Trafficking in Persons (TIP) Laws, Policies, and Regulations

Standard Curriculum Toolkit, Section 1.3

Required Element

February 2021

Combating Trafficking in Persons (CTIP) Program Management Office

TIP Laws, Policies, and Regulations

This resource outlines TIP laws, policies, and regulations for the Department of Defense and the federal government. You must incorporate the required laws, policies, and regulations in your CTIP training materials. You may want to include the optional laws, policies, and regulations to tailor your training to a specific audience. If you want to link to the specific law, policy, or regulation, the links are provided in the Additional Resources section.

Requirement: Include the following content from this document in your CTIP training:

Over the past 20 years, Congress has passed laws to prevent trafficking, prosecute traffickers, and protect and assist victims including:

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- **Trafficking Victims Protection Act (TVPA) of 2000 and Reauthorizations**
- **National Defense Authorization Act (NDAA) for Fiscal Year 2013**, Title XVII, the "Ending Trafficking in Government Contracting Act"
- **Justice for Victims of Trafficking Act (JVTA) of 2015**

A Presidential Directive created the U.S. Government's "zero tolerance" policy:

- **National Security Presidential Directive – 22**

The DoD updated its criminal code and issued an Instruction:

- **Uniform Code of Military Justice, Article 134**
- **DoD Instruction 2200.01, "Combating Trafficking in Persons (CTIP)"**

Required TIP Laws, Policies, and Regulations

Law, Policy or Regulation	Description
Trafficking Victims Protection Act (TVPA) of 2000 and its Reauthorizations	Establishes a whole of government approach to combating trafficking in persons Creates a 3P framework: • **Prevention:** Encourages education, awareness, and training to understand trafficking, identify victims, and respond appropriately • **Prosecution:** Encourages a vigorous law enforcement response to traffickers • **Protection and assistance:** Provides holistic services for survivors The TVPA of 2000 was reauthorized in 2003, 2005, 2008, 2013, and 2018 Classification: Federal TIP Law

Law, Policy or Regulation	Description
National Defense Authorization Act (NDAA) for Fiscal Year 2013, Title XVII	The NDAA for Fiscal Year 2013, Title XVII, "Ending Trafficking in Government Contracting Act," includes requirements for contractors to prevent trafficking in persons. It imposes monitoring, reporting, and compliance plan requirements on DoD to ensure U.S. government taxpayer money does not support human trafficking. Classification: Federal TIP Law
Justice for Victims of Trafficking Act (JVTA) of 2015	The JVTA: • Increases penalties for sex traffickers and buyers • Expands the definition of sex trafficking to those patronizing a prostitute and soliciting commercial sex • Requires 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 Uniform Code of Military Justice (UCMJ) and sentenced without confinement Classification: Federal TIP Law
National Security Presidential Directive 22 of 2002	The United States adopted a "zero-tolerance policy" on trafficking in persons for all U.S. Government employees and contractor personnel with the signing of the National Security Presidential Directive 22 (NSPD-22) in 2002. Classification: Presidential Directive

The Uniform Code of Military Justice (UCMJ)	• Criminal code that applies to Service members, and in time of declared war or a contingency operation, persons serving with or accompanying U.S. Armed Forces in the field.
	• Prosecutable offenses under Article 134 of the UCMJ related to sex trafficking include:
	  ○ Prostitution
	  ○ Patronizing a prostitute
	  ○ Pandering by compelling
	  ○ Inducing, enticing, or procuring an act of prostitution
	  ○ Pandering by arranging or receiving consideration for arranging for sexual intercourse or sodomy
	
	Classification: DoD TIP Law

Law, Policy or Regulation	Description
Department of Defense Instruction (DoDI) 2200.01, (first published in 2007, updated in 2010, 2015, and 2019)	DoD Instruction 2200.01, "Combating Trafficking in Persons (CTIP)" Established DoD CTIP policies, responsibilities, and reporting requirements for promoting the U.S. Government's zero tolerance policy within the DoD. Classification: DoD TIP Policy

Optional TIP Laws, Policies, and Regulations

Law and Policy	Description
Military Extraterritorial Jurisdiction Act (MEJA), 2000	Under MEJA, civilian personnel, contractors, or any other person accompanying the armed forces outside the U.S. (e.g., dependents) can be prosecuted under U.S. laws for felony crimes, including TIP. Implemented by: DoD Instruction 5525.11, "Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members" (2005) Classification: Federal TIP Law
Defense Federal Acquisition Regulation Supplement (DFARS) Procedures, Guidance, and Information (PGI) 222.17	The DFARS and PGI provide uniform acquisition policies and procedures for the Department of Defense and should be read in conjunction with the primary set of rules in the FAR. DFARS Section 222.17, "Combating Trafficking in Persons," prescribes unique Defense regulation implementing policy and guidance for Defense contracts. Classification: DoD TIP Regulation
Federal Acquisition Regulation (FAR), Subpart 22.17	The FAR Subpart 22.17 prescribes policy for implementing 22 U.S.C. chapter 78 and Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts. It prohibits contractor engagement in trafficking in persons outlined in Title XVII in the NDAA for FY13 and delineates prohibited activities including: • Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity or immigration documents, passports or drivers' licenses, • Failing to provide return transportation for an employee upon the end of employment

Law and Policy	Description
	• Offering employment using false or fraudulent pretenses • Charging recruitment fees • Providing or arranging housing that fails to meet host country standards Additionally, the FAR Clause 52.222-50 should be inserted into Federal solicitations, contracts, and subcontracts. Classification: Federal TIP Regulation
Child Soldiers Prevention Act of 2008	The term child soldier is defined in the Child Soldiers Prevention Act of 2008 as: • Any person under 18 years of age who takes direct part in hostilities as a member of governmental armed forces, police, or other security forces; • Any person under 18 years of age who has been compulsorily recruited into governmental armed forces, police, or other security forces; • Any person under 15 years of age who has been voluntarily recruited into governmental armed forces, police, or other security 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. Note: This Act is found in the Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457) and was amended in P.L. 115-425. Classification: Federal TIP Law