



August 2021

HUMAN TRAFFICKING

DOD Should Address Weaknesses in Oversight of Contractors and Reporting of Investigations Related to Contracts

Accessible Version



A Century of Non-Partisan Fact-Based Work

Why GAO Did This Study

GAO and DODIG reports on overseas U.S. military operations have highlighted TIP among foreign workers employed on contracts. Congress included a provision in the conference report for the National Defense Authorization Act for Fiscal Year 2020 for GAO to review DOD's efforts to combat TIP related to contracts. This report examines, among other things: the extent to which selected DOD components have implemented oversight and training requirements for CTIP in contracts and the extent to which selected DOD components have tracked and reported investigations of TIP incidents in contracts from fiscal years 2015 through 2020. GAO analyzed federal laws, and DOD guidance, regulations, contracts, and data related to CTIP. GAO also interviewed DOD officials, including Army and Navy officials responsible for overseeing contracts in U.S. Southern Command.

What GAO Recommends

GAO is making six recommendations to improve DOD oversight of contractors' CTIP efforts and reporting of TIP in contracts: two to strengthen guidance on oversight, one to reinstate requirements on reporting the percentage of people trained, and three to clarify guidance for reporting on TIP investigations. DOD concurred with all of the recommendations.

View [GAO-21-546](#). For more information, contact Latesha Love at 202-512-4409 or Lovel@gao.gov.

HUMAN TRAFFICKING

DOD Should Address Weaknesses in Oversight of Contractors and Reporting of Investigations Related to Contracts

What GAO Found

The U.S. government has a zero tolerance policy for human trafficking, as established in a presidential directive, but trafficking in persons (TIP) of foreign workers on U.S. government contracts overseas persists. Selected Department of Defense (DOD) components have conducted limited oversight of contractors and not met combating trafficking in persons (CTIP) training requirements for contracts. Twelve of 14 Army and Navy contracting officers and contracting officer representatives (CORs) GAO spoke with said they were not aware of their CTIP oversight responsibilities, as set forth in CTIP guidance. DOD requires CORs to conduct contract oversight, but does not say how they should do so. Moreover, nine of 14 individuals said they took a CTIP training other than the required training for acquisition professionals. DOD CTIP guidance, as of fiscal year 2018, also no longer requires components to report the number or percentage of personnel trained, which may limit DOD's awareness about whether acquisition professionals have taken their required training. Until DOD provides guidance to explain how contracting personnel should oversee contractor CTIP compliance and ensures they take the correct training, contracting personnel may continue to be unaware of their CTIP responsibilities.

Department of Defense (DOD) Combatting Trafficking in Persons Awareness Poster



Source: DOD. | GAO-21-546

The Army, the Navy, and DOD's Office of Inspector General (DODIG) have systems for tracking investigations of TIP incidents, but the Army and DODIG did not report all TIP violations and investigations in contracts in annual self-assessments, as required by DOD guidance. For example, the Army and DODIG had incomplete reporting of closed TIP investigations in their annual reporting from fiscal years 2015 through 2020. Without complete reporting, DOD leadership lacks full information on TIP investigations. GAO also found that two investigations led to DOD taking action against the contractors, but the Army contracting officers did not report them as TIP violations in a federal database, as required. DOD guidance and federal regulations have different requirements for who is responsible for this reporting, and the Army has not developed clarifying guidance. Without accurate reporting of actions taken against contractors in this database, contracting officers will lack complete information when making future award decisions involving contractors that engaged in TIP.

Contents

GAO Highlights		2
	Why GAO Did This Study	2
	What GAO Recommends	2
	What GAO Found	2
<hr/>		
Letter		1
	Background	3
	DOD’s Updated Guidance and Training on CTIP in Contracts Enhanced Some Requirements While Reducing Others	8
	Army and Navy Conducted Limited Oversight and Have Not Fully Met Training Requirements for CTIP in U.S. Southern Command Contracts	13
	DODIG, Army, and Navy Tracked Investigations of TIP Incidents, but Did Not Report All Investigations of Contractors	19
	Conclusions	29
	Recommendations for Executive Action	30
	Agency Comments on Our Evaluation	31
<hr/>		
Appendix I: Objectives, Scope, and Methodology		33
Appendix II: Department of Defense Combating Trafficking in Persons Awareness Posters		37
Appendix III: Combating Trafficking in Persons Fact Sheet for Acquisition Workforce		40
Appendix IV: Comments from the Department of Defense		41
	Text of Appendix IV: Comments from the Department of Defense	45
<hr/>		
Appendix V: GAO Contacts and Staff Acknowledgments		49
	GAO Contact:	49
	Staff Acknowledgements:	49
<hr/>		
Tables		
	Table 1: Selected DOD Components Trafficking in Persons (TIP) Investigations Reported and Concluded with Actions Taken Against Contractors, Fiscal Years 2015 through 202022	
	Table 2: Department of Defense (DOD) Contracts Reviewed	34

Figures

Figure 1: The Department of Defense’s (DOD) Process for Receiving and Responding to an Alleged Trafficking in Persons (TIP) Incident Involving a Contractor	6
Figure 2: Department of Defense (DOD) Fiscal Year 2019 Combating Trafficking in Persons (CTIP) Self-Assessment Sample Summary Reporting Chart	21
Figure 3: Federal Awardee Performance and Integrity Information System (FAPIIS) Data Entry Does Not Show that the Contractor was Debarred Due to a Trafficking in Persons Violation	27
Figure 4: Federal Awardee Performance and Integrity Information System (FAPIIS) Data Entry Does Not Show the Contractor Had an Administrative Compliance Agreement Due to a Trafficking in Persons Violation	28
Figure 5: Department of Defense (DOD) Combating Trafficking in Persons (CTIP) Awareness Poster, English Version	38
Figure 6: Department of Defense (DOD) Combating Trafficking in Persons (CTIP) Awareness Poster, Tagalog Version	39
Figure 7: Combating Trafficking in Persons Fact Sheet Developed by Naval Supply Systems Command (NAVSUP) Fleet Logistics Command Jacksonville	40

Abbreviations

CID	U.S. Army Criminal Investigation Command
COR	Contracting Officer’s Representative
CTIP	Combating Trafficking in Persons
CTIP PMO	CTIP Program Management Office
DCIO	Defense Criminal Investigation Organization
DCIS	Defense Criminal Investigative Service
DFARS	Defense Federal Acquisition Regulation Supplement
DFARS/PGI	DFARS Procedures, Guidance, and Information
DOD	Department of Defense
DODI	Department of Defense Instruction
DODIG	Department of Defense Office of Inspector General
FAPIIS	Federal Awardee Performance and Integrity Information System
FAR	Federal Acquisition Regulation
NCIS	Naval Criminal Investigative Service
QASP	Quality Assurance Surveillance Plan
SOUTHCOM	U.S. Southern Command
TIP	Trafficking in Persons

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.

August 4, 2021

Congressional Committees

Since the 1990s, there have been allegations of abuse of foreign workers on U.S. government contracts overseas, including of trafficking in persons (TIP). The Department of Defense (DOD) relies on contractors to provide services overseas, such as construction, security, and facilities maintenance. In addition to the local workforce, DOD relies on third-country nationals, who are citizens of neither the United States nor the host country, recruited for and hired by U.S. contractors to support overseas operations.

Previous GAO and Department of Defense Office of Inspector General (DODIG) reports on overseas U.S. military operations have highlighted the persistence of human trafficking, or TIP, among foreign workers employed on contracts. We have reported that many of these individuals come from developing countries, and income disparities between their countries of origin and countries of destination, coupled with exploitative recruiting methods, often make these workers vulnerable to labor abuses.¹ The DODIG has reported that, despite the U.S. government's zero tolerance policy for human trafficking among U.S. government employees and contractors, DOD criminal investigators and contracting officials continue to substantiate TIP cases by contractors on U.S. military bases overseas.² For example, in 2017, the Army debarred, or banned, a subcontractor from federal contracting for almost 3 years for violating Kuwaiti labor laws and engaging in human trafficking, including withholding payment for work.

The Conference Report accompanying the National Defense Authorization Act for Fiscal Year 2020 includes provisions for us to report on DOD's efforts to combat trafficking in persons (CTIP) in its contracts.³ This report examines (1) what updates DOD has made to its guidance and training for monitoring and reporting TIP incidents in contracts since

¹GAO, *Human Trafficking: Oversight of Contractors' Use of Foreign Workers in High-Risk Environments Needs to Be Strengthened*, [GAO-15-102](#) (Washington, D.C.: November 18, 2014).

²U.S. Department of Defense Office of Inspector General, *Evaluation of DOD Efforts to Combat Trafficking in Persons in Kuwait*, DODIG-2019-088 (Alexandria, VA: June 11, 2019).

³H.R. Rep. No. 116-333, at 1320 (2019).

our 2014 report, (2) the extent to which selected DOD components have implemented oversight and training requirements for CTIP in contracts, and (3) the extent to which selected DOD components have tracked and reported investigations of TIP incidents in contracts from fiscal years 2015 through 2020.

To address these objectives, we analyzed federal laws and DOD guidance, regulations, selected Army and Navy contracts, and data related to CTIP for fiscal years 2015 through 2020.⁴ We interviewed knowledgeable officials from DOD, including Army and Navy officials responsible for overseeing contracts in the U.S. Southern Command (SOUTHCOM).⁵ We selected SOUTHCOM for an in-depth review for several reasons, including the number of foreign workers employed on contracts in the region, which was the highest outside of U.S. Central Command's region.⁶ For more details on our scope and methodology, see appendix I.

We conducted this performance audit from February 2020 to August 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁴DOD guidance refers to DOD Instruction (DODI) 2200.01 and the DFARS Procedures, Guidance, and Information (DFARS/PGI). DOD regulations refer to the CTIP-relevant sections of the Defense Federal Acquisition Regulation Supplement (DFARS).

⁵SOUTHCOM is one of 11 DOD unified combatant commands. Its area of responsibility includes 31 countries in the Western Hemisphere. We selected Army and Navy for this report, but not the Air Force, based on factors that included the number of foreign contractors that they employed in SOUTHCOM, and the number of TIP incidents reported by each military service.

⁶We did not focus on the U.S. Central Command because DODIG has issued several reports on TIP monitoring and investigations in this region.

Background

U.S. Government Requirements for Combating Trafficking in Persons

The legislative and executive branches of the U.S. government have established requirements to combat TIP:

Trafficking Victims Protection Act of 2000: In 2000, Congress enacted the Trafficking Victims Protection Act of 2000 to combat trafficking in persons.⁷ Congress has reauthorized the act six times since its enactment, most recently in 2017. The act, as amended, defines severe forms of trafficking in persons as (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

National Security Presidential Directive 22: On December 16, 2002, the President signed National Security Presidential Directive 22, which declared the United States had a zero tolerance policy for trafficking in persons.⁸ The directive also states that Executive Branch agencies, including DOD, shall adopt policies and procedures to educate, as appropriate, personnel and contract employees on assignment or official travel abroad about trafficking in persons; to investigate, as appropriate, any allegations of involvement in trafficking by such personnel; and to punish, as appropriate, those personnel who engage in trafficking in persons.

Executive Order 13627: In 2012, the President, through Executive Order 13627, took further steps to strengthen protections against trafficking in persons in U.S. government contracting and address acts related to

⁷Pub. L. No. 106-386, Div. A, 114 Stat. 1464, 1466-1491, as amended, Oct. 28, 2000.

⁸The White House, National Security Presidential Directive-22, *Combating Trafficking in Persons* (Washington, D.C.: Dec. 16, 2002).

trafficking in persons. These steps included expressly prohibiting federal contractors from using misleading or fraudulent recruiting practices, charging employees recruitment fees, denying employees access to their identity documents, or failing to pay for return travel for certain foreign employees, among other things.⁹

Federal Acquisition Regulation (FAR): The FAR in part implements the Trafficking Victims Protection Act of 2000 requirements for federal contracts as well as Executive Order 13627 requirements. Since 2007, the FAR has required all U.S. government contracts to include a clause citing the U.S. government policy that prohibits TIP and trafficking-related activities. This clause prohibits contractors from engaging in severe forms of trafficking, procuring commercial sex acts, or using forced labor during the period of performance of the contract, among other things.¹⁰ In addition, this clause establishes several contractor requirements to implement this policy, such as notifying the contracting officer of any information that alleges a contractor employee, subcontractor, or subcontractor employee has engaged in conduct that violates this policy and taking appropriate actions against any employees who violate the TIP policy.

DOD Guidance and Regulations to Monitor and Report on CTIP in Contracts

DOD issued the following guidance and regulations to implement and expand on federal laws and regulations to monitor and report on CTIP in contracts.

Department of Defense Instruction (DODI) 2200.01:¹¹ This guidance establishes DOD-wide policies, assigns responsibilities for all components, and prescribes training requirements regarding CTIP. For

⁹*Strengthening Protections Against Trafficking in Persons in Federal Contracts*, Exec. Order 13627, 77 Fed. Reg. 60,029 (Oct. 2, 2012).

¹⁰48 C.F.R. § 52.222-50, Combating Trafficking in Persons. For overseas contracts, the contractor may use the CTIP clause with an “Alternate 1” clause when the contracting officer has been notified of specific U.S. directives or notices regarding combating trafficking in persons that apply to contractor employees at the contract place of performance (see 48 C.F.R. § 22.1705). The alternate clause of the contract is a fill-in-the-blank section for contracting officers to insert additional requirements for contractor employees working in certain locations.

¹¹DOD, DOD Instruction 2200.01, *Combating Trafficking in Persons* (Arlington, Va.: June 21, 2019).

example, the DOD Human Resources Activity is responsible for establishing and overseeing the CTIP Program Management Office (PMO). The CTIP PMO is responsible for developing DOD's CTIP policy and training, as well as overseeing the annual CTIP self-assessment process. The PMO developed TIP awareness posters in English and other languages that DOD personnel and contractors can post (appendix II contains two of these posters). The Under Secretary of Defense for Acquisition and Sustainment is responsible for implementing all DOD CTIP policy requirements involving defense contractors in appropriate defense acquisition regulation and policy.

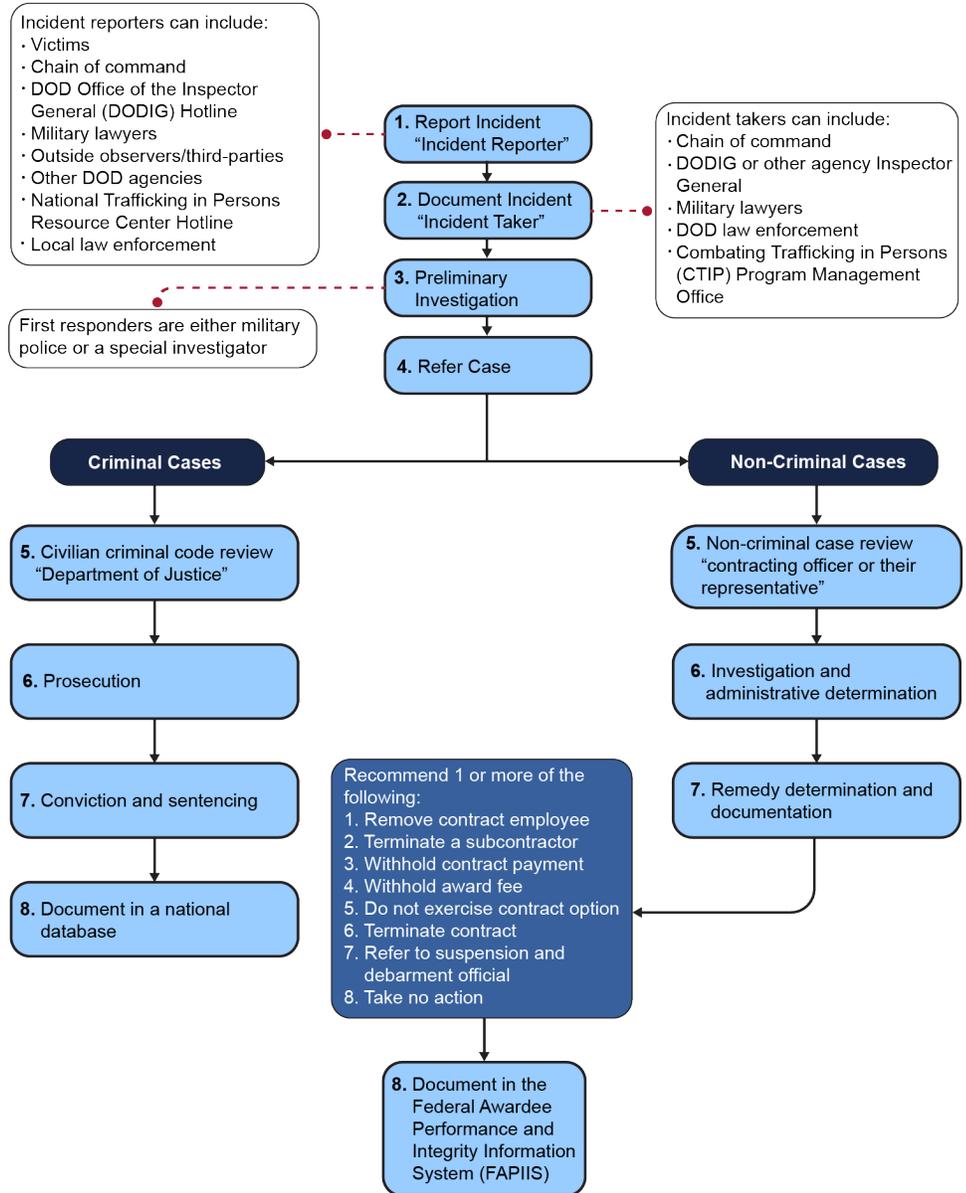
Defense Federal Acquisition Regulation Supplement (DFARS): The DFARS augments the FAR. DOD has established some specific regulations and additional guidance for monitoring CTIP in contracts. The DFARS directs contract administration offices¹² to maintain surveillance over contractor compliance with TIP requirements for all DOD service contracts, if the contract includes CTIP clauses. DOD has created additional guidance in the DFARS Procedures, Guidance, and Information (DFARS/PGI), which states that quality assurance surveillance plans (QASP) should appropriately describe how the contracting officer's representative (COR) will monitor the contractor's performance regarding TIP such that non-compliance with CTIP requirements is brought to the immediate attention of the contracting officer.¹³

DOD has also established a process for receiving reports of and responding to alleged TIP incidents. DOD receives alleged TIP incidents in a variety of ways, including from victims, the chain of command, DODIG's Hotline, and contractors. Figure 1 shows DOD's process for receiving reports of and responding to an alleged TIP incident involving a contractor.

¹²According to 48 C.F.R. § 2.101, contract administration office means an office that performs assigned pre- and post-award functions related to the administration of contracts.

¹³The QASP is a document government personnel use to assess contractor performance. The QASP specifies how the requestor or customer will verify and document that the government is receiving the quality of services called for under the contract, and pays only for the acceptable level of services resulting in the successful accomplishment of their desired outcomes.

Figure 1: The Department of Defense’s (DOD) Process for Receiving and Responding to an Alleged Trafficking in Persons (TIP) Incident Involving a Contractor



Source: DOD. | GAO-21-546

Note: Suspension and debarment officials can, and do, take actions in criminal investigations, in addition to actions taken during non-criminal investigations.

The Defense Criminal Investigation Organizations (DCIOs) track and investigate TIP incidents. The DCIOs include DODIG’s Defense Criminal

Investigative Service (DCIS), the Army's Criminal Investigation Command (CID), and the Navy's Naval Criminal Investigative Service (NCIS).¹⁴ The DCIOs investigate non-criminal TIP incidents, and provide the result of those investigations to the contracting officer for a determination of which action to take against a contractor. Depending on the findings of the investigation, a TIP investigation can also result in no action taken against a contractor.

The FAR requires agencies to report violations, and the DODI requires components to report any actions taken against a contractor resulting from a TIP violation in the Federal Awardee Performance and Integrity Information System (FAPIIS), which is a government-wide database that contains information used by contracting officials to support award decisions. The FAR requires the contracting officer to report violations in FAPIIS,¹⁵ while the DODI requires commanders and directors to report TIP-related referrals, suspensions, debarments, and other remedies DOD imposes in FAPIIS.¹⁶ The DODI 2200.01 requires all DOD components to report TIP incidents and investigations in their annual CTIP self-assessments.

¹⁴In this report, we refer to DCIS, CID, and NCIS, collectively, as the DCIOs. The Air Force's Office of Special Investigations is also a DCIO, but the Air Force is outside the scope of this report.

¹⁵48 C.F.R. § 22.1704(d)(1).

¹⁶DODI 2200.01 § 2.9(h).

DOD's Updated Guidance and Training on CTIP in Contracts Enhanced Some Requirements While Reducing Others

DOD's Updated Guidance on CTIP in Contracts Added an Optional Monitoring Checklist

In response to our 2014 report, DOD updated the DFARS/PGI with an optional checklist for contracting officials to use to monitor CTIP. Our report recommended that DOD take steps to better ensure that contracting officials specifically include TIP in oversight plans and processes, especially in areas where the risk of trafficking in persons is high.¹⁷ In response, the DFARS/PGI now includes a sample checklist from the Defense Contract Management Agency that contracting officers can, but are not required to, use for auditing compliance with CTIP policy, including in reviewing contractor compliance plans.¹⁸ Contracting officers may use the checklist to ensure that the contractor has informed its employees about CTIP, provided sanitary living conditions to employees, and not engaged in TIP.

Although DOD has provided contracting officials with the sample checklist to monitor for CTIP in contracts, it does not require officials to use it in their oversight activities. For example, DOD does not require contracting officers to use the sample checklist to review contractor compliance plans. These compliance plans are required for certain contracts performed outside the U.S. with an estimated value at or above

¹⁷In 2014, we reported that DOD did not always include processes to monitor contractor efforts to combat TIP in the U.S. Central Command, which includes Afghanistan, Iraq, and Qatar. For five of the seven DOD contracts in our sample, DOD had specific monitoring processes to combat TIP. For the remaining two, DOD did not monitor for TIP due to a focus on contractor-provided goods and services. We recommended that DOD ensure that contract monitoring specifically includes TIP. To implement our recommendation, DOD developed and mandated CTIP acquisition training for contracting employees and established a CTIP Program Manager position in Afghanistan. See [GAO-15-102](#).

¹⁸DFARS/PGI § 222.17.

\$550,000¹⁹ and must include procedures for preventing TIP.²⁰ DOD also does not require the COR to use the checklist to monitor the contractor's performance for contracts in which a QASP containing a CTIP clause is required. The DFARS/PGI states that QASPs²¹ should appropriately describe how the COR will monitor the contractor's performance related to CTIP.²² The DFARS requires that contract administration offices, including contracting officers and CORs, maintain surveillance over contractor compliance with TIP requirements for all DOD service contracts with a CTIP clause.²³

DOD's Updated Guidance on CTIP in Contracts Modified Some Requirements on Reporting Alleged Trafficking Incidents

Since 2015, DOD has updated its guidance to modify some TIP reporting requirements, such as modifying the following requirements for reporting alleged TIP incidents:

- In 2015, DOD updated the DFARS/PGI to modify TIP reporting requirements for contracting officers. Previously DOD only followed the FAR provision that requires the contractor to disclose alleged TIP incidents to the contracting officer and agency inspector general. Now DOD also requires in its policy that if the contracting officer receives information that a contractor has engaged in TIP, the contracting officer shall immediately notify, through the contracting officer's local

¹⁹As of October 2020, the FAR increased the value threshold for overseas contracts that require a CTIP compliance plan from \$500,000 to \$550,000.

²⁰48 C.F.R. § 52.222-50 requires compliance plans to include an employee TIP awareness program, a TIP incident reporting process, a recruitment and wage plan that meets specific criteria, a housing plan, and procedures to prevent agents and subcontractors from engaging in TIP.

²¹QASPs are required for contracts that meet the simplified acquisition threshold of \$250,000. The QASP is a document government personnel use to assess contractor performance. The QASP identifies what is going to be inspected, the inspection process, and who will do the inspecting. The results of those inspections will then be used to document contractor performance. Note that the contractor, not the government, is responsible for ensuring performance meets the terms of the contract.

²²DFARS/PGI § 222.1703(4).

²³48 C.F.R. § 242.302.

commander or representative, the commander responsible for the geographical area where the alleged incident occurred.²⁴

- In 2019, DOD also updated the DODI 2200.01 to modify reporting requirements related to statistics on TIP incidents.²⁵ DOD updated this guidance to require the DODIG to report TIP-related statistics to the CTIP PMO on a quarterly basis.²⁶ DODIG's DCIS reports statistics related to the type of TIP incident, its location, and the disposition of the investigation. In the 2015 version of the DODI, DODIG reported the statistics at its discretion. This change aligns with DOD's updated guidance from 2019 that requires all Office of the Secretary of Defense²⁷ and component heads to report TIP-related incidents to the CTIP PMO on a quarterly basis.²⁸

DOD's 2019 update to DODI 2200.01 also modified reporting requirements for all Office of the Secretary of Defense and component heads. They still must report all alleged TIP incidents to their administrative or operational chains of command, but are no longer required to report alleged incidents to the DODIG.²⁹ In the previous version of this guidance, Office of the Secretary of Defense and component heads were required to report all suspected or confirmed TIP incidents to the DODIG.³⁰

In addition, DOD's updated DODI 2200.01 modifies how the DODIG documents its decisions regarding TIP referrals. Specifically, the 2019 update requires DODIG to document the rationale for any decision not to

²⁴DFARS/PGI § 222.1704.

²⁵DODI 2200.01, § 2.8(e).

²⁶DODIG officials told us they were unaware of this change in their reporting requirement before we inquired about their implementation of this new requirement. In response to our review, DODIG started reporting quarterly to the CTIP PMO beginning in the third quarter of 2020.

²⁷The Office of the Secretary of Defense is responsible for policy development, planning, resource management, and program evaluation. It includes the offices of top civilian defense decision-makers with regard to personnel, weapons acquisition, research, intelligence, and fiscal policy. In total, the Office of the Secretary of Defense includes 20 DOD agencies and eight field activities.

²⁸DODI 2200.01, § 2.9(h).

²⁹DODI 2200.01, § 2.9(g).

³⁰DODI 2200.01, § 8(e) (April 21, 2015).

investigate a TIP allegation.³¹ The DODIG is to review any referral of TIP-related information received and determine whether to investigate the issue.³² DODIG may refer TIP information to the DCIOs or other components to investigate further. According to the FAR, the head of the agency must ensure that the contracting officer is provided with a copy of the agency's Inspector General report of an investigation of a TIP violation, and must delegate the authority for further specific administrative action to an authorized agency official.³³

DOD Updated its Training Requirements for CTIP in Contracts by Reducing the Frequency and Expanding the Content of Some Training

DOD updated several training requirements and courses, as outlined in the DODI 2200.01, which reduced the frequency and expanded the content of CTIP training. In June 2019, DOD updated this guidance to reduce the frequency of its CTIP General Awareness training from an annual to a one-time requirement, consistent with broader DOD efforts to reduce training requirements.³⁴ DOD now requires all new personnel to take this training only upon initial entry.

The updated training guidance also reduced the frequency of when DOD acquisition professionals, including contracting officers and CORs, must take their specific, required CTIP training. Acquisition professionals now have to take such training in their first year of service and refresher training every 3 years thereafter. Previously, DOD required acquisition professionals to take their specific, required CTIP training annually. DOD component heads could also assign additional or more frequent training at their discretion.

³¹DODI 2200.01, § 2.8(d).

³²DODI 2200.01, § 2.8(d).

³³48 C.F.R. § 22.1704(c).

³⁴In March 2018, the Under Secretary of Defense (Personnel and Readiness) released a memo that reduced the mandatory annual requirements of CTIP training to within 1 year of initial entry. The associated final report to this memo states that the purpose of reducing training requirements, including CTIP, is to enhance readiness and lethality of its personnel. The CTIP PMO told us that the reduction in training was also in part because CTIP training was not congressionally mandated and because the Status of Forces Survey conducted in 2017 indicated that nearly 90 percent of personnel were aware of the TIP policy and were familiar with reporting procedures for potential TIP incidents.

DOD's updates expanded the content of the acquisition professionals training by adding the following learning objectives:

- What constitutes TIP, utilizing the statutory definition of "severe forms of trafficking in persons"
- Laws and regulations related to TIP in government contracts, grants, and cooperative agreements
- Vulnerabilities associated with trafficking victims
- Specific responsibilities of defense acquisition professionals in preventing TIP
- How to recognize award administration indicators of TIP
- Specific responsibilities of defense acquisition professionals in response to TIP violations
- DOD CTIP case process flow

The DOD CTIP training for acquisition professionals provides instructions on specific responsibilities on monitoring and reporting TIP incidents in contracts. These include instructions on how to monitor contractor compliance with CTIP regulations and to recognize if TIP is occurring on a contract, and what remedies contracting officers may levy against a contractor that has committed a TIP violation. The training also explains which laws and regulations related to CTIP in contracts acquisition professionals must follow and their responsibilities related to CTIP for each phase of the contract. This training is a separate and distinct training requirement that acquisition professionals take instead of the CTIP General Awareness training.

Starting in fiscal year 2018, DOD reduced the information that components have to report annually on their CTIP training. The Office of the Secretary of Defense and DOD component heads now report on their method for tracking initial entry CTIP training completion in the annual self-assessment forms they submit to the CTIP PMO.³⁵ Previously, DOD guidance required them to submit data on the number of personnel who completed the training, along with the size of the component's workforce.

³⁵DODI 2200.01, § 2.9(e)(1).

Army and Navy Conducted Limited Oversight and Have Not Fully Met Training Requirements for CTIP in U.S. Southern Command Contracts

Army and Navy Conducted Limited Oversight of CTIP in U.S. Southern Command Contracts Due to Challenges

Although federal regulations state that contract administration offices are responsible for maintaining surveillance over contractor compliance with TIP requirements,³⁶ 12 of 14 Army and Navy contracting officers and CORs we spoke with said they had not conducted regularly scheduled monitoring, evaluation, or active oversight of the contractors' CTIP efforts on their SOUTHCOM contracts. DOD officials stated that they conducted limited oversight of contractors' CTIP efforts due to two key challenges: a lack of awareness of their CTIP responsibilities and related guidance and a low prioritization of CTIP responsibilities.

All 14 of the Army and Navy contracting officers and CORs we spoke to said they were either unaware of their specific CTIP monitoring responsibilities or of related regulations and guidance for CTIP in contracts. Specifically, 12 of these officials told us that they were unaware of their CTIP responsibilities, such as monitoring contractor performance for TIP.³⁷ Federal regulations require contracting officers to designate and authorize CORs in writing, including the extent and limits of the COR's authority, typically documented in the COR appointment letter.³⁸ Contracting officers must also ensure, when applicable, that QASPs contain the appropriate requirements for quality assurance, which may also include responsibilities on monitoring for TIP.³⁹ However, several personnel said their COR appointment letters or QASPs did not include CTIP monitoring responsibilities.

Some examples of COR appointment letters and QASPs that we reviewed confirmed that CTIP monitoring responsibilities were not

³⁶48 C.F.R. § 242.302(S-73).

³⁷48 C.F.R. § 242.302(S-73).

³⁸48 C.F.R. § 1.602-2(d).

³⁹48 C.F.R. § 46.103(a).

included. One Army COR did not consider CTIP monitoring a responsibility because it was not included in the COR appointment letter. Similarly, a Navy COR said that the contracting officer would need to provide specific instructions to conduct any monitoring or inspections for TIP. Moreover, while the DFARS requires surveillance of contractor compliance with TIP requirements to be maintained for DOD services contracts, it does not explain how to do so.⁴⁰ For example, DOD regulations and guidance related to CTIP do not describe methods of surveillance or typical actions that CORs can take to maintain surveillance of contracts with regard to CTIP activities. A COR appointment letter and QASP can describe such surveillance methods and actions.

In addition, although the FAR requires contractors to certify they have a CTIP compliance plan in place,⁴¹ DOD officials said they do not require contracting officers or CORs to request, review, or evaluate the plans. Five of 14 contracting officers and CORs told us they were unaware of the requirement for CTIP compliance plans for their contracts and had not reviewed or requested any such plans. For example, one Army contracting officer interpreted the FAR CTIP clause⁴² to mean that CTIP compliance plans were not required in construction contracts. As a result, the contracting officer did not request the contractor's CTIP compliance plan or task the COR with monitoring the contractor's CTIP efforts. The contracting officer did not know of any Army or other related CTIP guidance that supported this interpretation.

Five of 14 Army and Navy contracting officers and CORs also said that they did not know if DOD had guidance regarding procedures for reporting or addressing TIP incidents. Some Army and Navy contracting officers and CORs said they believed contractor employees would inform them if they experienced or observed a TIP incident by their employer, such as withholding their passports or not paying their full salaries. However, none of the Army or Navy contracting officers or CORs that we spoke to had heard of any TIP incidents on their contracts.

⁴⁰48 C.F.R. § 242.302.

⁴¹48 C.F.R. § 52.222-50(h)(5).

⁴²48 C.F.R. § 52.222-50.

Although DOD abides by the zero tolerance policy of the U.S. government for TIP among its employees and contractors,⁴³ DOD officials told us CTIP is a collateral duty for many contracting personnel, who face competing priorities that affect their ability to carry out their responsibilities to ensure this policy. As a result, many contracting personnel prioritized oversight on contract deliverables to support DOD's mission, such as ensuring contractors provided the correct services, over CTIP related responsibilities. For example, three DOD officials told us that CTIP duties are often an additional duty on top of existing responsibilities; one official said that CTIP may be a person's fifth or sixth collateral duty and may not be the top of their work priority. Two others told us that they did not think their leadership generally considered CTIP a priority.

During our audit, as a result of our work, two components took corrective actions to develop and issue guidance to clarify and reinforce the CTIP responsibilities of acquisition officials. First, in November 2020, the Naval Supply Systems Command Fleet Logistics Center Jacksonville developed and issued a CTIP fact sheet following discussions with contracting officers who told us they were not implementing their CTIP monitoring requirements (see appendix III for this fact sheet). Second, beginning in January 2021, officials from the Army Corps of Engineers Procurement Counsel began working with the Policy Division of the Directorate of Contracting to develop and distribute guidance to clarify that CTIP compliance plans are required in construction contracts following discussions with a contracting officer who told us that the FAR requirement for compliance plans does not apply to such contracts.⁴⁴ In March 2021, the U.S. Army Corps of Engineers issued clarifying guidance instructing its acquisition community that CTIP compliance plans are required for construction contracts.⁴⁵ DOD officials told us they are also discussing taking corrective action to clarify department-wide guidance,

⁴³National Security Presidential Directive 22 declares that the U.S. government has a zero tolerance policy for TIP. The White House, National Security Presidential Directive-22, *Combating Trafficking in Persons* (Washington, D.C.: Dec. 16, 2002).

⁴⁴Army Corps officials told us that Executive Order 13627 expressly provides that protections against trafficking in persons be included in solicitations, contracts, and subcontracts for supplies or services, including construction. However, officials said the implementing language in the FAR does not expressly include construction, and so the contracting officer thought it was excluded from the scope of the requirement.

⁴⁵U.S. Army Corps of Engineers Policy Alert #15-50, Further Implementation of Trafficking in Persons Policy (Defense Federal Acquisition Regulation Supplement (DFARS) Case 2013-D007).

but as of April 2021, DOD officials did not have any further details regarding this action.

These corrective actions taken by two components within the Army and Navy are positive steps for these two components toward demonstrating management prioritization of CTIP oversight and reinforcing guidance. However, without further guidance from the Secretary of the Army and Secretary of the Navy to highlight and reinforce the importance of CTIP responsibilities and explain how contracting personnel can monitor and oversee contractors' CTIP efforts, other Army and Navy components may continue to lack reasonable assurance that such personnel are fully aware of their responsibilities and are conducting the necessary oversight to detect and address TIP violations.

Many Acquisition Professionals We Interviewed Did Not Take Required CTIP Training, and Decreased Reporting Requirements May Limit DOD's Awareness of Training Compliance

Many DOD contracting officers and CORs we interviewed said they had not taken the specific, required⁴⁶ CTIP for acquisition professionals training.⁴⁷ Nine of 14 contracting officers and CORs told us that they took another CTIP training rather than the required CTIP training for acquisition professionals. Four took the CTIP General Awareness training and the other five did not specify which training they took. However, we found that only the required, specialized training describes the specific CTIP requirements for acquisition professionals. The General Awareness training does not describe the required CTIP roles and responsibilities for acquisition professionals.⁴⁸ For example, the General Awareness training does not discuss specific information, such as including the CTIP clauses

⁴⁶DODI 2200.01 § 3.4.

⁴⁷In 2019, we reported that DOD has not comprehensively considered the acquisition related training needs of non-acquisition personnel, which can include CORs. See GAO, *Defense Workforce: Steps Needed to Identify Acquisition Training Needs for Non-Acquisition Personnel*, [GAO-19-556](#) (Washington, D.C.: October 2, 2019).

⁴⁸The CTIP General Awareness Training is a 30-minute training module covering 12 learning objectives on CTIP that concludes with a test requiring a score of at least 80 percent to receive credit.

in all overseas contracts valued at or above \$550,000⁴⁹ or monitoring the CTIP compliance of contractors. Given the lack of specialized information in the CTIP General Awareness training, officials who only take that training will not learn about their specific CTIP monitoring responsibilities.

Further, decreased reporting requirements may limit DOD's awareness about whether all acquisition professionals have taken the specific, required CTIP training designed for them. DOD guidance no longer requires the components to report how many of their personnel have taken this required training, or any CTIP training, in their annual CTIP self-assessments.⁵⁰ Prior to fiscal year 2018, DOD guidance required components to report on the number of personnel that completed CTIP training, including the training specifically required for acquisition professionals. According to the CTIP PMO, DOD reduced various training reporting requirements, including reporting on CTIP training, to reduce the reporting burden on components, among other reasons. Since fiscal year 2018, DOD guidance requires components to report only on the method they use to track CTIP training,⁵¹ and no longer requires them to report on the number of personnel trained.

During our audit, as a result of our review, one Navy command took corrective actions and significantly improved its CORs' compliance with required CTIP training. Following our inquiry, a Navy command official conducted an audit of their command's COR training and found that 55 percent of the CORs, or 61 out of 111, had not taken the required CTIP training for acquisition professionals. As a result, a command official instructed the CORs who had not taken the correct training to do so by December 31, 2020. As of January 2021, the official informed us that about 97 percent of the CORs in the command had taken the required CTIP training.

However, officials from the other Navy and Army commands we spoke to have not taken similar actions to ensure their personnel have completed

⁴⁹As of October 2020, the FAR increased the value threshold for overseas contracts that require a CTIP compliance plan from \$500,000 to \$550,000.

⁵⁰2018 Combating Trafficking in Persons Annual Self-Assessment. Office of the Undersecretary of Defense.

⁵¹Military departments track training through separate electronic learning systems. Course managers can input the training curriculum for personnel into these systems, which then send notifications to personnel to take the training.

the required training. National Security Presidential Directive 22 specifically states, “Departments and agencies shall ensure that all of the appropriate offices within their jurisdiction are fully trained to carry out their specific responsibilities to combat trafficking.”⁵² Moreover, *Standards for Internal Control in the Federal Government* states management should also recruit, develop, and retain competent personnel to achieve the entity’s objectives, which includes enabling individuals to develop competencies appropriate for key roles and tailoring training based on the needs of the role.⁵³ DOD intended to lessen the reporting burden on components by reducing the reporting requirements on training. However, without requiring components to report annually on the percentage of personnel who complete the specific, required CTIP training for acquisition professionals, DOD cannot ensure that acquisition officials have the proper training to know and fulfill their CTIP responsibilities in contracts, especially for conducting proper oversight of contractors’ efforts to combat TIP. Reporting such numbers will not increase existing training requirements for acquisition personnel, but will help to ensure acquisition personnel are taking the appropriate CTIP training for their duties.

During our review, partly in response to our audit work, the CTIP PMO added new reporting requirements for the fiscal year 2020 annual CTIP self-assessment. The self-assessment includes new questions about how components track required training every 3 years for contracting officers and CORs and whether military components have a centralized system to track that these personnel are carrying out their CTIP oversight duties. The CTIP PMO said the questions are to reaffirm to the components that certain personnel are required to take specific training at regular intervals and to ascertain the extent to which components are monitoring contracting officer and COR oversight duties for CTIP.

While these additional questions help to bring attention to these CTIP-related responsibilities, the responses from components highlighted a need for additional steps to ensure that personnel are implementing their CTIP responsibilities. For example, while components responded to the question on how they track required training every 3 years, without them providing information on the actual percentage of personnel taking which

⁵²The White House, National Security Presidential Directive-22, *Combating Trafficking in Persons* (Washington, D.C.: Dec. 16, 2002).

⁵³GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

type of CTIP training, DOD will lack insight into whether personnel are properly trained and aware of their particular CTIP responsibilities.

DODIG, Army, and Navy Tracked Investigations of TIP Incidents, but Did Not Report All Investigations of Contractors

DODIG's Hotline Tracks Alleged TIP Incidents for Referral to Other Entities for Investigation

DODIG's Hotline tracks alleged TIP incidents reported to it and refers those alleged incidents to other DOD components for investigation. The Hotline is one of the mechanisms that someone can use to report an alleged TIP incident. Hotline officials told us they use a database to track all incoming alleged incidents, including TIP. The database includes a data field to identify alleged TIP incidents and if the alleged victim or subject of the alleged incident is a contractor, according to DODIG Hotline officials. Hotline officials said they process TIP complaints the same as any other complaints, and generally designate TIP complaints as priority 1, which requires Hotline personnel to categorize and refer the complaint to relevant DOD components for follow up within 1 day.⁵⁴

Officials who operate the Hotline do not conduct investigations; instead, they refer alleged incidents to other DOD components or outside agencies to investigate. Officials said their office tracks the alleged TIP incidents they refer to other DOD components. The database also sends reminders to Hotline personnel to follow-up on the referred incidents, according to DODIG Hotline officials. Personnel close a referred incident in the database when they receive a Hotline Closure Report from the component to which the Hotline had referred the incident, according to Hotline officials.

⁵⁴Hotline's database includes priority 1, 2, and 3 complaints and non-referrals. Priority 2 complaints require action by Hotline personnel within 3 working days, while priority 3 complaints require action within 10 working days.

Defense Criminal Investigative Organizations Use Separate Data Systems to Track Investigations of TIP Incidents

DCIS, CID, and NCIS have separate data systems to track their investigations, including TIP investigations. Officials from the three investigative organizations told us that they investigate TIP allegations the same way as other investigations. While DCIS and CID officials said their databases include specific data fields that identify TIP-related investigations under specific TIP data fields, NCIS officials said their database identifies such investigations under various other crime categories. NCIS officials explained their database does not have a specific field for identifying TIP-related investigations because TIP is not a specific crime category. As a result, officials must conduct a manual search to identify TIP investigations.

DODIG, Army, and Navy Reported Nine Investigations of TIP Incidents Involving Contractors, but DODIG and Army Did Not Report All of Their TIP-related Actions against Contractors

DOD Components Report Investigations of TIP Incidents of Contractors in Annual Self-Assessments

The DODI requires the Office of the Secretary of Defense and DOD component heads to conduct and report results of their annual CTIP self-assessment to the CTIP PMO, including information on their TIP investigations. DOD submits information from these self-assessments for inclusion in the U.S. Attorney General's annual TIP report. Officials from the DCIOs told us that they provide the information on TIP investigations that their components report in the self-assessments. Figure 2 contains the sample-reporting chart from the fiscal year 2019 self-assessments. For fiscal year 2020, the CTIP PMO developed spreadsheets for the DCIOs to report their investigations of TIP incidents.

Figure 2: Department of Defense (DOD) Fiscal Year 2019 Combating Trafficking in Persons (CTIP) Self-Assessment Sample Summary Reporting Chart

	Military	Civilian	Contractors	Sex Trafficking	Forced Labor
Investigations					
Arrests					
Indictments					
Prosecutions					
Convictions					
Non-Judicial Administrative Actions					
Pending Actions					
Referral To Non-DoD-Authorities					
Unsubstantiated/No Action Taken					
Complainant Declined To Provide Further Information					
Trafficking Victim					

Source: DOD. | GAO-21-546

DODIG Reported Two, but Closed 15 Investigations of TIP Incidents

DODIG reported only two of 15 closed investigations of TIP incidents in its self-assessments. DODIG reported that DCIS closed two contractor-related TIP investigations from fiscal years 2015 through 2020, according to our analysis of annual self-assessments.⁵⁵ DCIS referred the results of one of these investigations to the Army’s Procurement Fraud Division, which the DODIG reported resulted in the debarment of a subcontractor for failure to provide employees with copies of their employment agreements and failing to pay full salaries to employees as agreed upon, among other things. In a second case, the Department of Justice did not prosecute citing a lack of evidence, and a review of interviews with the workers concluded that the workers were not forced to work for the contractor, which led to no action taken against the contractor, according to DCIS’s self-assessment. Table 1 below shows both the number of closed investigations reported by selected DOD components in self-assessments and actions taken by their DCIOs against contractors as reported in data.

⁵⁵In its fiscal year 2020 self-assessment, DODIG reported information for 13 TIP complaints involving contractors. DODIG closed these complaints without opening any investigations; however, DCIS data indicated that DODIG closed two investigations in this year.

Table 1: Selected DOD Components Trafficking in Persons (TIP) Investigations Reported and Concluded with Actions Taken Against Contractors, Fiscal Years 2015 through 2020

	Number of Closed TIP Investigations Reported to the Combating TIP Program Management Office	Number of Defense Criminal Investigation Organizations-led TIP Investigations Concluded with an Action Taken against a Contractor
DOD Office of the Inspector General (DODIG)	2 ^a	2 ^b
U.S. Army	3	0
U.S. Navy	4	0 ^c

Source: GAO analysis of Department of Defense (DOD) annual combating TIP self-assessments and investigative data. | GAO-21-546

Note: This table reflects information reported in DOD components' annual Combating Trafficking in Persons (CTIP) self-assessments and data on closed CTIP investigations from selected Defense Criminal Investigations Organizations. Other offices within DOD may have taken actions related to TIP incidents that were not captured in the sources used in this table.

^aThe Defense Criminal Investigative Service (DCIS) conducted 13 additional TIP investigations it did not report in the self-assessments. DCIS officials told us that they did not report these investigations in the self-assessments due to investigations being ongoing, declined, unsubstantiated, or referred to an outside agency.

^bAccording to DOD Inspector General data, both cases were related to forced labor violations.

^cThe Navy reported in its self-assessment that two U.S. Navy contractors each terminated one of their own employees for sex-trafficking-related TIP violations.

However, we found that DCIS closed, but did not report, 13 other investigations of TIP incidents related to contractors during this period. In one of these investigations, the Army entered into an administrative compliance agreement with the contractor, which included having the contractor appoint an independent monitor to report to the Army. DCIS reported in its data that it referred the results of most of the other 12 investigations either to the Army or to Justice. None of these investigations led to an action, as identified in the CTIP-related section of

the FAR,⁵⁶ taken against the contractors.⁵⁷ The majority of DCIS's investigations involved contracts operating in U.S. Central Command's region.⁵⁸

DODIG did not report all closed DCIS investigations in its self-assessments despite instructions stating that all closed investigations should be included. According to DCIS officials, prior to 2018, the self-assessments required components to report only TIP investigations that resulted in criminal, civil, or administrative remedies. DODIG officials told us that starting in 2018, the CTIP PMO updated the self-assessments to require components to report on investigations that were ongoing, declined, unsubstantiated, or referred to an outside agency. DCIS reported its investigations of TIP incidents in fiscal years 2015 and 2018, but not in other fiscal years because they were either ongoing, declined for investigation, contained unsubstantiated information, or had been referred to an outside agency, according to DCIS. However, DCIS is instructed to report in the self-assessments on unsubstantiated investigations with no action taken against the contractors. Without DODIG and DCIS reporting on all TIP investigations as instructed, DOD leadership does not have full information on all potential TIP violations, which may affect their prioritization of CTIP responsibilities.

⁵⁶48 C.F.R. § 52.222-50.

⁵⁷For this report, we focused on actions reported as taken against contractors or subcontractors, but not individual employees. Of these 12 investigations, two were unfounded, one included a contract that was terminated before it was referred for an investigation, three were referred to Justice, and six were referred to the Army according to DCIS data. Justice declined all three investigations for prosecution for the following reasons: 1) the contract had already ended; 2) no U.S. victims or fraud vulnerabilities to the U.S. were identified; and 3) the security clearance of the person investigated was removed, according to DCIS data. The Army reported that it took the following actions: 1) declined administrative action; 2) declined administrative action; 3) issued a letter of concern to the prime contractor; 4) issued a cure notice to a contractor meaning the contractor has 10 days to address its issues or the contract would be terminated; 5) debarred a subcontractor employee until September 2021; and 6) proposed a contractor debarment, which was overturned before it was finalized.

⁵⁸DODIG previously reported on issues with U.S. Central Command's tracking and reporting of complete information on CTIP incidents in the region. DODIG found that Central Command did not report some TIP incidents. It also found that DODI 2200.01 provides no clear, single reporting chain for TIP incidents, and designates no single entity with final authority for collecting and analyzing TIP data. DODIG concluded that TIP incidents might be occurring in Central Command's region without detection due to weak controls. DODIG-2019-088.

The Army Did Not Report Complete Information on TIP Incidents

Our analysis of the Army's annual self-assessments and data from CID found that the Army reported some but not all of its investigations of TIP incidents involving contractors from fiscal years 2015 through 2020. The Army's annual self-assessments reported three closed contractor-related TIP investigations, two in fiscal years 2016, and one in fiscal year 2018 (see table 1).

We analyzed separate data from the Army CID, which showed it closed five CTIP investigations related to contractors from fiscal years 2015 through 2020—two more than the Army reported in its self-assessments. Two of these closed investigations matched the ones reported in the self-assessments. Of the other three investigations, CID closed one in fiscal year 2015, when the Army did not report information in the self-assessment, and one in fiscal year 2016. In the 2016 investigation, the Army had terminated the contract because the contractor had violated local labor laws in Kuwait, but the contracting officer took that action before the Army referred the incidents to CID, according to a CID official. The third investigation was reported as an open investigation in the Army's fiscal year 2019 self-assessment, and as closed with no action taken in CID's data. Army data indicate that none of these investigations led to an action taken against the contractors. Our analysis also found that CID closed no CTIP investigations in fiscal years 2017 and 2020.

In addition to incomplete reporting on closed CID cases, an official from the Army's Procurement Fraud Division told us that their office took actions against contractors, including debarments related to TIP incidents that were not reported in the self-assessments. According to an official from the CTIP PMO, the components' CTIP program managers require additional guidance on what TIP incidents need to be reported in the annual self-assessments, so that their components are reporting complete information on contractor TIP incidents. According to the same official from the CTIP PMO, partly because of our work, her office reached out to the suspension and debarment officials from the military departments and plans to discuss CTIP reporting with these officials at a DOD CTIP Task Force meeting in July 2021. While this is a helpful step to address some of these reporting gaps, additional TIP incidents that should be reported may still be outside of the view the CTIP program managers and the suspension and debarment officials. Without additional guidance on who should be reporting cases to include in future self-assessments, the Army may continue to have incomplete reporting on

TIP incidents. Further, DOD leadership will not have full information on all TIP violations, which may affect their prioritization of CTIP responsibilities.

The Navy Reported All Four of Its Closed Investigations of TIP Incidents

Our analysis of the Navy's annual self-assessments and data from NCIS found that the Navy reported all four of its closed investigations of contractor-related TIP from fiscal years 2015 through 2020 (see table 1). NCIS provided us separate data on five investigations, which matched the four reported as closed in the Navy's self-assessments. The fifth investigation was referred to another government agency. In two investigations, the Navy's data indicate that its contractors terminated one of their own employees for TIP violations. In the other two, the data indicate that the Navy took no action against the contractor or contractor employee.

DOD's Internal Disagreement on Who Should Receive and Report on Contractor TIP Incidents May Be Leading to Gaps in Reporting

The Trafficking Victims Protection Act of 2000, as amended, states that the Attorney General shall report annually to Congress on DOD's CTIP activities, including all TIP activities of contractors reported to the Under Secretary of Defense for Acquisition and Sustainment.⁵⁹ According to officials from the CTIP PMO and the Office of the Undersecretary for Acquisition and Sustainment, DOD's internal reporting occurs via the annual CTIP self-assessments and is not reported to the Office of the Undersecretary for Acquisition and Sustainment. Officials from each office also stated that the other office is in a better position to receive this information, with the CTIP Program Management Office citing its lack of responsibility over DOD's acquisitions community, and the Under Secretary's office citing its lack of CTIP expertise. According to DOD's CTIP Program Manager, because her office does not have oversight of DOD's acquisition community or the contracting policy guidance provided to them, components may not be reporting all TIP incidents—as our audit found. Without an internal DOD policy that clearly states which offices are responsible for collecting this information and providing it to the Undersecretary of Defense for Acquisition and Sustainment, DOD

⁵⁹Pub. L. No. 106-386, Div. A, 114 Stat. 1464, 1466-1491, as amended, Oct. 28, 2000.

leadership does not have full information on all TIP violations, which may affect their prioritization of CTIP responsibilities.

The Army Did Not Report All Required Information about Actions Taken against Two Contractors for TIP Violations into a Government-wide Database

Federal regulations require DOD and other federal agencies to report on any substantiated TIP violations in a federal database. DOD policy further requires DOD to report on any actions taken against contractors in the database, but the Army did not do so. The FAR requires contracting officers to report information on substantiated TIP violations in FAPIIS,⁶⁰ and requires agencies to ensure that they record this information within 3 days.⁶¹ The FAR also requires contracting officers to check FAPIIS before awarding a contract in excess of \$250,000 to see if it contains negative information about the contractor, including TIP-related violations. This information can help the contracting officer to decide whether to award a contract to the contractor.⁶² The DODI requires commanders and directors to report TIP-related referrals, suspensions, debarments, and other remedies DOD placed on any contractor in FAPIIS.⁶³

Our analysis of data from FAPIIS found that the Army did not fulfill FAR requirements to report the two DCIS investigations that resulted in an action taken against Army contractors in FAPIIS as including “Information on Trafficking in Persons.” We found that one DCIS-led investigation resulted in the debarment of a subcontractor, but the Army contracting officer did not report the debarment as related to TIP in FAPIIS. The Army’s Suspension and Debarment Office debarred the contractor for about 3 years.⁶⁴ We analyzed data from the FAPIIS entry for this contractor and found that information about the debarment from another

⁶⁰48 C.F.R. § 22.1704(d)(1).

⁶¹48 C.F.R. § 42.1503(h)(1)(v).

⁶²48 C.F.R. § 9.104-6(a)(1).

⁶³DODI 2200.01 § 2.9(h).

⁶⁴48 C.F.R. § 9.406-4(a)(1) states that debarment shall be for a period commensurate with the severity of the cause. Generally, debarment should not exceed 3 years; however, there are exceptions.

federal database had populated in the contractor’s profile,⁶⁵ but a FAPIIS data field titled “Information on Trafficking in Persons” was not completed (see fig. 3).⁶⁶

Figure 3: Federal Awardee Performance and Integrity Information System (FAPIIS) Data Entry Does Not Show that the Contractor was Debarred Due to a Trafficking in Persons Violation

FAPIIS Data	Records	Count
Administrative Agreement	No	0
Defective Pricing	No	0
DoD Determination of Contractor Fault	No	0
Information on Trafficking in Persons	No	0
Non-Responsibility Determination	No	0
Recipient Not-Qualified Determination	No	0
Subcontractor Payment Issues	No	0
Termination for Cause	No	0
Termination for Default	No	0
Termination for Material Failure to Comply	No	0

Source: FAPIIS. | GAO-21-546

In the other DCIS-led investigation of TIP, the Army entered into an administrative compliance agreement with the contractor, but the Army contracting officer did not report that this action was related to TIP in FAPIIS. The Army’s Procurement Fraud Division is responsible for entering information on administrative agreements into FAPIIS when it is the office that took the action against the contractor, according to an official from that office. The FAPIIS entry for the contractor indicated that the contractor had an administrative agreement, but did not include information in the “Information on Trafficking in Persons” data field (see fig. 4).

⁶⁵The System for Award Management is a U.S. government database used to register contractors interested in doing business with the federal government. The system allows contractors to make certifications, and contracting officials to include performance information on contractors, such as inputting information on exclusions like debarments.

⁶⁶We also analyzed data from FAPIIS for all contract-based FAPIIS entries at two different times, June 2020 and January 2021. These data included a field named Record Type, which indicates that reason for the entry. None of the more than 2,500 entries included trafficking in persons as the record type.

Figure 4: Federal Awardee Performance and Integrity Information System (FAPIIS) Data Entry Does Not Show the Contractor Had an Administrative Compliance Agreement Due to a Trafficking in Persons Violation

FAPIIS Data	Records	Count
Administrative Agreement	Yes	1
Defective Pricing	No	0
DoD Determination of Contractor Fault	No	0
Information on Trafficking in Persons	No	0
Non-Responsibility Determination	No	0
Recipient Not-Qualified Determination	No	0
Subcontractor Payment Issues	No	0
Termination for Cause	No	0
Termination for Default	No	0
Termination for Material Failure to Comply	No	0

Source: FAPIIS. | GAO-21-546

For the debarment, an Army official said the contracting officer was informed of the action taken against the subcontractor when it was proposed, but no one from the contracting command was notified of the final determination on the debarment, so the contracting officer did not know to report the debarment as related to a TIP incident in FAPIIS. For the administrative agreement, an Army official said the contracting officer did not report that the action was TIP related due to an oversight by the contracting officer. As a result of our work, an Army official said this TIP information would be entered into FAPIIS. As of June 2, 2021, the contracting officer had reported this information, and it appeared in the profile for a similarly named company, but not in the profile that also had the administrative agreement reported.

As previously discussed, the Army’s Procurement Fraud Division debarred two other contractors that were not reported by the Army in its annual self-assessments. We found that one contractor with a still active debarment had a profile in FAPIIS. However, the debarment, like the contractors above, was neither reported as related to TIP in FAPIIS nor listed in FAPIIS, despite not ending until February 2022, according to information from the Army’s Procurement Fraud Division. The other contractor’s debarment had ended in 2018 according to information from the Army’s Procurement Fraud Division.

The FAR and the DODI identify different officials as responsible for ensuring the information is reported in FAPIIS. The Army has not developed its own guidance to clarify CTIP responsibilities across the department, according to an Army official. If the Army does not ensure

that its contracting officers are properly reporting actions taken against contractors as related to TIP in FAPIIS, then contracting officers, including those inside and outside of DOD, will lack complete information when making future award decisions involving contractors who engaged in TIP.

Similarly, DODIG previously reported that contracting officers in U.S. Central Command's region had not reported contractor past performance into the Contractor Performance Assessment Reporting System, which feeds information to FAPIIS. DODIG concluded that because contracting officers had not entered past performance data in a timely manner, they could not be sure they had awarded contracts only to contractors that had not committed TIP violations. At the time, Army officials committed to issuing a memorandum to contracting officers to instruct them to include TIP incidents in the Contractor Performance Assessment Reporting System,⁶⁷ but as of April 30, 2021, DODIG officials said the Army had not yet issued the memorandum.

Conclusions

Since the 1990s, allegations about the abuse of foreign workers hired to support U.S. military operations overseas have arisen. These workers are vulnerable because they have often left their home countries to seek employment and a higher standard of living elsewhere. DOD contractors hire foreign workers to support overseas military missions by providing essential services, such as building construction and food service. Although the U.S. government has a zero tolerance policy for TIP, many contracting officers and CORs conducted little oversight of contractors' CTIP efforts in SOUTHCOM, were uncertain about their CTIP oversight responsibilities, and had not taken the required training that defined their responsibilities. Moreover, DOD personnel told us they face many competing priorities that lessen their focus on CTIP. Two commands have initiated corrective actions, but the Army and Navy need to take additional actions to ensure all contracting officers and CORs take the correct required training and implement their CTIP oversight responsibilities.

In addition, not all DOD components we reviewed had reported the complete numbers of their TIP investigations or accurately reported all the TIP incidents that resulted in an action taken against a contractor as TIP

⁶⁷DODIG-2019-088.

violations in a required federal database. Moreover, internal disagreements about which office should receive and report on contractor TIP incidents will result in DOD leadership not having full information on all TIP violations, which may affect their prioritization of CTIP responsibilities. These limitations in DOD's CTIP guidance, training, and reporting lessen the ability of DOD contracting officials to detect TIP in contracts, respond effectively, and make informed decisions on awards based on a contractor's TIP history. They will also lessen the ability of DOD to ensure that the United States can enforce its zero tolerance policy to regarding contractors engaging in TIP overseas.

Recommendations for Executive Action

We are making six recommendations to DOD, including three to the Secretary of Defense, two to the Secretary of the Army, and one to the Secretary of the Navy. Specifically:

The Secretary of the Army should issue guidance to highlight and reinforce CTIP responsibilities and explain how contracting personnel can monitor and oversee contractors' CTIP efforts. (Recommendation 1)

The Secretary of the Navy should issue guidance to highlight and reinforce CTIP responsibilities and explain how contracting personnel can monitor and oversee contractors' CTIP efforts. (Recommendation 2)

The Secretary of Defense should reinstate requirements for components to report the percentage of personnel who complete required acquisition professionals CTIP training in their annual self-assessments. (Recommendation 3)

The Secretary of Defense should clarify guidance for reporting TIP investigations by DOD components in their annual self-assessments, such as informing CTIP program managers to collect data from their component's offices involved in debarments related to contractor TIP incidents. (Recommendation 4)

The Secretary of Defense should clarify which offices should be involved in receiving and reporting on TIP incidents involving contractors to ensure that DOD provides complete information on its CTIP activities for the Attorney General's annual required report to Congress. (Recommendation 5)

The Secretary of the Army should issue guidance clarifying which Army personnel are responsible for accurately reporting in FAPIIS actions taken against contractors for TIP violations, as required by DOD policy. (Recommendation 6)

Agency Comments on Our Evaluation

We provided a draft of this report to the Department of Defense for review and comment. In its comments (reproduced in Appendix IV), DOD concurred with all of our recommendations.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Defense, the Secretary of the Army, and the Acting Secretary of the Navy.

If you or your staff have any questions about this report, please contact me at (202) 512-4409 or LoveL@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.

A handwritten signature in black ink that reads "Latesha Love". The signature is written in a cursive style with a large, looping initial "L".

Latesha Love
Director, International Affairs and Trade

List of Committees

The Honorable Jack Reed
Chairman
The Honorable James M. Inhofe
Ranking Member
Committee on Armed Services
United States Senate

The Honorable Jon Tester
Chairman
The Honorable Richard Shelby
Ranking Member
Subcommittee on Defense
Committee on Appropriations
United States Senate

The Honorable Adam Smith
Chairman
The Honorable Mike Rogers
Ranking Member
Committee on Armed Services
House of Representatives

The Honorable Betty McCollum
Chair
The Honorable Ken Calvert
Ranking Member
Subcommittee on Defense
Committee on Appropriations
House of Representatives

Appendix I: Objectives, Scope, and Methodology

The Conference Report that accompanied the National Defense Authorization Act for Fiscal Year 2020 included a provision for GAO to report on the Department of Defense's (DOD) efforts to combat trafficking in persons (CTIP). This report examines (1) updates DOD has made to its guidance and training for monitoring and reporting TIP incidents in contracts since our 2014 report,¹ (2) the extent to which selected DOD components have implemented oversight and training for CTIP in contracts,² and (3) the extent to which selected DOD components have tracked and reported investigations of TIP incidents in contracts from fiscal years 2015 through 2020.

To examine how DOD has updated its CTIP-related guidance and training, we reviewed federal laws and DOD-developed guidance, regulations, and training. This included reviewing relevant sections of the Defense Federal Acquisition Regulation Supplement (DFARS); DFARS Procedures, Guidance, and Information (DFARS/PGI); and DOD Instruction 2200.01. We compared versions of these regulations and guidance that were in effect from fiscal years 2015 through 2020 and identified key updates, including changes in requirements for overseeing contracts for TIP incidents, CTIP training for acquisition professionals, and reporting TIP incidents.

To examine the extent to which selected DOD components implemented guidance and training to oversee CTIP in contracts, we judgmentally selected U.S. Southern Command (SOUTHCOM) as an illustrative example. We selected SOUTHCOM because it has the highest cumulative proportion of third-country and local national staff outside of the U.S. Central Command,³ and because it established a human rights

¹GAO, *Human Trafficking: Oversight of Contractors' Use of Foreign Workers in High-Risk Environments Needs to Be Strengthened*, [GAO-15-102](#) (Washington, D.C.: November 18, 2014).

²DOD guidance refers to DOD Instruction (DODI) 2200.01 and the DFARS Procedures, Guidance, and Information (DFARS/PGI). DOD regulations refer to the CTIP-relevant sections of the Defense Federal Acquisition Regulation Supplement (DFARS).

³We did not focus on the U.S. Central Command because DODIG has issued several reports on TIP monitoring and investigations in this region.

office, which administers the command’s human rights policy and oversees compliance with DOD CTIP policy and training. We also interviewed selected Army and Navy contracting officers and CORs from four contracting commands that had the highest volume of contracts in the SOUTHCOM area of responsibility from fiscal years 2015 through 2020. These contracting commands include Army Contracting Command, U.S Army Corps of Engineers, Naval Supply Systems Command, and Naval Facilities Engineering Systems Command. We selected a non-generalizable sample of contracts that were valued at over \$500,000, employed third country nationals, and have a place of performance in the SOUTHCOM area of responsibility (for additional details see table 2).

Table 2: Department of Defense (DOD) Contracts Reviewed

Contracting Command	Contract Value	Contract Purpose
Army Contracting Command	\$55,930,619.56	Fund the upgrade and repair of 32 M109A5 Howitzers for the Government of Brazil
Army Contracting Command	\$1,644,228.00	Tropic test support services in support of the U.S. Army Yuma Proving Ground Tropic Regions Test Center
U.S. Army Corps of Engineers	\$20,136,503.48	Labor, materials, and equipment for the revitalization of a building at a naval base in Peru
U.S. Army Corps of Engineers	\$18,775,556.00	Revitalization of a building at a naval base in Peru
Naval Facilities Engineering Systems Command	\$57,860,000.00	Construction of solid waste facility in Guantanamo Bay, Cuba
Naval Facilities Engineering Systems Command	\$240,000,000.00	Design-build indefinite delivery indefinite quantity multiple award construction projects in Guantanamo Bay, Cuba
Naval Supply Systems Command	\$3,893,644.70	Resources and services to provide full food service at facilities and events in Guantanamo Bay, Cuba
Naval Supply Systems Command	\$1,202,508.84	Air terminal and ground handling services in support of the Defense Travel System at U.S. Naval Station at Guantanamo Bay, Cuba

Source: GAO analysis of DOD documentation | GAO-21-546

In addition, we also interviewed DOD officials from the CTIP Program Management Office (PMO), SOUTHCOM Human Rights Office, and other relevant offices. We analyzed the content of the interviews conducted with contracting officers and CORs to identify their challenges in implementing CTIP responsibilities. We also analyzed the interviews to determine how contracting officers and CORs conduct contract oversight for CTIP efforts; review, evaluate, and monitor CTIP compliance plans; and monitor for TIP incidents that may occur on their contracts. We grouped reported challenges into categories and determined which categories officials most frequently reported. We also conducted similar

analyses on contracting officers and CORs' responses regarding their CTIP training and understanding of training requirements. Our analysis does not constitute the entirety of relevant challenges or contract oversight. Instead, it highlights some of the more significant challenges regarding CTIP-related oversight in contracts as indicated by the frequency with which officials reported them. The results of this analysis are not generalizable beyond the uses in this report.

To determine the extent to which DOD CTIP training met mandatory DOD guidelines, we analyzed the content of the DOD CTIP's Training for Acquisition Professionals and its CTIP General Awareness Training. We also reviewed DOD guidance and memoranda and relevant FAR and DFARS regulations. We also compared recent revisions to DOD guidance in relationship to National Security Presidential Directive 22 and *Standards for Internal Control in the Federal Government* related to recruiting, developing, and retaining competent personnel.⁴

To examine the extent to which selected DOD components tracked and reported investigations of TIP incidents in contracts, we reviewed documents from the CTIP PMO and data on closed CTIP investigations from selected components and interviewed officials. We analyzed the annual CTIP self-assessments for the Army, the Navy, SOUTHCOM, and DOD's Office of Inspector General (DODIG) for fiscal years 2015 through 2020. We chose the Army, the Navy, and SOUTHCOM to align with our scope for objective 2. We also selected DODIG because of the dual functions that component has in DOD's CTIP effort with the Hotline receiving allegations of TIP incidents and the Defense Criminal Investigative Service (DCIS) investigating TIP incidents. The self-assessments include a section used to collect data for inclusion in the Attorney General's annual TIP report, and specifically include a question about all reported TIP incidents related to contractors and descriptions of the incidents. SOUTHCOM reported no incidents during this time, so we did not include that component's information.

To assess the reliability of the incident information in the self-assessments, we requested data on closed TIP investigations for fiscal years 2015 through 2020 directly from DCIS, the Army's Criminal Investigations Command (CID), and the Navy's Naval Criminal Investigative Service (NCIS). We then compared these data to the

⁴GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

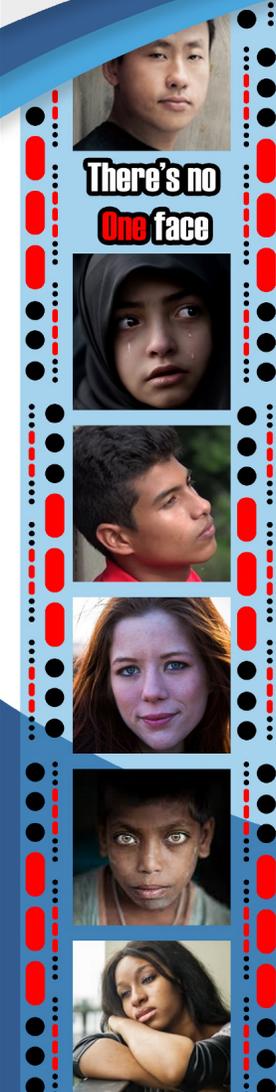
information reported in the self-assessments. This included confirming case numbers, if reported in the self-assessments, or comparing incident descriptions to reconcile the data. We included the results of this comparison in our report and noted when investigations matched in both data sets and when they did not. We interviewed officials from DCIS, CID, and NCIS about the systems they use to track their investigations, if they can mark their investigations as TIP-related in those systems, and how they ensure the quality of their data. While we identified some limitations, we found these data were sufficiently reliable for reporting on the number of CTIP incidents reported by selected DOD components in their annual self-assessments. These data are also sufficiently reliable to report on the number of closed CTIP investigations, and the outcomes of those investigations, conducted by DCIS, CID, and NCIS.

From our analysis of data on closed CTIP investigations from DCIS, CID, and NCIS, we determined the number of contractors that had an action, also called a remedy, taken against them due to a TIP violation. Executive Branch agencies, including DOD, are required to report TIP violations in the Federal Awardee Performance and Integrity Information System (FAPIIS). We analyzed the profiles for both contractors that a DOD component took an action against for a TIP violation. We checked to see if the profiles included information about the action taken, and if the contracting officer had reported that action as related to TIP, for which FAPIIS has a specific data field. We interviewed knowledgeable officials from the Army about the determination of which action to take, who is responsible for reporting information in FAPIIS, and ultimately, why the contracting officers did not completely report information in FAPIIS. We found this information was sufficiently reliable for reporting on whether the actions taken against contractors were completely reported in FAPIIS.

We conducted this performance audit from February 2020 to August 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Department of Defense Combating Trafficking in Persons Awareness Posters

Figure 5: Department of Defense (DOD) Combating Trafficking in Persons (CTIP) Awareness Poster, English Version



There's no One face

COMBATING TRAFFICKING IN PERSONS
U.S. DEPARTMENT OF DEFENSE

STOP Human Trafficking
Force, fraud, or coercion to compel a person to provide labor, services, or commercial sex.

Victims come from all backgrounds and can be women, men, and children.

Any minor (under 18 years of age) involved in commercial sex is a victim of human trafficking.

Recognize SIGNS

Physical/Environmental Indicators include signs of abuse, no identification, confined to worksite.

Psychological/Behavioral Indicators include submissive, anxious, lack of free will.

REPORT IT

Chain of Command
Local Law Enforcement
DoD Inspector General Hotline
1-800-424-9098 or visit <http://www.dodig.mil/hotline>
National Human Trafficking Hotline
1-888-373-7888.



For more information go to:
CTIP.defense.gov/

Source: DOD. | GAO-21-546

Figure 6: Department of Defense (DOD) Combating Trafficking in Persons (CTIP) Awareness Poster, Tagalog Version

LABANAN ANG PANGANGALAKAL SA MGA TAO
KAGAWARAN NG TANGGULAN NG ESTADOS UNIDOS

IHINTO ang Pangangalakal ng Tao

Dahas, Panlilinlang o sapilitang pagpwersa ng isang tao na magbigay ng paggawa, mga serbisyo, o pangangalakal na sekswal o pakikipagtalik.

Ang mga biktima ay nagmumula sa lahat ng iba't ibang karanasan at maaaring mga kababaihan, kalalakhian at mga bata.

ANG SINUMANG MENOR DE EDAD
(na bababa sa edad ng 18 taong gulang) na kasangkot sa pangangalakal na sekswal ay biktima ng pangangalakal ng tao.

Kilalanin ang mga PALATANDAAN

Kabilang sa Pisikal / Pangkapaligirang Indikador ay ang mga palatandaan ng pang-aabuso, walang pagkakakilanlan, nakakulong sa pinagtatrabahuhan.

Kabilang sa mga Sikolohikal /Indikador ay ang pagiging masunurin, pagkabalisa at kakulangan ng malayang kalooban.

ISUMBONG MO

Pagkakaayos ng Kapangyarihan
Lokal na Tagapagpatupad ng Batas
Hotline ng Inspektor Heneral ng DoD
1-800-424-9098 o bisitahin ang <http://www.dodig.mil/hotline>
Hotline ng Pambansang Pangangalakal ng Tao
1-888-373-7888.

Para sa karagdagang impormasyon bisitahin ang:
CTIP.defense.gov/

Source: DOD. | GAO-21-546

Appendix III: Combating Trafficking in Persons Fact Sheet for Acquisition Workforce

Figure 7: Combating Trafficking in Persons Fact Sheet Developed by Naval Supply Systems Command (NAVSUP) Fleet Logistics Command Jacksonville



Combat Trafficking In Persons (CTIP) FACT SHEET

WHAT IS THE ACQUISITION WORKFORCE ROLE IN CTIP?
Members of the acquisition workforce have responsibilities in all phases of acquisition to ensure that the U.S. Government is taking action to prevent, report, and remedy human trafficking in federal contracts. To combat trafficking, acquisition professionals can ensure FAR compliance which 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.

PROVISIONS/CLAUSES

Provision (P) Clause (C)	Applicability	Requirements
FAR 52.222-50 (C)	In all solicitations & contracts	KTR must maintain a compliance plan during contract performance.
FAR 52.222-50 Alternate I (C)	When contract is performed OCONUS	Revises the basic clause to include specific directives or notices that apply to employees performing work at POP
FAR 52.222-56 (P)	If it is possible that at least \$550K of KT value performed OCONUS and acquisition is not entirely for commercially available off-the-shelf-items	Requires a successful Offeror to certify that it has implemented a compliance plan to prevent TIP required by para (b) of FAR 52.222-50

CTIP ACQUISITION TRAINING REQUIREMENTS

- Defense acquisition professionals that represent & serve in the 16 functional areas IAW DoDI 2200.01 para 3.4 (b) (1) thru (16) will be required to take the CTIP for DoD Acquisition Professionals in addition to the General Awareness.
- CTIP Acquisition Professionals training is required for initial and refresher training every three (3) years pursuant to DoDI 2200.01 para 3.4 (c). Training via DAU DoD 002 – CTIP for DoD Acquisition Professionals or TWMS 71808 DoD CTIPACP-3.0 CTIP for Acquisition & Contracting Professionals is the required refresher.

REGULATIONS/RESOURCES
 Want to know more? Check out the following.

- DoDI 2200.01
- JP 4-10 Operational Contract Support
- FAR 25.003 & 42.1503 (h)(1)(v)
- DFARS PGI 222.17 & PGI 225.370
- DoD CTIP website https://ctip.defense.gov/Related_Links/
- Geographic Combatant Command AOR CTIP requirements: http://www.acq.osd.mil/dpap/pac/cc/areas_of_responsibility.html



DoD COMBATING TRAFFICKING IN PERSONS

HOTLINES:

- DoD IG:** 800.424.9098
- National Center for Missing & Exploited Children Cyber Tip Line:** 800.843.5678
- National Human Trafficking:** 888.373.7888 (TTY: 711)

CONTRACT COMPLIANCE 'CTIP' TIPS

The following tips will help in the management and oversight in combating TIP:

- Ensure solicitation/contract includes required CTIP provision and clause as identified above.
- Ensure the Offeror includes their Compliance plan IAW FAR 52.222-50 (h) (1) thru (4) inclusive of requirement, plan duration, minimum requirements, and posting.
- Ensure understanding of the 'flowdown requirements'. If the contract contains 'subcontracting', then follow the guidance as identified in FAR 52.222-50 (i) (1) (i) & (ii).
- Ensure QASP & COR appointment letter outlines the oversight requirements of CTIP IAW DFARS PGI 222.1703 (b).
- Ensure contractor submits their annual compliance plan certification IAW FAR 52.222-50 (h) (5).
- Ensure TIP is communicated from Contractor to the KO timely IAW FAR 52.222-50 (d) 1 & 2.

CTIP GUIDANCE TO ACQUISITION & CONTRACTORS

Reference	Purpose/Intent
FAR 22.17	Requires government contracts to (a) Prohibit contractors, contractor employees, subcontractors, and subcontractor employees from engaging in trafficking in persons in the contract.
DFARS PGI 222.17	Provides useful information regarding Quality Assurance Surveillance Plans (QASP), the role of the COR in monitoring the contractor's CTIP compliance, and requirements if there is a CTIP violation.

FLCJ C210 VER 1.2 NOV 2020

Source: DOD. | GAO-21-546

Appendix IV: Comments from the Department of Defense



HEADQUARTERS
DEFENSE HUMAN RESOURCES ACTIVITY
4800 MARK CENTER DRIVE, SUITE 06J25-01
ALEXANDRIA, VA 22350-4000

Ms. Latesha Love
Director, International Affairs & Trade
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Love:

This is the Department of Defense (DoD) response to the GAO Draft Report, GAO-21-546, 'HUMAN TRAFFICKING: DOD Should Address Weaknesses in Oversight of Contractors and Reporting of Investigations Related to Contracts,' dated June 21, 2021 (GAO Code 104115).

My point of contact is Ms. Linda Dixon, who may be reached at linda.k.dixon7.civ@mail.mil or (703) 389-4238.

Sincerely,

BOOTH WILLIAM H. 1067024
M.H.1067024229
William H. Booth
Director

Digitally signed by
BOOTH WILLIAM H. 1067024
229
Date: 2021.07.13 16:23:39
-04'00'

GAO DRAFT REPORT DATED JUNE 21, 2021
GAO-21-546 (GAO CODE 104115)

“HUMAN TRAFFICKING: DOD SHOULD ADDRESS WEAKNESSES IN
OVERSIGHT OF CONTRACTORS AND REPORTING OF INVESTIGATIONS
RELATED TO CONTRACTS”

DEPARTMENT OF DEFENSE COMMENTS
TO THE GAO RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommends that the Secretary of the Army should issue guidance to highlight and reinforce Combating Trafficking in Persons (CTIP) responsibilities and explain how contracting personnel can monitor and oversee contractors’ CTIP efforts.

DoD RESPONSE: Concur. The Office of Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)) will provide guidance to contracting officers that highlights and reinforces CTIP responsibilities and explains how contracting personnel can monitor and oversee contractors’ CTIP efforts. The guidance will remind contracting officers to complete the required CTIP training; to coordinate with the requiring activity to ensure the appropriate CTIP-monitoring activities are included in the Quality Assurance Surveillance Plan and accomplished during contract administration; to ensure Contracting Officer’s Representative completion of required training; and to take appropriate action upon receipt of credible information regarding a TIP violation.

Estimated Completion Date: NLT 2nd Quarter Fiscal Year 2022

Response provided by Mr. John Curtis, ODASA(P)

RECOMMENDATION 2: The GAO recommends that the Secretary of the Navy should issue guidance to highlight and reinforce CTIP responsibilities and explain how contracting personnel can monitor and oversee contractors’ CTIP efforts.

DoD RESPONSE: The U.S. Department of the Navy concurs without comment.

RECOMMENDATION 3: The GAO recommends that the Secretary of Defense should reinstate requirements for components to report the percentage of personnel who complete required acquisition professionals CTIP training in their annual self-assessments.

DoD RESPONSE: The DoD concurs. The CTIP Program Management Office (PMO) will add a data call to the annual CTIP Self-Assessment, beginning with the Fiscal Year 2021 tasking in August 2021 to the DoD Components. The CTIP PMO will request the following information for the Acquisition Professionals training:

Appendix IV: Comments from the Department of Defense

- How many acquisition professionals are there in your Component? (See Section 3.4 in DoDI 2200.01 for a list of personnel who are considered acquisition professionals.)
- Of that total, how many are required to take CTIP Acquisition Professionals training in Fiscal Year 2021? The requirement for acquisition personnel is to take the training once every three years.
- How many of the required personnel took the training in Fiscal Year 2021?

RECOMMENDATION 4: The GAO recommends that the Secretary of Defense should clarify guidance for reporting TIP investigations by DOD components in their annual self-assessments, such as informing CTIP program managers to collect data from their component's suspension and debarment offices related to contractor TIP incidents.

DoD RESPONSE: The DoD concurs. The CTIP PMO will convene a meeting in the summer of 2021, before the annual CTIP Self-Assessment for Fiscal Year 2021 is tasked, with its CTIP points of contact (POCs) in the Services and the DoD Inspector General's Office and the Defense Criminal Investigative Services (CID, DCIS, NCIS, OSI) to review the TIP case data collection sheets and to inform the POCs they need to reach out to their Service Suspension and Debarment representatives as well as their Staff Judge Advocates to request TIP case information.

RECOMMENDATION 5: The GAO recommends that the Secretary of Defense should clarify which offices should be involved in receiving and reporting on TIP incidents involving contractors to ensure that DOD provides complete information on its CTIP activities for the Attorney General's annual required report to Congress.

DoD RESPONSE: The DoD concurs. The CTIP PMO will work with the CTIP POC in the Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)) to determine the best and most efficient method of receiving and reporting information on TIP incidents involving contractors. The Under Secretary of Defense for Personnel and Readiness will task OUSD(A&S) annually through the CTIP PMO in the CTIP Self-Assessment for the incident information. The CTIP PMO will include the data call information obtained by OUSD(A&S) in the consolidated DoD submission for the U.S. Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons.

RECOMMENDATION 6: The GAO recommends that the Secretary of the Army should issue guidance clarifying which Army personnel are responsible for accurately reporting in FAPIIS actions taken against contractors for TIP violations, as required by DOD policy.

DoD RESPONSE: Concur. The ODASA(P) will provide guidance clarifying which Army personnel are responsible for accurately reporting in FAPIIS actions taken against contractors for TIP violations, as required by DoD policy. The guidance will state that the contracting officer of the contract under which allegations of a TIP violation are made is responsible for entering the violation in FAPIIS, following receipt of a final determination that the allegations are substantiated.

Estimated Completion Date: NLT 2nd Quarter Fiscal Year 2022

**Appendix IV: Comments from the Department
of Defense**

Response provided by Mr. John Curtis, ODASA(P)

Text of Appendix IV: Comments from the Department of Defense

Ms. Latesha Love

Director, International Affairs & Trade

U.S. Government Accountability Office 441 G Street, NW

Washington, DC 20548

Dear Ms. Love:

This is the Department of Defense (DoD) response to the GAO Draft Report, GAO-21-546, 'HUMAN TRAFFICKING: DOD Should Address Weaknesses in Oversight of Contractors and Reporting of Investigations Related to Contracts,' dated June 21, 2021 (GAO Code 104115).

My point of contact is Ms. Linda Dixon, who may be reached at linda.k.dixon7.civ@mail.mil or (703) 389-4238.

Sincerely,

William H. Booth Director

GAO DRAFT REPORT DATED JUNE 21, 2021 GAO-21-546
(GAO CODE 104115) "HUMAN TRAFFICKING: DOD SHOULD
ADDRESS WEAKNESSES IN OVERSIGHT OF CONTRACTORS
AND REPORTING OF INVESTIGATIONS RELATED TO
CONTRACTS"

DEPARTMENT OF DEFENSE COMMENTS TO THE GAO
RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommends that the Secretary of the Army should issue guidance to highlight and reinforce Combating Trafficking in

Persons (CTIP) responsibilities and explain how contracting personnel can monitor and oversee contractors' CTIP efforts.

DoD RESPONSE: Concur. The Office of Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)) will provide guidance to contracting officers that highlights and reinforces CTIP responsibilities and explains how contracting personnel can monitor and oversee contractors' CTIP efforts. The guidance will remind contracting officers to complete the required CTIP training; to coordinate with the requiring activity to ensure the appropriate CTIP- monitoring activities are included in the Quality Assurance Surveillance Plan and accomplished during contract administration; to ensure Contracting Officer's Representative completion of required training; and to take appropriate action upon receipt of credible information regarding a TIP violation.

Estimated Completion Date: NLT 2nd Quarter Fiscal Year 2022 Response provided by Mr. John Courtis, ODASA(P)

RECOMMENDATION 2: The GAO recommends that the Secretary of the Navy should issue guidance to highlight and reinforce CTIP responsibilities and explain how contracting personnel can monitor and oversee contractors' CTIP efforts.

DoD RESPONSE: The U.S. Department of the Navy concurs without comment.

RECOMMENDATION 3: The GAO recommends that the Secretary of Defense should reinstate requirements for components to report the percentage of personnel who complete required acquisition professionals CTIP training in their annual self-assessments.

DoD RESPONSE: The DoD concurs. The CTIP Program Management Office (PMO) will add a data call to the annual CTIP Self-Assessment, beginning with the Fiscal Year 2021 tasking in August 2021 to the DoD Components. The CTIP PMO will request the following information for the Acquisition Professionals training:

- How many acquisition professionals are there in your Component? (See Section 3.4 in DoDI 2200.01 for a list of personnel who are considered acquisition professionals.)
- Of that total, how many are required to take CTIP Acquisition Professionals training in Fiscal Year 2021? The requirement for acquisition personnel is to take the training once every three years.
- How many of the required personnel took the training in Fiscal Year 2021?

RECOMMENDATION 4: The GAO recommends that the Secretary of Defense should clarify guidance for reporting TIP investigations by DOD components in their annual self-assessments, such as informing CTIP program managers to collect data from their component's suspension and debarment offices related to contractor TIP incidents.

DoD RESPONSE: The DoD concurs. The CTIP PMO will convene a meeting in the summer of 2021, before the annual CTIP Self-Assessment for Fiscal Year 2021 is tasked, with its CTIP points of contact (POCs) in the Services and the DoD Inspector General's Office and the Defense Criminal Investigative Services (CID, DCIS, NCIS, OSI) to review the TIP case data collection sheets and to inform the POCs they need to reach out to their Service Suspension and Debarment representatives as well as their Staff Judge Advocates to request TIP case information.

RECOMMENDATION 5: The GAO recommends that the Secretary of Defense should clarify which offices should be involved in receiving and reporting on TIP incidents involving contractors to ensure that DOD provides complete information on its CTIP activities for the Attorney General's annual required report to Congress.

DoD RESPONSE: The DoD concurs. The CTIP PMO will work with the CTIP POC in the Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)) to determine the best and most efficient method of receiving and reporting information on TIP incidents involving contractors. The Under Secretary of Defense for Personnel and Readiness will task OUSD(A&S) annually through the CTIP PMO in the CTIP Self-Assessment for the incident information. The CTIP PMO will include the data call information obtained by OUSD(A&S) in the consolidated DoD submission for the U.S. Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons.

RECOMMENDATION 6: The GAO recommends that the Secretary of the Army should issue guidance clarifying which Army personnel are responsible for accurately reporting in FAPIIS actions taken against contractors for TIP violations, as required by DOD policy.

DoD RESPONSE: Concur. The ODASA(P) will provide guidance clarifying which Army personnel are responsible for accurately reporting in FAPIIS actions taken against contractors for TIP violations, as required by DoD policy. The guidance will state that the contracting officer of the contract under which allegations of a TIP violation are made is responsible for entering the violation

in FAPIIS, following receipt of a final determination that the allegations are substantiated.

Estimated Completion Date: NLT 2nd Quarter Fiscal Year 2022

Response provided by Mr. John Curtis, ODASA(P)

Appendix V: GAO Contacts and Staff Acknowledgments

GAO Contact:

Latesha Love, Director, (202) 512-4409 or LoveL@gao.gov

Staff Acknowledgements:

In addition to the contact named above, Cheryl Goodman (Assistant Director), Christopher Hayes (Analyst-in-Charge), Jina Yu, Mollie Todd, Aldo Salerno, Christopher Keblitis, and Farhanaz Kermalli made key contributions to this report. In addition, Ashley Alley, Timothy DiNapoli, Sally Newman, Guisseli Reyes-Turnell, Cary Russell, Michael Silver, and Tatiana Winger provided technical assistance.

GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through our website. Each weekday afternoon, GAO posts on its [website](#) newly released reports, testimony, and correspondence. You can also [subscribe](#) to GAO's email updates to receive notification of newly posted products.

Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <https://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#).
Subscribe to our [RSS Feeds](#) or [Email Updates](#). Listen to our [Podcasts](#).
Visit GAO on the web at <https://www.gao.gov>.

To Report Fraud, Waste, and Abuse in Federal Programs

Contact FraudNet:

Website: <https://www.gao.gov/about/what-gao-does/fraudnet>

Automated answering system: (800) 424-5454 or (202) 512-7700

Congressional Relations

Orice Williams Brown, Managing Director, WilliamsO@gao.gov, (202) 512-4400,
U.S. Government Accountability Office, 441 G Street NW, Room 7125,
Washington, DC 20548

Public Affairs

Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800
U.S. Government Accountability Office, 441 G Street NW, Room 7149
Washington, DC 20548

Strategic Planning and External Liaison

Stephen J. Sanford, Acting Managing Director, spel@gao.gov, (202) 512-4707
U.S. Government Accountability Office, 441 G Street NW, Room 7814,
Washington, DC 20548



Please Print on Recycled Paper.