

Trump's Commitment Against Human Trafficking Brings Greater Uncertainty for Contractors

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Last Thursday, President Trump and his senior advisors met with representatives of organizations committed to fighting human trafficking. As reported by several news outlets (e.g., [AP](#), NYT, and Reuters), the President stated during the meeting that he would commit the “full force and weight” of the U.S. government against what he views as an “epidemic” of human trafficking around the world. He explained that he would “direct the Department of Justice, Department of Homeland Security, and other federal agencies that have a role in preventing human trafficking to take a hard look at the resources and personnel that they are currently devoting to this fight.” He noted that these agencies “are devoting a lot, but we are going to be devoting more.” The next day, President Trump appeared to reiterate his commitment on [Twitter](#).

The Obama Administration expressed a similar commitment to ending human trafficking. As we have previously discussed, under President Obama, the anti-human trafficking clause at FAR 52.222-50 was amended to significantly increase the requirements on contractors to ensure human trafficking does not occur within their organizations or supply chains.

Given the Trump Administration's commitment to “devoting more” resources to fight human trafficking, it seems FAR 52.222-50 is a regulation that is here to stay and could serve as an already existing vehicle for the Department of Justice and other federal agencies to increase their monitoring and enforcement of anti-trafficking requirements. To date, the government has appeared to recognize that contractors required time to come into compliance with FAR 52.222-50's requirements. That said, it is unclear how and when the government may take a more active interest in compliance with this clause.

As a result, in the short term, contractors would be well advised to confirm their compliance with FAR 52.222-50 by ensuring that their employee policies prohibit the conduct covered by the clause and that appropriate internal reporting mechanisms have been implemented. Contractors performing work outside the United States should also confirm whether they have implemented the necessary compliance plans and performed adequate due diligence of their supply chains before certifying compliance with the human trafficking rule.

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