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TIP Laws, Policies, and Regulations

Leadership Toolkit

August 2016

Combating Trafficking in Persons Program Management Office

Trafficking in Persons Laws, Policies, and Regulations

Trafficking in persons is a transnational crime. As with drug trafficking and arms trafficking, Congress has developed a body of law addressing this problem. This resource includes descriptions of the basic U.S. laws, policies, and regulations on trafficking in persons. For definitions of trafficking in persons, see the Key Terms & Definitions in the appendix.

Trafficking in Persons Laws, Policies, and Regulations

The following laws, policies, and regulations comprise the basic body of law on trafficking in persons:

1. Uniform Code of Military Justice, Article 134
2. Trafficking Victims Protection Act of 2000 and relevant statutes from subsequent Reauthorizations (2003, 2005, 2008, 2013)
3. U.S. Criminal Code, Title 18, Chapter 77
4. National Defense Authorization Act (NDAA) Title 17 for Fiscal Year 2013 “End Trafficking in Government Contracting Act”
5. Executive Order 13627: “Strengthening Protections Against Trafficking in Persons in Federal Contracts”
6. Federal Acquisition Regulation Subpart 22.17, Clause 52.222-50
7. Defense Federal Acquisition Regulation Supplement (DFARS) Procedures, Guidance, and Information (PGI) 222.17
8. Department of Defense Instruction (DoDI) 2200.01
9. Justice for Victims of Trafficking Act (JVTA) 2015

Law, Policy or Regulation	Description
The Uniform Code of Military Justice, Article 134	<p>The Uniform Code of Military Justice (UCMJ) applies to Service members and in time of declared war or a contingency operation, persons serving with or accompanying an armed force in the field. Certain offenses related to sex trafficking may be prosecuted under UCMJ including prostitution; patronizing a prostitute; pandering by compelling, inducing, enticing, or procuring an act of prostitution; and pandering by arranging or receiving consideration for arranging for sexual intercourse or sodomy.</p> <p>Classification: DoD TIP Law</p>

<p>Trafficking Victims Protection Act of 2000 and relevant statutes from subsequent reauthorizations (2003, 2005, 2008, 2013)</p>	<p>Enacted in 2000, the Trafficking Victims Protection Act, or TVPA, established a comprehensive approach to trafficking in persons by creating new criminal offenses, and establishing protection and assistance for victims. The TVPA created a 3P framework — prevention, protection, and prosecution for addressing TIP. Since the original law was authorized, Congress has reauthorized the TVPA four times (2003, 2005, 2008, and 2013) to strengthen the law. For example, the TVPRA 2005 amended the law to punish individuals who engage in human trafficking outside the United States while employed by or accompanying the Federal Government. In the most recent update, the TVPRA 2013, the definition of sex trafficking is expanded to include those patronizing and soliciting commercial sex. Among other things, the TVPRA 2013 also provides resources for holistic services for survivors, prohibits United States funds going to any country using child soldiers, and imposes reporting and compliance requirements on federal agencies, including the Department of Defense to ensure United States Government taxpayer money does not support human trafficking.</p> <p>Classification: Federal TIP Law</p>
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Law, Policy or Regulation	Description
<p>U.S. Criminal Code, Title 18, Chapter 77</p> <ul style="list-style-type: none"> • Section 1589 Forced Labor • Section 1590 Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor • Section 1591 Sex Trafficking of Children or by Force, Fraud, or Coercion • Section 1592 Unlawful Conduct with Respect to Documents in Furtherance of Trafficking Peonage, Slavery, Involuntary Servitude, or Forced Labor 	<p>The U.S. Criminal Code, Title 18 Chapter 77 defines a number of trafficking in persons related crimes and outlines criminal penalties for each offense.</p> <ul style="list-style-type: none"> • Section 1589 Forced Labor: Makes it unlawful to provide or obtain the labor or services of a person through one of three prohibited means. Force, fraud, or coercion, and broadens the definition of the kinds of coercion to include psychological coercion. • Section 1590 Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor: Makes it unlawful to recruit, harbor, transport, or broker persons for labor or services under conditions which violate any of the offenses contained in Chapter 77 of Title 18. • Section 1591 Sex Trafficking of Children or by Force, Fraud, or Coercion: Criminalizes sex trafficking, which is defined as causing a person to engage in a commercial sex act under certain statutorily enumerated conditions. A commercial sex act means any sex act, on account of which anything of value is given to or received by any person. The specific conditions are the use of force, fraud, or coercion, or conduct involving persons under the age of 18. • Section 1592 Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, and Forced Labor: Makes it illegal to seize documents in order to force others to work. By expanding its coverage to false documents as well as official documents, § 1592 recognizes that victims are often immobilized by the withholding of whatever documents they possess, even if the documents are forged or fraudulent. <p>Classification: Federal TIP Law</p>
<p>National Defense Authorization Act (NDAA) for Fiscal Year 2013, XVII</p>	<p>“Ending Trafficking in Government Contracting Act” - The National Defense Authorization Act of 2013 (NDAA) Title 17 requires contract termination for acts that directly support or advance TIP, including, confiscating an employee’s identity or immigration documents, offering employment using fraudulent pretenses, charging unreasonable placement or recruitment fees, and providing housing that fails to meet the host country housing and safety standards.</p> <p>Classification: Federal TIP Law</p>

Law, Policy or Regulation	Description
Executive Order 13627: Strengthening Protections Against Trafficking in Federal Contracts, 2012	<p>This Executive Order, signed September 26, 2013, strengthens the efficacy of the Government’s zero-tolerance policy on TIP by calling for additional prohibitions on contractor engagement in human trafficking-related activities, new tailored compliance measures particularly in at-risk industries and sectors, and better monitoring, identification, and compliance efforts.</p> <p>Classification: Federal TIP Law</p>
Federal Acquisition Regulation Subpart 22.17	<p>The Federal Acquisition Regulation (FAR) states that the United States Government has adopted a zero-tolerance policy regarding trafficking in persons. This policy states that contractors hired by the Government, and their subcontractors and employees, cannot:</p> <ul style="list-style-type: none"> a) Engage in severe forms of trafficking in persons b) Procure commercial sex acts c) Use forced labor d) Deny access by an employee to the employee’s identity or immigration documents e) Use misleading or fraudulent practices during recruitment or offering of employment, or Use recruiters that do not comply with local labor laws f) Charge recruitment fees g) Fail to provide return transportation upon the end of employment h) Provide housing that fails to meet the host country housing and safety standards i) Fail to provide an employment contract in the employee’s native language <p>In addition, contractors must:</p> <ul style="list-style-type: none"> b) Notify employees of prohibited activities <ul style="list-style-type: none"> a) Certify that they have a CTIP compliance plan b) Disclose violations and fully cooperate in investigations and audits c) Protect all employees suspected of being victims or witnesses <p>Additionally, the FAR Clause 52.222-50 should be inserted into Federal solicitations, contracts, and subcontracts.</p> <p>Classification: Federal TIP Regulation</p>

<p>Defense Federal Acquisition Regulation Supplement (DFARS) Procedures, Guidance, and Information (PGI) 222.1703</p>	<p>The Defense Federal Acquisition Regulation Supplement Procedures, Guidance, and Information 222.1703, or the DFARS PGI 222.17, provides guidance for DoD acquisition professionals with references to the CTIP Program Office and DoD policies, such as: inclusion of clause FAR 52.222-50, and CTIP compliance plans and certifications, in contracts and solicitations, development of quality assurance surveillance plans for acquisition professionals to monitor a contractor's performance regarding contract compliance clauses addressing human trafficking, a sample checklist for auditing compliance, and notification requirements when there is any indication of non-compliance.</p> <p>Classification: DoD TIP Regulation</p>
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Law, Policy or Regulation	Description
Department of Defense Instruction (DoDI) 2200.01, 2015	<p>The Department of Defense Instruction (DoDI) 2200.01 establishes the TIP policies, responsibilities, and information reporting requirements for maintaining a zero tolerance policy in the DoD.</p> <p>Classification: DoD TIP Policy</p>
Justice for Victims of Trafficking Act of 2015 (JVTA)	<p>The Justice for Victims of Trafficking Act of 2015 (JVTA) enhances victim services and increases training for federal personnel. These provisions include: increasing penalties on traffickers and buyers; establishing a Domestic Trafficking Victims Fund to increase victim assistance; easing the requirements for U.S. citizens and legal permanent residents (LPLs) to obtain benefits and services; funds trainings for DOJ anti-trafficking programs; requiring training for federal government personnel related to TIP; creating a Child Exploitation Investigations Unit within DHS' Cyber Crimes Center; requiring DOD to provide DOJ with sex offender registration information for persons required to register who are released from military corrections facilities or convicted under the UCMJ and sentenced without confinement; requiring HHS to award a grant to implement the Trafficking Awareness Training for Health Care Act of 2015 provision to train health care professionals to recognize and respond to TIP victims; and requiring DHS to implement an anti-TIP training for personnel. In addition, the JVTA amended the TVPA to clarify the range of conduct on the demand side. Instead of simply “obtaining” it now reads “obtaining, patronizing, or soliciting” a commercial sex act.</p> <p>Classification: Federal TIP Law</p>

Optional TIP Laws, Policies, and Regulations

Law and Policy	Description
Military Extraterritorial Jurisdiction Act (MEJA), 2000	<p>The Military Extraterritorial Jurisdiction Act (MEJA) holds DoD civilians (including contractors) under United States law when operating outside the United States. Under the MEJA (18 UC 212), civilian personnel, contractors, or any other person accompanying the armed forces outside the United States (e.g., dependents) can be prosecuted under United States laws for felony crimes, including trafficking in persons.</p> <p>Classification: Federal TIP Law</p>

<p><u>National Security Presidential Directive 22 of 2002 (NSPD-22)</u></p>	<p>The National Security Presidential Directive 22 of 2002 established a “zero tolerance” policy towards trafficking in persons among members of the U.S. armed services. In it, the President directs all relevant U.S. government agencies to develop a strategic plan to combat trafficking in persons. It also enforces the law against those who knowingly take part in, patronize, or tolerate trafficking networks. The Directive committed the U.S. government to raising awareness about TIP and to improving efforts to eliminate it through mandated training.</p> <p>Classification: Federal TIP Policy</p>
<p><u>PROTECT Act (Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act)</u></p>	<p>The PROTECT Act (Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act) was enacted in 2003 to combat child sexual exploitation and child sex tourism. Among other things, the Act requires courts to impose mandatory sentences for sex offenders and makes it a crime to travel abroad to engage in sexual conduct with minors. The Act amends the criminal code to increase supervision of convicted sex offenders for specific felonies. Additionally, the Act creates minimum standards and grants for states to expand their Amber Alert system for missing children.</p> <p>Classification: Federal TIP Law</p>

Law and Policy	Description
Child Soldier Prevention Act of 2008	<p>The Child Soldier Prevention Act of 2008 is a United States federal law that makes it a federal crime to knowingly recruit or use soldiers under the age 15. According to this law, the United States can prosecute any individual who violates this law on U.S. soil, even if the child was recruited abroad. The law also restricts the United States from providing military assistance to countries whose armed forces or non-government armed groups recruit and use child soldiers. The President can override this law through a national security interest waiver if necessary.</p> <p>Classification: Federal TIP Law</p>
Child Soldier Accountability Act of 2008	<p>The Child Soldier Accountability Act of 2008 is a federal law that imposes a fine or 20-year prison term for knowingly recruiting or using soldiers under the age of 15 in an armed force or group.</p> <p>Classification: Federal TIP Law</p>
Fraud in Foreign Labor Contracting Act	<p>The Fraud in Foreign Labor Contracting Act states that anyone who knowingly and with the intent to defraud recruits, solicits, or hires a person outside of the United States by means of materially false or fraudulent pretenses, representations, or promises regarding that employment shall be fined or imprisoned for no more than 5 years, or both. The Act specifies that those recruited, solicited, or hired must be recruited, solicited, or hired for purposes of employment within the United States, or on a U.S. government contract performed outside the U.S., or on a U.S. military installation/mission, or on any other property owned or controlled by the United States.</p> <p>The Act provides a punishment for those who intentionally hire people outside of the United States by fraudulent means in order to work within the United States or outside the U.S. on premises owned or controlled by the U.S. government.</p> <p>Classification: Federal Law</p>

Appendix: Key Terms & Definitions

These key terms and definitions are included in Component-developed Combating Trafficking in Persons (CTIP) training materials. This section also lists additional terms and definitions for use as needed.

1. Key terms & Definitions are as follow:
2. Coercion
3. Commercial Sex Act
4. Child Soldiering
5. Fraud
6. Force
7. Human Smuggling
8. Labor Trafficking
9. Involuntary Servitude
10. Peonage/Debt Bondage
11. Severe Forms of Trafficking in Persons
12. Sex Trafficking

Key Terms and Definitions

#	Term	Definition
1.	Coercion	<p>(A) Threats of serious harm to or physical restraint against any person; (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or (C) the abuse or threatened abuse of the legal process.</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 7102 of Title 22 United States Code.</p>
2.	Commercial Sex Act	<p>Any sex act on account of which anything of value is given to or received by any person.</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 7102 of Title 22 United States Code.</p>
3.	Child Soldiering	<p>The term “child soldier” means any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces; any person under 18 years of age who has been compulsorily recruited into governmental armed forces; any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.</p>

		Source: Child Soldier Prevention Act of 2008, Section 2370 (2), of Title 22 United States Code.
4.	Fraud	<p>Fraud consists of some deceitful practice or willful device, resorted to with intent to deprive another of his right, or in some manner to do him an injury. In the context of human trafficking, fraud often involves false promises of jobs or other opportunities.</p> <p>Sources: Trafficking Victims Protection Act (TVPA) of 2000, Section 7101 (4) of Title 22 United States Code.</p>
5.	Force	<p>The term “force” means – (A) the use of a weapon; (B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or (C) inflicting physical harm sufficient to coerce or compel submission by the victim.</p> <p>Source: Uniform Code of Military Justice (UCMJ), Section 920 of Title 10 United States Code</p>
6.	Human Smuggling	<p>Human smuggling is the importation of people into a country via the deliberate evasion of immigration laws. This includes bringing illegal aliens into a country, as well as the unlawful transportation and harboring of aliens already in a country illegally. Some smuggling situations may involve murder, rape and assault.</p> <p>Source: Department of Homeland Security (DHS) U.S. Immigration and Customs Enforcement (ICE) http://www.ice.gov/human-smuggling/</p> <p style="text-align: center;">-</p>
7.	Labor Trafficking	<p>Labor trafficking, also referred to as forced labor, is defined as the recruitment, harboring, transportation, provision, patronizing, soliciting or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 7102 (3) of Title 22 United States Code.</p>
8.	Involuntary Servitude	<p>(A) Any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or (B) the abuse or threatened abuse of the legal process.</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 7102 (6) of Title 22 United States Code.</p>
9.	Peonage/Debt Bondage	<p>The status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the</p>

		<p>value of those services (as reasonably assessed) is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 7102 (5) of Title 22 United States Code.</p>
10.	Severe Forms of Trafficking in Persons	<p>The TVPA defines "severe forms of trafficking in persons" as: (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 7102 (9) of Title 22 United States Code.</p>
11.	Sex Trafficking	<p>The recruitment, harboring, transportation, provision, patronizing, soliciting or obtaining of a person for the purpose of a commercial sex act.</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 7102 (10) of Title 22 United States Code.</p>

Additional Terms and Definitions

#	Term	Definition
1.	"3P" Paradigm	<p>The "3P" Paradigm – prevention, protection, and prosecution serves as the fundamental international framework to combat human trafficking. The paradigm is outlined in the Trafficking Victims Protection Act (TVPA) of 2000.</p> <p>Source:</p> <ul style="list-style-type: none"> • Trafficking Victims Protection Act (TVPA) of 2000, Section 7104, 7105, 7109 Chapter 78 of Title 22 United States Code. • Office to Monitor and Combat Trafficking in Persons, (2010.) The "<i>3P</i>" Paradigm : Prevention, Protection, and Prosecution Handout] Washington, D.C.:U.S. Department of State
2.	"4P" Paradigm	<p>The "4P" Paradigm is a continuation of the 3P Paradigm – prevention, protection, and prosecution and assistance, which serves as the fundamental international framework to combat human trafficking. Former Secretary of State Hillary Rodham Clinton announced a "fourth P" - partnership -</p>

#	Term	Definition
		<p>added to the paradigm in 2009.</p> <p>Source: Office to Monitor and Combat Trafficking in Persons, (2010.) The “3P” Paradigm : Prevention, Protection, and Prosecution Handout] Washington, D.C.:U.S. Department of State</p>
3.	Employee	<p>Under FAR 52.222-50, <i>Employee</i> means an employee of the contractor directly engaged in the performance of work under the contract who has other than a minimal impact or involvement in contract performance.</p> <p>Source: Federal Acquisition Regulation 52.222-50, “Combating Trafficking in Persons” (March 2015)</p>
4.	Forced Labor	<p>[The provision or obtaining of]... labor or services of a person--(1) by threats of serious harm to, or physical restraint against, that person or another person;(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 1589 of Title 18 United States Code.</p>
5.	Forcible Pandering	<p>Compelling another person to engage in an act of prostitution with any person.</p> <p>Source: Uniform Code of Military Justice (UCMJ), [Section 920c of Title 10 United States Code.</p>
6.	Minor	<p>Under the TVPA, a minor is any person under the age of 18.</p> <p>Source: Trafficking Victims Protection Act (TVPA) of 2000, Section 7102 (9) of Title 22 United States Code.</p>
7.	Other Country Nationals (OCNs)	<p>People from countries other than the country in which they currently reside.</p> <p>Source: http://ctip.defense.gov/Resources/Glossary.aspx</p>
8.	Pimp	<p>The name that describes a person who procures prostitutes for people.</p> <p>Source: Black’s Law Dictionary, 7th edition</p>
9.	Prostitution	<p>The actor or practice of engaging in sexual activity for money or its equivalent.</p> <p>Source: Black’s Law Dictionary, 7th edition</p>

#	Term	Definition
10.	T Visa	<p>The T visa is a temporary residency status created by the TVPA to give victims of severe forms of trafficking a residency status to remain in the U.S. The applicant must show that he or she: is, or has been, a victim of a severe form of trafficking in persons; is physically present in the United States and either: (i) Has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking in persons, or (ii) Is less than 15 years of age; and would suffer extreme hardship involving unusual and severe harm upon removal.</p> <p>Source: Alien Victims of Severe Forms of Trafficking in Persons, Section 214.11 (b) Title 8 Code of Federal Regulation</p>
11.	Victim Services	<p>Services provided to victims of domestic violence, dating violence, sexual assault, or stalking, including telephonic or web-based hotlines, legal advocacy, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information and referrals, culturally specific services, population specific services, and other related supportive services.</p> <p>Source: Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Section 13925 (a) of Title 42 United States Code.</p>