19 percent to 40 percent. Using the lower end estimate means that about 900,000 of the youth and young adults who experience homelessness in a year are also victims of sex trafficking or forced labor in cities, suburbs, rural communities, and American Indian Reservations across the country.

The cost of not investing in the lives of youth experiencing homelessness is an economic burden that affects the young person, taxpayers, and society. Researchers have found that taxpayers face an estimated lump sum 2011 fiscal cost per youth of \$248,182 and social cost of \$613,182.⁴ Taking the modest taxpayer⁵ cost of \$248,182 per youth and applying it to *only half* of the 4.2 million youth who experience homelessness every year in America, the taxpayer cost is over \$521 billion (2.1 million x \$248,182). Through increased investments, all youth in need of safe and stable housing and supportive services will be able to connect to the networks of support and resources needed to stabilize, heal, and thrive. These connected youth in turn become part of the solution to trafficking and homelessness and contribute to the community's well being.

RHYA has provided base funding to communities across the country to develop community-based responses to youth and young adult homelessness and trafficking. These local systems of care are based on the unique needs of each region, their available resources, and local priorities. When we support young people experiencing homelessness, we prevent trafficking. RHYA programs are also trained in identifying and serving survivors of trafficking. Specifically, RHYA funds: emergency shelters, family reunification when safe, aftercare, street outreach, education, employment training, behavioral and mental health care, transitional housing, and independent housing options. This support achieves the following successful outcomes for youth: 1) safe exit from homelessness and hopelessness; 2) family reunification and/or establishment of permanent connections in their communities; 3) education, employment, and sustainable independence; and 4) prevention of human trafficking. Further, these programs are best positioned to prevent trafficking and commercial sexual exploitation and provide early identification of and services to youth victims of crimes.

Administration for Children and Families, Office of Refugee Resettlement: \$5,000,000

In light of the Flores decision, Office of Refugee Resettlement (ORR) facilities are required to release unaccompanied minors when they reach their 18th birthday. In cases where reunification

⁴ Foldes, Steven S. and Lubov, Andrea. (2015) The Economic Burden of Youth Experiencing Homelessness and the Financial Case for Investing in Interventions to Change Peoples' Lives: An Estimate of the Short-and Long-Term Costs to Taxpayers and Society in Hennepin County, Minnesota. <https://www.youthlinkmn.org/wp-content/uploads/2016/04/the-economic-burden-of-homeless-youth-in-hennepin-county.pdf> **Social cost** is defined as the total costs to society including lost earnings, lost tax payments, public crime expenditures, victim costs, welfare support programs, education, excess tax burden and public housing support.

⁵ Belfield, et. al., The Economic Value of Opportunity Youth. January 2012

has not yet been achieved, youth are released to shelters, unstable situations, or homelessness. In order to meet the needs of these unaccompanied youth, the majority of whom need only short-term support, we request \$5 million to the Administration on Children and Families to provide funding to support ORR unaccompanied youth who transition out of ORR facilities that are not yet reunified. This funding is to follow the youth who have not been reunified and can be given to community-based youth organizations who provide housing, supportive services, reunification support, travel, education, employment, or translation.

Proposed Report Language: Within the funds provided, the Committee directs \$5 million to the Office of Refugee Resettlement (ORR) to provide funding to community-based youth organizations for the purpose of providing support for unaccompanied youth, who transition out of ORR facilities, who have not yet been reunified. These supports provided by community-based youth organizations include but are not limited to reunification support, housing, travel, education, employment, translation, and health services.

Administration for Children and Families, Office of Trafficking in Persons: Report Language

In establishing the Office of Trafficking in Persons (OTIP), HHS underscored the importance of coordinating trafficking efforts across the Administration for Children and Families (ACF). ACF works directly with all victims of human trafficking – men, women, children, LGBTQ+, foreign nationals and domestic clients – and the diverse needs and vulnerabilities of these populations can only be met by an effective coordinating body networked agencywide. Additionally, increases in migration highlight the need to develop responsible and robust parameters to ensure that unaccompanied minors working with ACF and the Office of Refugee Resettlement (ORR) are not released to families or guardians who further exploit these vulnerable youth.

Unaccompanied minors released to guardians after being identified as a victim of or at-risk of human trafficking continue to report to service providers that they are exploited, or labor/sex trafficked by those to whom they were entrusted. Numerous news articles in early 2023 have spotlighted this problem. The ORR website indicates how overburdened the office is, receiving 129,000 referrals for placement from the Department of Homeland Security in FY22, up from 15,000 in FY20, including minors from Ukraine. We strongly encourage ACF and ORR to implement and enforce strong protections for youth to prevent re-trafficking or new forms of exploitation.

Proposed Report Language: Within the funds provided, the Committee encourages ACF to hire sufficient full-time employees to support the Office of Trafficking in Persons and coordinate trafficking efforts across ACF. Furthermore, these funds should be used to develop robust and effective protective mechanisms to ensure that unaccompanied minors processed through the

Office of Refugee Resettlement are not further exploited or trafficked by the guardians or families to whom they are entrusted after their release.

Administration for Children and Families, Family Youth Services Bureau: Report Language

The process of informing RHYA grantees has restricted the ways in which service providers are able to continue to provide services to vulnerable youth. For the past several years, RHYA grantees have been notified whether they will receive a grant or not within one day before a grant period is to begin. This lack of sufficient notice is extremely problematic for agencies and community-based organizations working to serve runaway and homeless youth who face higher risks of trafficking and violence. We recommend that the current bureaucratic process be streamlined, so that RHYA grant applicants are notified regarding whether they will receive a grant or not within at least three months in advance of the start date of a grant.

Proposed Report Language: When awarding funds under the Runaway and Homeless Youth Act program, the Secretary shall notify all applicants if they were successful or not at least 30 days before the grant is to begin as well as 30 days before an existing grant is set to end.

Highly Vulnerable Populations Study: \$2,000,000

We request \$2,000,000 to be directed to HHS for a new study on the prevalence, characteristics, and needs of programs serving homeless youth in the U.S. Because homeless and human trafficked youth are often indiscernible and unwilling to disclose their housing and victimization status, a national multi-tiered research and data collection effort is needed. To identify, scale, and improve access to the most effective interventions, including housing and services for vulnerable homeless and human trafficked youth, regular large-scale research is needed to gather data and information on the number, characteristics, and needs of unaccompanied homeless youth in America.

DEPARTMENT OF EDUCATION

Department of Education Grants to Local Education Agencies, Title I: \$2,000,000

We request \$2,000,000 for the Department of Education (ED) to help identify victims of sex trafficking and forced labor, and to prevent the victimization and exploitation of those children who might be susceptible to this crime. The funds should be used to develop materials regarding all forms of human trafficking, including sex trafficking and forced labor, to ensure that

educators and students are aware of how to identify and treat all types of trafficking. Further, we request that ED publish a white paper examining the appropriate role of educators and students, as well as the role of the education system, in preventing, identifying, and supporting child trafficking victims. The outcome of the white paper should inform the development of a model curriculum on the prevention of both sex trafficking and forced labor.

ED interfaces with approximately 50 million elementary and secondary school children each year, and is, therefore, in a unique position to reach vulnerable youth; they should consult stakeholders—including educators, NGOs, both forced labor and sex trafficking survivors—on the development of materials, the white paper, and the model curriculum.

McKinney-Vento Act Education for Homeless Children and Youth Program: \$300,000,000

We request \$300,000,000 to implement the Education for Homeless Children and Youth program (EHCY), as authorized by section 722(d)(3) of the McKinney-Vento Act as amended by the Every Student Succeeds Act (ESSA) (P.L 114–95).

The EHCY removes barriers to the enrollment, attendance, and opportunity for success for homeless children and youth; all of whom are at high risk of human trafficking. The EHCY is effective in addressing youth homelessness. With the support of EHCY grants, local education agencies have provided identification, enrollment, and transportation assistance, as well as academic support and referrals for basic services. The EHCY has given homeless children and youth the extra support they need to enroll and succeed in school.

Unfortunately, the resources directed to child and youth homelessness programs have not been sufficient in recent years. ED reported that during the 2020-2021 school year, public schools identified over one million homeless children and youth. However, only 22 percent of school districts receive support through the vita EHCY program in any given year. As a result, homeless children and youth are under-identified and continue to face significant barriers to school enrollment and continuity.

Homeless children and youth are particularly at risk for human trafficking. Under the McKinney-Vento Act's EHCY, all school districts are required to designate a homeless liaison, who proactively identifies homeless children and youth, connecting them to vital services like food, housing, and clothing. Under the Act, school districts are also required to provide transportation to stabilize the educational experiences of homeless students. Because all school districts — even those in communities without youth shelters — must designate a liaison for homeless students, schools are uniquely positioned to identify youth who are being trafficked, or are at risk of being trafficked, and provide connections to services. Yet many liaisons are designated in name only and lack the time and the training to carry out their duties. This lack of capacity is particularly

severe in light of the increase in student homelessness. Increasing funding for the EHCY will support a dedicated infrastructure within the nation's public schools to identify and serve children and youth who are at very high risk of human trafficking.

As a champion for the victims of child labor, forced labor and sex trafficking, you understand the complexities of these issues and the resources needed to respond. We have carefully vetted our requests to focus on the most important and effective programs. We thank you for your consideration and your continued leadership. If you have any questions, please contact ATEST Director Terry FitzPatrick (terry.fitzpatrick@ATEST-US.org or 571-282-9913).

Sincerely,

Coalition to Abolish Slavery and Trafficking (CAST)

Coalition of Immokalee Workers (CIW)

Covenant House

Free the Slaves

HEAL Trafficking

Humanity United Action

McCain Institute for International Leadership

National Network for Youth (NN4Y)

Polaris

Safe Horizon

Solidarity Center

United Way Worldwide

Verité

Vital Voices Global Partnership

ATEST is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world.