

(e)(1) \* \* \*  
(ii) \* \* \*

(K) (1) 52.222-50, Combating Trafficking in Persons (JAN 2019) (22 U.S.C. chapter 78 and E.O. 13627).  
\* \* \* \* \*

■ 5. Amend section 52.213-4 by revising the date of the clause and paragraphs (a)(2)(viii) and (b)(1)(viii)(A) to read as follows:

**52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).**

\* \* \* \* \*  
Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (JAN 2019)

(a) \* \* \*  
(2) \* \* \*

(viii) 52.244-6, Subcontracts for Commercial Items (JAN 2019).  
\* \* \* \* \*

(b) \* \* \*  
(1) \* \* \*

(viii)(A) 52.222-50, Combating Trafficking in Persons (JAN 2019) (22 U.S.C. chapter 78 and E.O. 13627) (Applies to all solicitations and contracts).  
\* \* \* \* \*

■ 6. Amend section 52.222-50 by—

- a. Revising the date of the clause;
- b. Adding to paragraph (a), in alphabetical order, the definition “Recruitment fees”;
- c. Revising paragraph (b)(5)(i);
- d. Removing from paragraph (b)(6) “employees” and adding “employees or potential employees” in its place; and
- e. Removing from paragraph (h)(3)(iii) “employee,” and adding “employee or potential employee,” in its place.

The revisions and addition read as follows:

**52.222-50 Combating Trafficking in Persons.**

\* \* \* \* \*

**Combating Trafficking in Persons (JAN 2019)**

(a) \* \* \*

*Recruitment fees* means fees of any type, including charges, costs, assessments, or other financial obligations, that are associated with the recruiting process, regardless of the time, manner, or location of imposition or collection of the fee.

(1) Recruitment fees include, but are not limited to, the following fees (when they are associated with the recruiting process) for—

(i) Soliciting, identifying, considering, interviewing, referring, retaining, transferring, selecting, training, providing orientation to, skills testing,

recommending, or placing employees or potential employees;

(ii) Advertising;  
(iii) Obtaining permanent or temporary labor certification, including any associated fees;

(iv) Processing applications and petitions;

(v) Acquiring visas, including any associated fees;

(vi) Acquiring photographs and identity or immigration documents, such as passports, including any associated fees;

(vii) Accessing the job opportunity, including required medical examinations and immunizations; background, reference, and security clearance checks and examinations; and additional certifications;

(viii) An employer’s recruiters, agents or attorneys, or other notary or legal fees;

(ix) Language interpretation or translation, arranging for or accompanying on travel, or providing other advice to employees or potential employees;

(x) Government-mandated fees, such as border crossing fees, levies, or worker welfare funds;

(xi) Transportation and subsistence costs—

(A) While in transit, including, but not limited to, airfare or costs of other modes of transportation, terminal fees, and travel taxes associated with travel from the country of origin to the country of performance and the return journey upon the end of employment; and

(B) From the airport or disembarkation point to the worksite;

(xii) Security deposits, bonds, and insurance; and

(xiii) Equipment charges.

(2) A recruitment fee, as described in the introductory text of this definition, is a recruitment fee, regardless of whether the payment is—

(i) Paid in property or money;

(ii) Deducted from wages;

(iii) Paid back in wage or benefit concessions;

(iv) Paid back as a kickback, bribe, in-kind payment, free labor, tip, or tribute; or

(v) Collected by an employer or a third party, whether licensed or unlicensed, including, but not limited to—

(A) Agents;

(B) Labor brokers;

(C) Recruiters;

(D) Staffing firms (including private employment and placement firms);

(E) Subsidiaries/affiliates of the employer;

(F) Any agent or employee of such entities; and

(G) Subcontractors at all tiers.

\* \* \* \* \*

(b) \* \* \*

(5)(i) Use misleading or fraudulent practices during the recruitment of employees or offering of employment, such as failing to disclose, in a format and language understood by the employee or potential employee, basic information or making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including wages and fringe benefits, the location of work, the living conditions, housing and associated costs (if employer or agent provided or arranged), any significant costs to be charged to the employee or potential employee, and, if applicable, the hazardous nature of the work;  
\* \* \* \* \*

■ 7. Amend section 52.244-6 by revising the date of the clause and paragraph (c)(1)(xiii)(A) to read as follows:

**52.244-6 Subcontracts for Commercial Items.**

\* \* \* \* \*

**Subcontracts for Commercial Items (JAN 2019)**

\* \* \* \* \*

(c)(1) \* \* \*

(xiii)(A) 52.222-50, Combating Trafficking in Persons (JAN 2019) (22 U.S.C. chapter 78 and E.O. 13627).  
\* \* \* \* \*

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**DEPARTMENT OF DEFENSE  
GENERAL SERVICES  
ADMINISTRATION NATIONAL  
AERONAUTICS AND SPACE  
ADMINISTRATION**

**48 CFR Chapter 1**

[Docket No. FAR 2018-0001, Sequence No. 6]

**Federal Acquisition Regulation;  
Federal Acquisition Circular 2019-01;  
Small Entity Compliance Guide**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Small entity compliance guide.

**SUMMARY:** This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement

Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2019-01, which amends the Federal Acquisition Regulation (FAR). An asterisk (\*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain

further information regarding this rule by referring to FAC 2019-01, which precedes this document. These documents are also available via the internet at <http://www.regulations.gov>.

**DATES:** December 20, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cecelia Davis at 202-219-0202 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755. Please cite FAC 2019-01, FAR Case 2015-017.

**RULE LISTED IN FAC 2019-01**

Subject	FAR case	Analyst
* Combating Trafficking in Persons—Definition of “Recruitment Fees” .....	2015-017	Davis.

**SUPPLEMENTARY INFORMATION:** A summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR Case, refer to the specific item number and subject set forth in the document following this item summary. FAC 2019-01 amends the FAR as follows:

**Combating Trafficking in Persons—Definition of “Recruitment Fees” (FAR Case 2015-017)**

This final rule amends the Federal Acquisition Regulation (FAR) to provide a definition of “recruitment fees” in FAR subpart 22.17 and the associated clause at FAR 52.222-50 to further implement the FAR policy on combating trafficking in persons. One element in combating trafficking in persons is to prohibit contractors from

charging employees or potential employees recruitment fees.

This final rule will not have a significant economic impact on a substantial number of small entities.

Dated: December 10, 2018.

**William F. Clark,**

*Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

[FR Doc. 2018-27544 Filed 12-19-18; 8:45 am]

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