



Quarterly CTIP Newsletter

Agency Highlights

CTIP PMO in Action: Preventing Trafficking in DoD Purchase of Goods and Services *Contributed by: CTIP Program Management Office*

The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) includes a special section, Title XVII, entitled, “Ending Trafficking in Government Contracting.” This is codified in Chapter 78 of Title 22 in the United States Code. These provisions are particularly relevant for Department of Defense (DoD) acquisition personnel because they prohibit defense contractors and subcontractors, grantees or subgrantees from engaging in:

- severe forms of trafficking in persons
- procurement of a commercial sex act
- use of forced labor in the performance of a contract

There are also provisions requiring certain contractors to have compliance plans and certification requirements, describing procedures for monitoring and investigation of trafficking in persons (TIP), and requiring immediate Inspector General notification of credible information of TIP. The law also outlines remedial actions for acquisition personnel if human trafficking is suspected or uncovered.

The Trafficking Victims Protection Reauthorization Act of 2005 directed the Secretary of Labor, acting through the Bureau of International Labor Affairs, to:

- Develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards; and
- Consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States.

In acquisitions, a distinction is made between goods, which are transferable, and services (such as cooking, cleaning, driving) which are not transferable. The [2020 Report](#) and List can be found [here](#).

Recently non-governmental organizations and intergovernmental organizations have begun to focus on large contracts for the purchase of goods, including raw minerals, vegetables, palm oil, fish from certain fishing vessels, cotton, and cotton products. For example, DoD participated in a U.S. Government [Interagency Task Force on Human Trafficking in Fishing in International Waters](#). The [Task Force addressed the fact](#) that “workers [in the seafood sector] have experienced or witnessed inhumane working and living conditions, severe abuse, and even murder. Exceedingly long hours, unreliable access to clean water, insufficient food, and a lack of access to medical care are common on commercial fishing boats in many areas, as are physical and mental abuse, threats, and intimidation. Traffickers rely on the isolation of the sea and infrequent contact with law enforcement to deny workers the freedom to leave despite these conditions.”

 **2020 LIST OF GOODS PRODUCED
BY CHILD LABOR OR FORCED LABOR**



Federal statute [19 U.S.C. 1307](#) prohibits the importation of merchandise produced, wholly or in part, by convict labor, forced labor, and/or indentured labor under penal sanctions, including forced or indentured child labor. In the U.S., the [Department of Homeland Security's Customs and Border Patrol](#) (CBP) is charged with investigating allegations of forced labor in U.S. supply chains and issuing “Withhold Release Orders” (WROs) that instruct personnel at ports of entry to detain shipments that contain goods suspected of being made by forced labor.

CBP's forced labor investigations produced six WROs in FY 2021, including one on [cotton and tomato products](#) from the Xinjiang region and another on [cotton products](#) originating from the Xinjiang Production and Construction Corps. Eight of the 13 WROs that CBP issued in FY 2020 were on goods made by forced labor in China. The full list of WROs is available at [CBP.gov](#). CBP has also made a map available outlining active WROs:



Currently, there are [nine Findings and 54 Withhold Release Orders](#). According to CBP, it is the responsibility of each U.S. Government agency to ensure that the goods purchased are not produced with child or forced labor. The [International Labor Organization provides indicators of forced labor](#) to help identify slavery in the production of goods supply chain. They include:

- restriction of movement
- debt bondage
- abuse of vulnerability
- retention by authorities of identification documents
- abusive living and/or working conditions
- isolation
- deception
- physical and sexual violence
- withholding of pay
- excessive overtime
- intimidation and threats

[According to the CBP](#), “these indicators are for “front-line” criminal law enforcement officials, inspectors, trade union officers, non-governmental organization workers, and others to identify persons who are possibly trapped in forced labor.”

DoD is the largest purchasers of goods and services in the U.S. Government, but we do not have access to the supply chain as a product is produced. How, then, can we identify slavery in our supply chains?

A new working group in the DoD Office of the Under Secretary of Personnel and Readiness, “Forced Labor Goods Working Group,” is tasked with putting together a DoD coordinated response to reduce the risk of slavery in the supply chain of goods purchased by the U.S. Department of Defense commissaries and exchanges. The Working Group was formed in response to findings in the Government Accountability Office [Report 22-105056](#), “Action Needed to Better Prevent the Availability of At-Risk Goods in DoD’s Commissaries and Exchanges.” As per OMB Guidance, acquisition personnel should focus on contractors who are responsible for vetting their supply chain. In the GAO Report, there is a reference to a USD P&R official who said, “it is incumbent upon the supplier to use due diligence to prevent forced labor from being used in the production of goods resold in commissaries and exchanges.” (p. 16) Acquisition Personnel must evaluate the contractor’s anti-TIP efforts to ensure that their suppliers have a plan in place to prevent human trafficking in the production of goods. Recently, the Working Group members from the DoD commissaries and exchanges and other DoD acquisition personnel met to discuss how to ensure that all suppliers of private label or direct import merchandise demonstrate compliance with U.S. laws to prevent forced labor.

The CTIP PMO is participating in the yearlong effort of the Forced Labor Goods Working Group and will provide guidance on human trafficking laws, regulations, policies, and programs to help DoD Components in their efforts to prevent human trafficking in the purchase of goods and services.

Featured Articles

Forced Labor in Electric Car Supply Chains: A Coming Test Case for Preventing Trafficking in Government Contracting of Goods

Contributed by: CTIP PMO



One of the emerging issues in modern slavery over the past five years has been the mining of rare earth and other minerals used to produce electric cars. A [typical electric vehicle \(EV\) battery](#) weighs one thousand pounds (lbs.) and is about the size of a travel trunk. It contains 25 lbs. of lithium, 60 lbs. of nickel, 44 lbs. of manganese, 30 lbs. of cobalt, 200 lbs. of copper, and 400 lbs. of aluminum, steel, and plastic. Inside are over 6,000 individual lithium-ion cells. To [manufacture each EV auto battery](#), 25,000 lbs. of brine are processed for the lithium, 30,000 lbs. of ore for the cobalt, 5,000 lbs. of ore for the nickel, and 25,000 lbs. of ore for the copper. One estimate says that approximately 500,000 lbs. of the earth’s crust are mined for one battery.

Each year the U.S. Department of Labor (DOL) produces a [List of Goods Produced with Child Labor and Forced Labor](#). The 2020 edition of the [List](#) includes 156 goods from 77 countries, as of June 23, 2021. The U.S. Department of Labor identifies the Democratic Republic of Congo (DRC) as a country where child labor, forced labor, and human trafficking are used to mine cobalt. Experts say that [70% of the global production](#) of cobalt needed for the batteries for electric cars comes from the DRC. While [China supplies over two-thirds of the refined cobalt](#), the raw mineral comes mainly from the DRC, and there are no viable alternatives to cobalt from the DRC today.

The DOL has documented the nature and scope of the cobalt problem in the DRC. [The Department reported](#) that “in 2019, the DRC made no advancement in efforts to eliminate the worst forms of child labor.” Research conducted by the Department’s Bureau of International Labor Affairs ([ILAB](#)) indicates that

government labor inspectors in the DRC “failed to conduct any worksite inspections for the fourth year in a row.”

The most recent [U.S. State Department Trafficking in Persons Report](#) discusses cobalt mining in their Trafficking Profile of DRC. They note that:

“Decades-long instability in eastern DRC...continued, resulting in armed groups and criminal networks engaging in unlawful child soldier recruitment and use, forced labor in artisanal mining, as well as in sex trafficking and slavery-like practices. Traffickers—including mining bosses, other miners, family members, government officials, and armed groups—force or coerce some adults and children to work in artisanal mines in eastern DRC, including through debt-based coercion. Individuals associated with the extractive sector abuse some children in forced labor in the illegal mining of diamonds, copper, gold, cobalt, tungsten ore, tantalum ore, and tin, as well as the smuggling of minerals to Uganda, Burundi, Rwanda, the United Arab Emirates, and Tanzania.”



And the only discussion in the TIP Report of what to do is focused on improving measures to identify victims in artisanal mining and refer them for services.

Buyers of cobalt are realizing that in the future they will need evidence that their supply chains are slavery free. Some are helping DRC villages, where rich seams of cobalt have been found, to develop programs to combat trafficking in cobalt mining. While it is difficult to assess what will work to prevent trafficking, some private companies are taking action. For example, one company helped DRC miners from one village organize into co-operatives. In addition to providing some small political voice for the miners, the cooperatives help with medical expense, bargain for better conditions and better price for the raw cobalt for the miners and organize the sale of the cobalt. The process means the miners have some assistance after digging up the cobalt with the mineral being crushed, weighed. Recently, however, miners have been reverting back to what is euphemistically called “informal mining” because their cut of the cobalt they mine is too low inside the cooperatives. Another company in the UK, hired for-profit audit companies to conduct on-site monitoring of the cobalt mining process. They created a smartphone app which the miners are given to report accidents, deaths, child labor, forced labor of any sort, including threats, intimidation, non-payment or withholding of payment for cobalt produced. It is a new program that began in 2018. In the three months after the app was introduced, there were five reports of child labor.



Any future plans to replace current automobiles with fleets of electric vehicles should address the problem of human trafficking of raw minerals required to make electric batteries. One way is to encourage companies purchasing cobalt to draw up and enforce compliance plans that guarantee that there is no forced labor or child labor involved in the mining of raw minerals used in EV batteries.



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visit :

<http://ctip.defense.gov>

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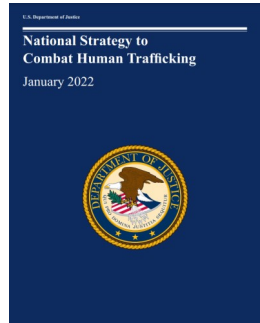
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Interagency Activities

In January 2022, the Department of Justice released the new [National Strategy to Combat Human Trafficking](#). The Justice Department's new National Strategy to Combat Human Trafficking is fully aligned with the foundational pillars of the President's [National Action Plan](#), namely: prevention of human trafficking; prosecution of human trafficking cases; protection of human trafficking victims and survivors; and partnership at every level of government.



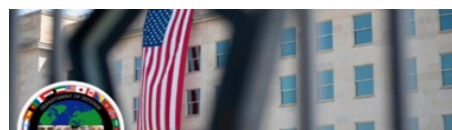
The U.S. Department of Homeland Security [Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation](#) articulates the Department's long-term approach for combating these crimes (human trafficking, the importation of goods produced with forced labor, and child sexual exploitation) and serves as a framework to prioritize resources and monitor progress. This strategy supports the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.

DoD CTIP Program Office Updates

The CTIP PMO held the Quarterly CTIP Task Force Meeting on April 13, 2022 during which representatives from the Military Exchanges (AAFES, MCX, NEXCOM) and DeCA discussed the policies, processes, and practices they use to prevent the availability of at-risk goods in DoD's commissaries and exchanges.

The CTIP PMO participated in the Federal Agency Task Force on Missing and Exploited Children. The CTIP PM and the CTIP Subject Matter Expert gave a presentation on the [CTIP Student Guide to Preventing Human Trafficking](#), a course for military-connected students (10th – 12th) to learn more about human trafficking.

The CTIP PMO is working with Joint Knowledge Online (JKO) to redesign the [CTIP website](#) to make it easier for users to navigate the site and locate the many resources available.



Combating Trafficking in Persons PMO @DoDCTIP
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106 Following 56 Followers

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Upcoming Events

- The next CTIP Quarterly Task Force meeting will be July 13, 2022.