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TIP Laws, Policies, and Regulations

Standard Curriculum Toolkit, Section 1.3

Recommended Element

April 2015

CTIP Program Management Office

TIP Laws, Policies, and Regulations

Include these TIP laws, policies, and regulations for the Department of Defense and the federal government in your Component-developed Combating Trafficking in Persons (CTIP) training materials. This section also lists additional related laws, policies, and regulations for use as needed.

Recommended TIP Laws, Policies, and Regulations

Recommendation: Include the following laws, policies, and regulations:

1. Uniform Code of Military Justice, Article 134
2. Trafficking Victims Protection Act of 2000 and relevant statutes from subsequent reauthorizations
3. U.S. Criminal Code, Title 18, Chapter 77
4. National Defense Authorization Act (NDAA) Section 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
7. Defense Federal Acquisition Regulation Supplement (DFARS) Procedures, Guidance, and Information (PGI) 222.17
8. Department of Defense Instruction (DoDI) 2200.01

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>
Trafficking Victims Protection Act of 2000 and relevant statutes from subsequent reauthorizations (2003, 2005, 2008, 2013)	<p>Enacted in 2000, the Trafficking Victims Protection Act, or TVPA, defined the Federal Government’s response to human trafficking. It created new criminal offenses prohibiting all forms of TIP including labor trafficking and sex trafficking. It also established 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</p>

Law, Policy or Regulation	Description
	<p>States while employed by or accompanying the Federal Government.</p> <p>Classification: Federal TIP Law</p>
<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>The National Defense Authorization Act of 2013 (NDAA) Section 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>

Law, Policy or Regulation	Description
	Classification: Federal TIP Law
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) is The United States Government has adopted a zero-tolerance policy regarding trafficking in persons. This policy states that Government contract shall:</p> <ol style="list-style-type: none"> a. Prohibit contractors, subcontractors, and their employees from <ol style="list-style-type: none"> i. Engaging in severe forms TIP during the period of performance of the contract ii. Procuring commercial sex acts during the period of performance of the contract iii. Using forced labor during the period of performance of the contract b. Require contractors and subcontractors to notify employees of the prohibited activities described in paragraph (a) of this section and the action that may be taken against them for violations c. Impose suitable remedies, including termination, on contractors that fail to comply with the requirements of paragraph (a) and (b) of this section <p>Additionally, the FAR Clause 52.222-50 should be inserted into Federal solicitations, contracts, and subcontracts.</p> <p>Classification: Federal TIP Regulation</p>
Defense Federal Acquisition Regulation Supplement (DFARS) Procedures, Guidance, and Information (PGI) 222.17	<p>The Defense Federal Acquisition Regulation Supplement Procedures, Guidance, and Information 222.17, 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</p>

Law, Policy or Regulation	Description
	<p>indication of non-compliance.</p> <p>Classification: DoD TIP Regulation</p>
<p>Department of Defense Instruction (DoDI) 2200.01, 2010</p>	<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>

Optional TIP Laws, Policies, and Regulations

Law and Policy	Description
<p>Military Extraterritorial Jurisdiction Act (MEJA), 2000</p>	<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: DoD TIP Law</p>
<p>National Security Presidential Directive 22 of 2002</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 Law</p>
<p>PROTECT Act (Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act)</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>

Law and Policy	Description
	Classification: Federal TIP Law
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. 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>