

To: Jordan Cohen
Office of Information and Regulatory Affairs (OIRA)
Office of Management and Budget (OMB)

From: Vera J. Kiefer, Research and Data Collection Analyst
Office on Trafficking in Persons
Administration for Children and Families (ACF)

Date: August 13, 2021

Subject: NonSubstantive Change Request – Trafficking Victim Assistance Program Data
(OMB #0970-0467)

This memo requests approval of nonsubstantive changes to the approved information collection, Trafficking Victim Assistance Program Data (OMB #0970-0467).

Background

The Trafficking Victims Protection Act of 2000 (TVPA), as amended, authorizes the Secretary of Health and Human Services (HHS) to expand benefits and services to foreign nationals in the United States who are victims of severe forms of trafficking in persons. Section 107(b)(1)(B)(i) of the TVPA (22 U.S.C. § 7105(b)(1)(B)(i)) authorizes the Secretary of HHS to expand non-entitlement benefits and services to victims of severe forms of trafficking in persons in the United States and their family members with derivative T visas. It further states that such benefits and services “may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.”

Acting under a delegation of authority from the Secretary of HHS, the Administration for Children and Families (ACF) awards cooperative agreements to up to three organizations to provide benefits and services to eligible foreign nationals who are victims of a severe form of trafficking in persons to ensure national coverage. The awarded organizations under the Trafficking Victim Assistance Program (TVAP) must provide comprehensive case management and referrals to qualified persons, either directly through its own organization or by partnering with other organizations through contracts or both. The central purpose of TVAP is to connect survivors with the services they need to improve their well-being and health outcomes.

Trafficking Victim Assistance Program Data (OMB #0970-0467) is an active and approved collection of client-level data on those served through TVAP. The information collected allows ACF to evaluate service delivery efforts, inform prevention programming, and monitor program outcomes. In addition to client-level data, information on the type and cost of services provided through the program is collected to enable ACF to respond to congressional inquiries related to program spending and to provide technical assistance to grantees on managing available funding for individuals and households enrolled in the program.

Shortly after taking office, President Biden issued [Executive Order 13985](#) (*Advancing Racial*

Equity and Support for Underserved Communities Through the Federal Government), directing the Federal Government to pursue a comprehensive approach to advancing equity for all including people of color, foreign nationals, and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality in the United States. Individuals who experience trafficking—or vulnerable to it—often suffer disparities in education, health care, housing, employment, and access to public services, as well as a host of inequities that represent the social determinants of health.

TVAP grantees are expected to effectively serve all victims of all forms of trafficking in a person-centered, culturally appropriate, and trauma-informed manner, including individuals belonging to groups that have been historically underserved, marginalized, or subject to discrimination or systemic disadvantage, in order to increase identification of and support for individuals from these groups.

As such, we are seeking to make nonsubstantive changes to our existing Trafficking Victim Assistance Program Data (OMB #0970-0467) collection, particularly data elements related to [Sexual Orientation and Gender Identity \(SOGI\) Survey Measures](#) to better support equity for individuals belonging to groups referenced in EO 13985.

Overview of Requested Changes

The proposed changes to the data elements and corresponding field values below reflect measures accepted by the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys:

Current Data Element	Current Corresponding Field Values	Proposed Change to Data Element	Proposed Change to Corresponding Field Values
Sex	Male Female Unknown	Gender Identity	Male Female Transgender Male Transgender Female Genderqueer/Gender Non-Conforming Unknown Not Reported
Question: Does the client identify as LGBTQ?	Yes No Unknown	Question: Does the client identify as LGBTQ2S+? Lesbian, gay, bisexual, transgender, queer (or questioning), Two-Spirit, or another gender/sexual/romantic minority	Yes No Unknown

Research shows that lesbian, gay, bisexual, transgender, queer (or questioning), Two-Spirit, and other (LGBTQ2S+) persons, as well as Black, Latinx, and Native American individuals are disproportionately likely to experience trafficking in persons and other forms of abuse and

exploitation.¹ Men and boys are also under-identified among this victim population, particularly non-heterosexual men and boys who have experienced sex trafficking. Additional research is needed to assess the disparate impacts of demographic characteristics on victimization.

Information from TVAP service providers, particularly performance indicator data related to victim demographics, trafficking experience, and referrals/service delivery informs our collective understanding and will be factored into response protocols, as well as prevention and evidence-building related activities. By making nonsubstantive changes to our SOGI data indicators to make the data elements and corresponding field values more inclusive and reflective of guidance issued by the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, ACF will be better able to disaggregate data by these variables, to identify unique needs and victimization profiles for individuals belonging to these groups to inform service provision and other opportunities for programmatic support.²

These proposed updates are informed by feedback from existing grantees providing services to victims of trafficking in persons, best practices identified by the [National Human Trafficking Training and Technical Assistance Center \(NHTTAC\)](#), NHTTAC's [Human Trafficking Leadership Academy \(HTLA\)](#), and existing research examining the trafficking experiences of particular demographic groups.

¹ Butler, C. N. (2015). The racial roots of human trafficking. *UCLA Law Review*, 62, 1464–1514.

Curtis, R., Terry, K., Dank, M., Dombrowski, K., & Khan, B. (2008). *Commercial sexual exploitation of children in New York City, volume one: The CSEC population in New York City: Size, characteristics, and needs*. (Report No. 225083). National Criminal Justice Reference Service. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/225083.pdf>

Fedina, L., Williamson, C., & Perdue, T. (2016). Risk factors for domestic child sex trafficking in the United States. *Journal of Interpersonal Violence*, 34(13), 2653–2673. doi:10.1177/0886260516662306

Georgia State University. (2019). *Atlanta youth count 2018 community report: The prevalence of sex and labor trafficking among homeless youth in metro Atlanta*. Retrieved from <https://atlantayouthcount.weebly.com/>

Gibbs, D. A., Henninger, A. M., Tueller, S. J., & Kluckman, M. N. (2018). Human trafficking and the child welfare population in Florida. *Children and Youth Services Review*, 88, 1-10. <https://doi.org/10.1016/j.childyouth.2018.02.045>

Koeplinger, S. (2008). Sex trafficking of American Indian women and girls in Minnesota. *University of St. Thomas Law Journal*, 6(1), 129–137. Retrieved from <https://ir.stthomas.edu/cgi/viewcontent.cgi?article=1179&context=ustlj>

Martinez, O., & Kelle, G. (2013). Sex trafficking of LGBT individuals: A call for service provision, research, and action. *The International Law News*, 42(4).

Swaner, R., Labriola, M., Rempel, M., Walker, A., & Spadafore, J. (2016). *Youth involvement in the sex trade: A national study*. Center for Court Innovation. Retrieved from https://www.courtinnovation.org/sites/default/files/documents/Youth%20Involvement%20in%20the%20Sex%20Trade_3.pdf

² FCSM: Federal Committee on Statistical Methodology INTERAGENCY REPORTS. FCSM | Federal Committee on Statistical Methodology Interagency Reports. (n.d.). https://nces.ed.gov/FCSM/interagency_reports.asp.