



Freedom Network USA

Jean Bruggeman, Executive Director of Freedom Network USA
Statement to the Subcommittee on Crime and Federal Government Surveillance
House Committee on the Judiciary
February 27, 2025 Hearing
Protecting Victims of Human Trafficking and Online Exploitation

About FNUSA

Freedom Network USA is the nation's largest coalition of survivors, advocates, and service providers working to end human trafficking in the US and is a leader in human trafficking training and technical assistance. FNUSA and our members have been engaged in policy advocacy for over 20 years, and were instrumental in the passage of the Trafficking Victims Protection Act in 2000, and in each subsequent reauthorization. Our 98 members represent the full range of survivors in the US: US citizens and immigrants in a range of legal statuses, young people and adults, survivors of both labor and sex trafficking, from the full spectrum of gender identities, sexual orientations, faith traditions, cultures, and ability levels. Our members include survivors themselves as well as civil attorneys, criminal attorneys, immigration attorneys, researchers, professors, and social service providers. FNUSA and our members are experts with decades of experience. Of our 58 organizational members, almost all have received federal funding. Together, we serve over 6,000 survivors per year across the US.

FNUSA was founded in 2001 by women's rights, immigrants' rights, and victims' rights advocates who were supporting survivors in some of the most complex cases in the 1990s: Thai garment workers trapped in a Los Angeles factory¹, Deaf Mexican immigrants forced to peddle trinkets on the subway in New York City², and migrant farmworkers subjected to extreme conditions in rural Florida³. These cases were all being investigated by federal law enforcement agencies, but the survivors had complex needs that made it difficult for the cases to move forward. The traffickers were preying on the vulnerabilities of these victims, using not only threats and violence but also coercion and manipulating the legal system. Traffickers are not just bad bosses, they take advantage of gaps in the social safety net and exploit unjust legal systems for their own gain. In these cases, they were isolating their victims based on their language, immigration status, and disabilities. Even in

¹ "Freeing Ourselves From Prison Sweatshops: Thai Garment Workers Speak Out." *The Asian American Education Project*, 2015, <https://asianamericanedu.org/freeing-ourselves-from-prison-sweatshops-thai-garment-workers-speak-out.pdf>

² Mirta Ojito, "U.S. Permits Deaf Mexicans, Forced to Peddle, to Remain," *the New York Times*, 1998, <https://www.nytimes.com/1998/06/20/nyregion/us-permits-deaf-mexicans-forced-to-peddle-to-remain.html>

³ "Two crew leaders plead guilty to holding field workers as slaves," *Tampa Bay Times*, 1999, <https://www.tampabay.com/archive/1999/05/27/two-crew-leaders-plead-guilty-to-holding-field-workers-as-slaves/>

Manhattan subway stations and within LA city limits, victims were isolated. These cases laid the groundwork for the anti-trafficking response in the US, and informed FNUSA's work in empowering service providers across the country to better support survivors.

Human Trafficking in the US

Structural Vulnerabilities to Trafficking

When the US developed and expanded labor protections in the 20th Century, certain industries were deliberately left out. Labor sectors that had been designed to be dependent on enslaved labor, like agriculture⁴ and domestic work⁵ were given few or no protections for workers. US immigration laws were established on a foundation of racism and xenophobia, restricting immigrants from Asia and Africa, while allowing White Europeans to continue migrating in huge numbers⁶. The federal criminalization of sex work was rooted in racist opposition to mixed-race couples. The Mann Act was used selectively in its early days, in large part to criminalize mixed-race couples.⁷ These biased systems have created tools of exploitation, which have made workers significantly more vulnerable to trafficking.⁸

Agricultural workers today still have few protections, and even less enforcement. Domestic work remains exempt from minimum wage and workplace safety requirements. Child labor protections are weak across all industries, and even weaker in agriculture and factory settings.⁹ Immigrant workers on legal visas are charged thousands of dollars by recruiters and are then financially bound to their employers. Workers are trapped with abusive employers because fleeing their employer voids their visa, leaving them undocumented and vulnerable to deportation. Despite following all the rules, workers are unable to seek safety when their employer exploits them and violates US trafficking and labor laws.¹⁰

Impacts on Youth

In addition to experiencing the impacts of problematic labor laws, youth are also vulnerable to trafficking in unique ways. Young people are not equipped to understand the long-term risks of their circumstances due to their still-developing brains. Young children

⁴ DeShawn L. Blanding, "The Historical Exploitation of Agricultural and Food Workers Needs to Stop," *Union of Concerned Scientists*, 2024, <https://blog.ucsusa.org/deshawn-blanding/the-historical-exploitation-of-agricultural-and-food-workers-needs-to-stop/>

⁵ Ariela Midgal, "The Legacies of Slavery and Jim Crow Live on With Exclusion of Home Health Care Workers from Fair Labor Laws," *ACLU*, 2015, <https://www.aclu.org/news/immigrants-rights/legacies-slavery-and-jim-crow-live-exclusion-home-health-care-workers-fair-labor-laws>

⁶ Kevin Johnson, "Systemic Racism in the US Immigration Laws," *Indiana Law Journal*, Fall 2022, <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=11468&context=ilj>

⁷ Erin Blakemore, "The 'White Slavery' Law That Brought Down Jack Johnson is Still in Effect," *History.com*, 2018 <https://www.history.com/news/white-slave-mann-act-jack-johnson-pardon>

⁸ Freedom Network USA, "A Rights-Based Approach to Combatting Human Trafficking," 2015, <https://freedomnetworkusa.org/app/uploads/2018/07/A-Rights-Based-Approach.pdf>

⁹ Sherer and Mast, "Child labor laws are under attack in states across the country," *Economic Policy Institute*, 2023, <https://www.epi.org/publication/child-labor-laws-under-attack/>

¹⁰ Freedom Network USA, "Human Trafficking and H-2 Temporary Workers," 2018, <https://freedomnetworkusa.org/app/uploads/2018/05/Temporary-Workers-H2-May2018.pdf>

are physically and psychologically dependent on others. Adolescence is dedicated to seeking an identity and community. These developmental stages put young people at risk of exploitation. If you add in poverty, insecure immigration status, sexual or physical abuse, or rejection by family or community due to your gender identity or sexual orientation, traffickers will swoop in to promise safety, understanding, and financial and emotional support. Unlike how popular movies portray trafficking, young people are most likely to be abused or trafficked by someone they already know.¹¹ As we have learned in the field of childhood sexual abuse, it is not stranger danger that we need to fear, but children's education still fails to address abuse prevention closer to home.

Traffickers understand these weaknesses and exploit them. They withhold pay from immigrants, knowing that they have debts in their home country that will bankrupt their families for generations to come. They sexually abuse workers and then threaten to tell their families or faith communities. They coerce workers into substance use and then manipulate their addiction to force them to work. They groom young people with promises of safety and affection, and then force them to engage in paid sex. Trafficking is a crime that is deeply linked to other forms of violence and structural inequalities. While all forms of trafficking happen in the US, specific communities are made more vulnerable to trafficking by policy choices that exclude them from protections.

Development of the Trafficking Victims Protection Act

Congress acted to fight back against traffickers by passing the Victims of Trafficking and Violence Protection Act of 2000 (TVPA). The law was designed to work on multiple levels to disrupt trafficking, support survivors, and reduce vulnerabilities to prevent trafficking. To end trafficking in the US, we need this multi-faceted approach. The law's design and Congressional history demonstrate that these protections meet two goals: to protect survivors and to support law enforcement and prosecutions. This dual purpose addresses the challenges faced by law enforcement in the first trafficking cases: survivors who were not reliable witnesses because they were homeless, traumatized, or deported. Law enforcement and service providers agreed, survivors needed more support in order to cooperate with law enforcement, and law enforcement needed more cooperation to investigate and prosecute traffickers.

Congress acknowledged that extending these protections to all trafficking survivors in the US was critical to the criminal justice response to trafficking. A key component of the TVPA is immigration protections for survivors. The TVPA provides for immediate protection (Continued Presence) as well as a path to permanent residency through the T Visa, to ensure that survivors are not deported while attempting to assist law enforcement with an investigation or prosecution. Without these protections, traffickers who exploit immigrant workers would face no consequences and survivors suffer without access to services.

¹¹ Counter Trafficking Collective Data Brief, 2018, <https://www.iom.int/sites/g/files/tmzbdl2616/files/2018-07/Counter-trafficking%20Data%20Brief%20081217.pdf>

The TVPA has continued to evolve and strengthen over the past 25 years with impressively bi-partisan, bi-cameral support. Funding for services has steadily grown, reaching just over \$120M between DOJ and HHS' victim services programs in FY24. In addition to the criminal sanctions with mandatory restitution, a civil private right of action has offered a path to justice for survivors. Prosecutions are rising, civil cases are denying traffickers the proceeds of their abuse, and federally funded programs are providing survivors with safe housing, medical and mental health care, legal services, and educational support. Survivors are now able to clear negative credit history that resulted from their trafficking, and in almost every state survivors can vacate at least some of the criminal records that resulted from their trafficking.

These programs not only meet the very real immediate and long-term needs of survivors, but they also send a critical message. They say: We see you. We know that you are a victim, not a criminal. This happened to you; you did not deserve this abuse. We believe you. We value you. We will protect you.

Online Exploitation and CSAM

The internet, social media, cryptocurrencies, and other technological advances are being used by traffickers, but also used by survivors and providers. The challenge, as always, is to identify ways to prevent harm while preserving avenues for protection.

Labor recruiters have moved from word of mouth to online advertising. They entice workers with promises and testimonials, reaching workers in remote areas and across a broad area, making it more difficult for workers to share information and sort the real offers from the scams. Once exploited workers start speaking up, recruiters change their names, websites, and online profiles, making it difficult for workers to track them. They also elude US restrictions by creating an unlimited number of corporate identities, when one is barred from federal contracts or as a visa sponsor, they just shift to the next. Online scam farms are proliferating across the globe, entrapping unsuspecting workers in abusive environments in a new form of forced criminality.

Sex traffickers use online spaces to find, groom, and exploit people. They have joined every game, app, and social media platform that has been created. Online spaces are used for a wide range of abuse- verbal abuse, threats, and extortion. Nonconsensual images are shared with individuals and groups. Survivors may not know where the images are located and struggle to get them removed. Cryptocurrencies allow traffickers to avoid tracking and financial oversight.

While these mechanisms are new, they target the same vulnerabilities as offline trafficking and child abuse. Therefore, the same prevention strategies are critical to protecting communities most vulnerable to abuse. A strong social safety net is the key. Young people and adults with access to affordable housing, high-quality childcare and education, comprehensive medical and mental health care, and a living wage are less susceptible to traffickers. When schools and communities are explicit about their acceptance of LGBTQIA community members, immigrants, and Black and Brown people, no

one is forced to leave their homes and schools in search of acceptance and a safe community.

While we long for online spaces that are free of abuse and exploitation, and need to hold tech companies accountable for failure to remove reported harmful content, restricting access to information and shutting down sites with adult content have not made the internet a safe place. Instead, it drives traffickers onto the dark web and hidden spaces that are out of the reach of US legal authorities. Age and identity restrictions risk the collection of user data and personally identifying information that can cause financial ruin for users, as hackers continue to outpace the development of safe data storage. And far too many policies are intended to block access to critical information and safety for LGBTQIA communities and organizations, in the name of protection. Making any community less safe online will also make them vulnerable to exploitation online, so we need to pursue policies that are protective for everyone, not just a few.

Criminal Record Relief for Survivors

Both labor and sex trafficking survivors are left with criminal records as a result of their victimization. These records trap survivors in a psychological trap. When labeled as a criminal, survivors with criminal records struggle to see themselves as victims. Records also impact their access to safe housing, better employment opportunities, higher education, scholarships, and professional licensing, and interfere with their parental rights.

47 states now have some access to criminal record relief for survivors (Alaska, Maine, and Iowa have no criminal record relief), but 2 of those states (South Dakota and Missouri) limit relief to minors.¹² The types of crimes, types of relief, and processes for clearing records vary dramatically by state, and even by county. There is no criminal record relief for any federal charges resulting from trafficking victimization.

Freedom Network USA's Survivor Reentry Project is the only national program that provides survivors with an analysis of their full criminal record to determine which items may be eligible for relief.¹³ FNUSA is currently supporting 137 survivors who have a total of 1716 charges in 268 cases/states, an average of 13 charges in 2 different states for each survivor. Survivors struggle with restrictive relief laws that cover only a limited type of criminal charges (typically prostitution-related offenses), requirements that are too difficult (including requiring survivors to attend a hearing, requiring concurrence from the prosecutor, requiring that all fines and fees be paid), and the disjointed US legal system that requires a different attorney for each state in which they have charges, and the high cost of legal representation.

¹² Freedom Network USA Survivor Reentry Project State Chart of Criminal Record Relief, <https://freedomnetworkusa.org/advocacy/survivor-reentry-project/#:~:text=Criminal%20Record%20Relief%20Laws,VIEW%20STATES%20AS%20LIST>

¹³ Freedom Network USA Survivor Reentry Project, <https://freedomnetworkusa.org/advocacy/survivor-reentry-project/>

Enacting the Trafficking Survivors Relief Act is critical, but we must avoid the pitfalls we have seen in so many state statutes. We must ensure that it includes a broad range of criminal charges, reduces requirements and barriers, and meets the needs of real survivors of human trafficking.

Funding Threats and Recent Executive Orders

Last month, we were told that all funding for housing programs, case management, health and mental health services, and legal representation for survivors would stop in less than 48 hours.¹⁴ These are reimbursement grants. Service providers not only had to consider how to cut back on what they could do going forward, but also what to do if they were not paid for the work that was already done. Some programs have already enacted furloughs. Many have halted hiring. Some have stopped accepting new clients, despite a growing need for services. As providers, we are trained to be transparent and honest with survivors. We don't make promises we can't keep. Survivors have to make tough choices to survive, and we don't help them if we give them false hope. If the federal government funding is not reliable, service providers will have to cut back or close. Survivors will have to choose between staying with traffickers and homelessness. Between abuse and hunger. Many will return to their traffickers until there is a more reliable path to safety. Funding cuts will enable traffickers to abuse and exploit US citizens and foreign nationals across the US.

Effective Services Require Targeted Efforts

Traffickers target the specific vulnerabilities of their victims. They don't use a one-size-fits-all approach. They target immigrants with threats of deportation, send their pay directly to the home country, impose outrageous fees for housing and transportation, they play on fears of harm from government agencies and law enforcement based on their experiences under autocratic regimes. They target LGBTQIA kids who are not accepted or are being abused due to their gender identity or sexual orientation, promising acceptance. They target immigrants who speak rare languages, isolating them with language barriers and lies. They target kids seeking their first jobs to help support themselves and their families, forcing them to work in unsafe conditions and threatening their families if they report to law enforcement. They target families in unstable housing promising a safe place to sleep to draw them in.

In order to fundamentally shift power away from traffickers, and stop the crime before it starts, we must engage in targeted prevention efforts that strengthen and empower people. And, we can't use a one-size-fits-all approach. We must adapt to meet the actual and specific needs of each community.

US Victim Services Programs Meet Unique Survivor Needs

Perhaps the largest child trafficking prevention program in the US is the Unaccompanied Alien Child or UAC program. When migrant children are found at the

¹⁴ FNUSA, "The State of Human Trafficking Services One Month into the Second Trump Administration," 2025, <https://freedomnetworkusa.org/2025/02/20/the-state-of-human-trafficking-services-one-month-into-the-second-trump-administration/>

border or in the US without their parents, they are at extremely high risk of abuse and exploitation, not just human trafficking. Providing these young people with case managers and immigration attorneys to find them safe housing, ensure their access to education and connection to a school community, explain their rights, and help them to navigate the legal system, we are building a protective wall to keep the traffickers out. Disrupting this funding, even temporarily, opens the door to traffickers. These protections were included in the TVRA Reauthorization when Congress acknowledged these risks and refused to ignore these young people. We can't give them up now.

And while it is critical to protect the human trafficking grants from the DOJ Office for Victims of Crime and HHS Office on Trafficking in Persons, it is not enough. Service Grants are limited to a maximum of \$350K per year, for the largest grants. They start at less than \$150K per year. Most of the grantees run multiple programs to cobble together the resources they need. Some focus only on human trafficking, but many are community-based organizations addressing the range of challenges facing the community they serve. These programs are embedded in refugee resettlement agencies and runaway and homeless youth shelters. They are part of LGBTQIA community centers and civil legal aid offices. They are faith-based and secular, working within schools and health centers. They are a part of the fabric of our social safety net and strengthening that net holds the key to not only supporting survivors, but preventing human trafficking in America.

The OVC and OTIP-funded trafficking services programs provide critical primary and secondary prevention. Community education and outreach can effectively prevent trafficking in the first place by ensuring that people know their rights in the workplace, know where to find safe housing and shelters, and are connected to supportive communities. They also assist survivors to exit a trafficking situation and prevent their re-trafficking. Providers adjust their materials, language, phrasing, and services to meet the needs of the folks they serve. Providers supporting agricultural workers in rural communities will use different images, examples, and materials than those supporting young people in cities. Survivors must be able to see themselves, their situation, their fears, and their needs reflected in the outreach and education materials for them to be effective. Providers who target their work are not the outliers, they are the best practice. They are the only programs that work. Guidance from the federal government to ignore gender identity and sexual orientation tells LGBTQIA communities that they are not welcome in those programs, appropriate services are not available, and that the federal government is not committed to protecting them from abuse and exploitation. Eliminating programs for undocumented immigrants leaves them dependent on the traffickers who control their visas and debts back home. These orders are a blank check to traffickers and will lead to increased violence and abuse.

Recommendations

The TVPA provides for survivors to seek safety, assist law enforcement when they are ready, and prevent future exploitation. Our comprehensive victim services programs are critical to this approach, and the entire response will fail without them. Despite our continued improvements in the US response, weak labor laws, protections for vulnerable communities, and structural inequality prevent the US from fully addressing human

trafficking. I encourage members of Congress to seek out solutions that enhance protections for everyone, so that no one becomes vulnerable to trafficking in the US.

FNUSA recommends that the Congress work to address the following:

1. Protect the victim services funding in the TVPA by immediately reauthorizing the DOJ, HHS, USAID, and State grant programs.
2. Appropriate victim services funding at or above FY25 levels.
3. Fund and do not silence community-based outreach, education, and services that are culturally and linguistically appropriate.
4. Fund and protect comprehensive services for all survivors, regardless of their age, religion, race, gender identity, sexual orientation, abilities, or immigration status.
5. Pass a comprehensive Trafficking Survivors Relief Act that includes a broad range of criminal charges, without barriers for survivors.
6. Invest in primary prevention (eliminating poverty and discrimination, providing legal rights, labor rights education and sex-positive education) to combat trafficking.
7. Expand and do not roll back labor protections (including an increased minimum wage and Domestic Worker Bill of Rights).
8. Protect immigrants, including humanitarian visas (T and U Visas and VAWA self-petitions), Special Immigrant Juvenile Status, refugee resettlement, and safe asylum processing, to reduce the power of traffickers.
9. Protect UACs including funding for services, screening for trafficking at the border, and placement in the least restrictive setting.
10. Protect LGBTQIA+ communities from discrimination at work, school, and in the community.
11. Protect the Consumer Financial Protection Bureau so that it can continue to implement the Debt Bondage Relief Act.
12. Expand civil legal protections for trafficking survivors, including barring forced arbitration of human trafficking claims.