

DFARS Procedures, Guidance, and Information

PGI 222—Labor Laws

(Added October 26, 2006)

PGI 222.17—COMBATING TRAFFICKING IN PERSONS

PGI 222.1703 Policy.

(i) The DoD Office of the Deputy Inspector General for Inspections and Policy (DoD OIG(I&P)) assists in implementing DoD Trafficking in Persons (TIP) programs and evaluates DoD's efforts to combat TIP. The DoD OIG(I&P) TIP website is <http://www.dodig.osd.mil/Inspections/IPO/combatinghuman.htm>. The website includes DoD policy memoranda, TIP awareness policy, DoD OIG policy on human trafficking, TIP awareness training, and a link to the Department of State TIP website, <http://www.state.gov/g/tip>.

(ii) Secretary of Defense memorandum of September 16, 2004 (located at http://www.dodig.osd.mil/Inspections/IPO/SECDEF_TIP_Policy.pdf), Subject: Combating Trafficking in Persons, states that "Trafficking includes involuntary servitude and debt bondage. These trafficking practices will not be tolerated in DoD contractor organizations or their subcontractors in supporting DoD operations."

(iii) Deputy Secretary of Defense memorandum of January 30, 2004 (located at http://www.dodig.osd.mil/Inspections/IPO/OSD_HT_Policy.pdf), Subject: Combating Trafficking in Persons in the Department of Defense, requires the incorporation of provisions in overseas contracts that—

(A) Prohibit any activities on the part of contractor employees that support or promote trafficking in persons; and

(B) Impose suitable penalties on contractors who fail to monitor the conduct of their employees.

(iv) DoD Instruction 5525.11, Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members, dated March 3, 2005, implements policies and procedures, and assigns responsibilities, under the Military Extraterritorial Jurisdiction Act of 2000, as amended by Section 1088 of the National Defense Authorization Act for Fiscal Year 2005, for exercising extraterritorial criminal jurisdiction over certain current and former members of the U.S. Armed Forces, and over civilians employed by or accompanying the U.S. Armed Forces outside the United States. The instruction is available at the Washington Headquarters Services website, <http://www.dtic.mil/whs/directives/>.

PGI 222.1704 Violations and remedies.

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After determining in writing that the contractor has failed to comply with paragraph (c) or (d) of the clause at FAR 52.222-50, or with paragraphs (c), (d), (e), or (g) of the clause at DFARS 252.222-7006, the contracting officer may—

(1) Withhold contract payments in accordance with the payments clause or other terms and conditions of the contract;

(2) Suspend contract payments in accordance with the procedures at FAR 32.503-6(a)(1); or

(3) Recommend debarment or suspension in accordance with the procedures in FAR Subpart 9.4 and DFARS Subpart 209.4.

PGI 222.1704-70 Notification to Combatant Commander.

The Unified Combatant Command DefenseLINK website, <http://www.defenselink.mil/specials/unifiedcommand/>, identifies each command's area of responsibility and provides contact information for the Combatant Commander.