

What is Human Trafficking?

Human trafficking is modern slavery. It involves the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Millions of adults and children worldwide, including in the United States, are victims of trafficking, including in forced labor, domestic servitude, and the commercial sex industry. Many victims are lured with false assurances of well-paying jobs or the promise of love and affection from someone who claims to care about them. Victims are found in both legitimate and illegitimate industries or businesses, including sweatshops, massage parlors, farms, restaurants, hotels, and domestic service. In government contracting some high risk industries include construction trades, grounds maintenance, food services, custodial services, natural disaster clean-up, and environmental remediation, to name a few.

Human trafficking is different from migrant smuggling. Trafficking is exploitation-based and does not require movement – it is a crime against an individual. Smuggling is transportation-based and is a crime against the state – it involves the movement of people across international borders in deliberate evasion of immigration laws.

Who are the Victims? Who is at Risk?

Trafficking victims can be any age, race, gender, or nationality. Trafficking victims can be men or women, young or old, U.S. citizens or from abroad, and with or without legal status in the United States.

Traffickers prey on victims who lack a social safety net. They look for victims who are vulnerable for a variety of reasons, including but not limited to: immigration status, limited English proficiency, poverty or economic hardship, political instability, broken homes or runaways, natural disasters, or other causes. They also seek out both Americans and foreign-born individuals who are isolated from their families or who have experienced trauma and abuse.

No single indicator is proof of human trafficking. If you suspect that a person may be a victim, call the Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) tip-line at 1-866-347-2423.

To reach a non-governmental organization for confidential help and information, 24 hours a day, please call the National Human Trafficking Hotline at 1-888-373-7888.

How do I Identify Human Trafficking?

Human trafficking is often hidden in plain sight. There are a number of red flags, or indicators, which can help alert you to human trafficking. Recognizing the signs is the first step in identifying victims, but no single indicator is proof of human trafficking. Some indicators specific to federal contracting concerning a potential victim include:

Personal Documents.

Traffickers may take victims' personal documents, such as identification papers and/or immigration documents. This effectively restricts victims' freedom of movement and opportunity.

Wages.

Traffickers may control victims by controlling wages. They may withhold wages, or pay workers significantly less than was originally promised. In addition, workers may be held in debt bondage when employers or agents charge an employee recruitment fees that can take years to repay.

Safety.

Traffickers may control victims by threatening potential victims or their families with harm. Potential victims may have bruises or other signs of physical abuse. Victims will also be threatened with deportation or arrest in order to control them. If you find that potential victims appear fearful, this is a red flag.

Freedom.

When a potential victim defers to another person to speak for him or her or appears to have been coached on what to say to authorities, it can be an indicator of human trafficking. Additionally, if a potential victim isn't allowed to socialize and communicate with family, friends, or at community events, this is also a red flag that the person is being controlled.

Work Conditions and Immigration Status.

Working and living conditions may present red flags. For example, you may note that potential victims in the workplace express that they were not given the job they were promised. You may also notice the potential victims appear deprived of food, water, sleep, and/or medical care, as well as satisfactory living conditions.

Commercial Sex Act.

A minor engaged in commercial sex is a human trafficking victim, regardless of whether the minor appears to have participated willingly.

For more information, please visit: www.dhs.gov/bluecampaign

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What Role Does the Acquisition Workforce Have in Combating Human Trafficking?

Members of the acquisition workforce have responsibilities in all phases of an acquisition to ensure that the U.S. Government is taking action to prevent, report, and remedy human trafficking in federal contracts.

As a result of Executive Order (E.O.) 13627 and Title XVII of the National Defense Authorization Act for Fiscal Year 2013, the Federal Acquisition Regulation (FAR) was amended to strengthen protections against trafficking in persons in government contracts. The FAR explains the U.S. Government's policy prohibiting trafficking in persons, defines key terms, outlines compliance and reporting requirements, and provides remedies when allegations of human trafficking or trafficking-related activities are substantiated.

What Can an Acquisition Professional Do to Combat Human Trafficking?

FAR Subpart 22.17 requires that clause 52.222-50, Combating Trafficking in Persons, be incorporated in all solicitations and contracts, and that the substance of this clause shall be included in all subcontracts and in all contracts with agents.

FAR clause 52.222-50 prohibits contractors, subcontractors, their employees, and their agents from:

- Engaging in severe forms of trafficking in persons
- Procuring commercial sex acts
- Using forced labor during the period of performance of the contract
- Destroying, concealing, or confiscating an employee's identity documents
- Using misleading or fraudulent recruitment practices
- Charging employees recruitment fees
- Failing to provide return transportation or pay for the cost of return transportation at the end of employment
- Failing to provide or arrange for housing that meets safety standards
- If required by law or contract, failing to provide an employment contract, recruitment agreement, or other work document in writing

The FAR clause requires contractors and subcontractors to notify employees and agents of the U.S. Government policy prohibiting trafficking in persons, and the actions that will be taken against them for violations of this policy.

Training Available Through the Federal Acquisition Institute (www.fai.gov)

- FAC-022 (FED) – Combating Trafficking In Persons

As a Contracting Officer

Upon receipt of credible information regarding a trafficking in persons violation, the contracting officer (CO):

- Shall promptly notify the agency Inspector General (IG), and if appropriate, the agency suspending and debaring official, and if appropriate, law enforcement officials with jurisdiction over the alleged offense
- May direct the contractor to take specific steps to abate the alleged violation or enforce the requirements of its compliance plan

Upon receipt of a report from the agency IG that provides support for the allegation and after a final determination that the allegations of a trafficking in person violation are substantiated, the CO shall enter the violation in FAPIIS, and consider any remedies available to the Government including those specified at 52.222-50:

- Require the contractor to remove an employee or subcontractor employee from performing on the contract
- Require the prime contractor to terminate a subcontract
- Suspend contract payments until the contractor has taken appropriate remedial action
- Loss of award fee consistent with the award fee plan
- Decline to exercise available options under the contract
- Terminate the contract for default or cause, in accordance with the termination clause in the contract
- Suspension or debarment

When considering the appropriate remedies, the contracting officer may consider mitigating and aggravating factors.

As a Contracting Officer's Representative

A contracting officer's representative (COR) has an important role in preventing and reporting human trafficking. The COR is designated and authorized in writing by the CO to perform specific technical or administrative functions. The COR may support the CO at the pre-proposal conference and post-award orientation where the requirements of the contract are discussed. The COR generally has authority to monitor day-to-day compliance with contract requirements including requirements of FAR clause 52.222-50 that prohibits trafficking in persons. CORs may assist in reviewing and evaluating the adequacy of a compliance plan, recruitment and wage plan, or housing plan when these plans are required; and ensure that relevant content is posted at the workplace or on the contractor's website. A COR shall immediately report to the CO any indicators of human trafficking during performance of the contract, or any credible information received from any source that alleges a violation of the U.S. Government policy prohibiting trafficking in persons, including trafficking-related activities.