

Inspector General

United States Department *of* Defense



Evaluation of DoD Contracts Regarding
Combating Trafficking in Persons:
Afghanistan

Inspector General

United States Department of Defense

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

May 15, 2012

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Evaluation of DoD Contracts Regarding Combating Trafficking in Persons:
Afghanistan (Project No. D2009-DIPOE3-0260.004
Report No. DODIG-2012-086)

We are providing this report for information and use.

We previously requested and received management comments on the draft of this statutorily required annual report from U.S. Central Command and the Assistant Secretary of the Army for Acquisition, Logistics, and Technology and considered their comments in preparing this final report.

We appreciate all courtesies extended to the staff. Please direct questions to SPO@dodig.mil. We will provide a formal briefing if management requests.

Kenneth P. Moorefield
Deputy Inspector General
for Special Plans and Operations

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Results in Brief: Evaluation of Department of Defense Contracts Regarding Combating Trafficking in Persons: Afghanistan

What We Did

Section 232 of the “William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008,” Public Law 110-457 (December 23, 2008), requires the Inspectors General of the Department of Defense, the Department of State, and the United States Agency for International Development to investigate a sample of contracts for which there is a heightened risk that a contractor may engage in acts related to trafficking in persons.

In response, we reviewed a sample of 240 Department of Defense contracts with a place of performance in the Islamic Republic of Afghanistan for compliance with the “Trafficking Victims Protection Act of 2000,” Title 22, United States Code, Chapter 78 (as amended).

In January and February 2012, we conducted site visits at nine U.S. military installations in the Islamic Republic of Afghanistan. We conducted over 110 interviews, including meeting with 78 personnel from contracting offices, and 145 local and third-country national contractor employees. In addition, we reviewed summarized Department of Defense criminal investigative case data related to combating trafficking in persons that occurred in the Islamic Republic of Afghanistan. We also reviewed policies and procedures revised by responsible offices of the Department of Defense Components as a result of our prior Combating Trafficking in Persons reports.

What We Found

As a result of our contracts review, site visits, and interviews, we found:

- Of 240 Department of Defense contracts reviewed, 95 percent contained the current required Federal Acquisition Regulation Combating Trafficking in Persons clause, and 97 percent contained some form of a Combating Trafficking in Persons clause.
- A local supplemental Combating Trafficking in Persons clause concerning living conditions and retention of passports was included in 89 percent of contracts reviewed. A second local clause concerning contractor demobilization was included in 91 percent of reviewed contracts written after the requirement was established in November 2010.
- U.S. Central Command subordinate commands in the Islamic Republic of Afghanistan had not developed localized Combating Trafficking in Persons policies, procedures, or training.
- The Contingency Contracting and Acquisition Policy Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics developed Combating Trafficking in Persons and workers’ rights awareness materials, available in several languages, for use in contingency operations including the Islamic Republic of Afghanistan.

What We Recommend

- The Assistant Secretary of the Army for Acquisition, Logistics, and Technology should ensure that the Federal Acquisition Regulation clause 52.222-50, “Combating Trafficking in Persons” and the U.S. Central Command Joint Theater Support Contracting Command clauses 952.222-0001, “Prohibition Against Human Trafficking, Inhumane Living Conditions, and Withholding of Employee Passports,” and 952.225-0016, “Contractor Demobilization (Afghanistan),” are included in all contracts identified as deficient in our review.
- The Commander, U.S. Central Command, should ensure that all commands operating in their area of responsibility, including the Islamic Republic of Afghanistan, should develop Combating Trafficking in Persons policies, procedures, and localized training supplements and that Combating Trafficking in Persons is incorporated into the Command Inspection Program.

Client Comments and Our Response

The Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology and the U.S. Central Command concurred with our recommendations, and provided plans for correcting the deficient contracts.

During our field work and analysis, some contracts administered by the U.S. Navy, U.S. Air Force, U.S. Special Operations Command, and Washington Headquarters Services were identified as not containing the appropriate Combating Trafficking in Persons clauses. These organizations either reexamined the contracts and found the clauses in previous modifications, amended the contracts to correct the deficient contracts, or demonstrated that the contracts had been closed out prior to publication of this report.

Recommendations Table

Client	Recommendations Requiring Comment	No Additional Comments Required
Assistant Secretary of the Army for Acquisition, Logistics, and Technology		1.a, 1.b
Commander, U.S. Central Command		2.a., 2.b.

Total Recommendations in this Report: 4

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Introduction

Over the past decade, Congress passed legislation to address its concern regarding allegations of contractor and U.S. Forces' involvement in sexual slavery, human trafficking, and debt bondage. Prior to 2000, allegations of sexual slavery, sex with minors, and human trafficking involving U.S. contractors in Bosnia and Herzegovina led to administrative and criminal investigations by U.S. Government agencies. In 2002, a local television news program aired a report alleging that women trafficked from the Philippines, Russia, and Eastern Europe were forced into prostitution in bars in South Korea frequented by U.S. military personnel, which resulted in an investigation and changes in DoD policy. In 2004, official reports chronicled allegations of forced labor and debt bondage against U.S. contractors in Iraq. These incidents, when confirmed, were contrary to U.S. Government policy regarding official conduct¹ and reflected poorly on DoD.

Background

In 2000, the President signed into law two statutes responding in part to identified contractor and U.S. Forces' misconduct in Bosnia and Herzegovina: Public Law 106-386, which included the "Victims of Trafficking and Violence Protection Act of 2000," on October 28, and Public Law 106-523, "Military Extraterritorial Jurisdiction Act of 2000," on November 22.

The stated purposes of the first statute are "...to combat trafficking in persons [CTIP], a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims." The second statute established "Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses." Congress specifically extended this extraterritorial jurisdiction over trafficking in persons (TIP) offenses committed by persons employed by or accompanying the Federal Government outside the United States in Public Law 109-164, "Trafficking Victims Protection Reauthorization Act of 2005," January 10, 2006.

Additional reauthorizations expanded the scope and applicability of the original statute. Public Law 108-193, the "Trafficking Victims Protection Reauthorization Act of 2003," December 19, 2003, gave the Government the added authority to terminate grants, contracts, or cooperative agreements for TIP-related violations.

The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative

¹ Executive Order 13257 "President's Interagency Task Force To Monitor and Combat Trafficking in Persons," of February 13, 2002, and Executive Order 13333, "Amending Executive Order 13257 To Implement the Trafficking Victims Protection Reauthorization Act of 2003," March 18, 2004.

agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.²

In 2006, the Civilian Agency Acquisition Council and the Defense Acquisition Council agreed on an interim rule implementing the above stated requirement, adding Federal Acquisition Regulation (FAR) Subpart 22.17, “Combating Trafficking in Persons.” The regulation states that the “subpart applies to all acquisitions,” and paragraph 22.1705, “Contract clause” states:

- (a) Insert the clause at 52.222-50, Combating Trafficking in Persons, in all solicitations and contracts.
- (b) Use the basic clause with its Alternate I when the contract will be performed outside the United States (as defined at 25.003) and the contracting officer has been notified of specific U.S. directives or notices regarding combating trafficking in persons (such as general orders or military listings of “off-limits” local establishments) that apply to contractor employees at the contract place of performance.

The DoD Inspector General mandate for this evaluation is contained in Public Law 110-457, “William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008,” December 23, 2008. Subtitle D, section 232, which requires the Inspector General, for FYs 2010 through 2012, to:

...investigate a sample of ... contracts, or subcontracts at any tier, under which there is a heightened risk that a contractor may engage, knowingly or unknowingly, in acts related to trafficking in persons, such as:

- (A) confiscation of an employee’s passport;
- (B) restriction on an employee’s mobility;
- (C) abrupt or evasive repatriation of an employee;
- (D) deception of an employee regarding the work destination; or
- (E) acts otherwise described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104).

Section 232 of Public Law 110-457 also requires a report to Congress no later than January 15 for three consecutive years:

- (A) summarizing the findings of the investigations conducted in the previous year, including any findings regarding trafficking in persons or any improvements needed to prevent trafficking in persons; and
- (B) in the case of any contractor or subcontractor with regard to which the Inspector General has found substantial evidence of trafficking in persons, report as to—
 - (i) whether or not the case has been referred for prosecution; and
 - (ii) whether or not the case has been treated in accordance with section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) (relating to termination of certain grants, contracts and cooperative agreements).

The Office of the Inspector General announced this series of evaluations on August 5, 2009. Report number IE-2010-001, “Evaluation of DoD Contracts Regarding Combating Trafficking in Persons,” January 15, 2010 (2010 CTIP Report), addressed contracts in the U.S. Pacific Command. The second report, SPO-2011-002, “Evaluation of DoD Contracts Regarding Combating Trafficking in Persons: U.S. Central Command,” January 18, 2011 (2011 CTIP Report), discussed the results of our review of selected construction and services contracts awarded in FYs 2009 and 2010 in the U.S. Central Command geographic area of responsibility. The third report, DoDIG 2012-041, “Evaluation of DoD Contracts Regarding Combating

² The language is codified in section 7104g, Title 22, United States Code (22 U.S.C. §7104g [2010]).

Trafficking in Persons: U.S. European Command and U.S. Africa Command,” January 17, 2012 (2012 CTIP Report), discussed the results of our review of selected construction and services contracts with a period of performance in FY 2011 and a place of performance in the U.S. European Command and U.S. Africa Command areas of operation.³ This report, the fourth in a series, addresses a review of selected contracts with a place of performance in the Islamic Republic of Afghanistan, which is in the U.S. Central Command geographic area of responsibility. It expands on the 2011 CTIP report, taking a closer look at CTIP program execution and contract administration, and summarizing contracts performed in the Islamic Republic of Afghanistan.

Objective

Our specific objective was to review a sample of DoD contracts for compliance with the “Trafficking Victims Protection Act of 2000,” 22 U.S.C. 78 (2010), as amended, and to summarize DoD CTIP investigative efforts.

Scope

We examined 240 contracts solicited, awarded, or administered by Army, Navy, and Air Force commands, as well as the Defense Agencies in the Islamic Republic of Afghanistan.

Our contract sample consisted of construction and service contracts, each with a total value of \$5 million or more and with a period of performance in FY 2011. We believe that this sample met the “heightened risk” standard stated in the statute (e.g., an increased opportunity “that a contractor may engage, knowingly or unknowingly, in acts related to trafficking in persons”).

Methodology

We conducted site visits during January and February 2012, visiting nine separate installations throughout the Islamic Republic of Afghanistan. We interviewed military commanders and staff, contracting office staff, and contractor representatives involved with the contracts in our sample. We also interviewed Army and Air Force Exchange Service representatives to gain an understanding of CTIP efforts for non-appropriated fund activities. Finally, we contacted selected DoD administrative and criminal investigation organizations to obtain TIP-related criminal statistic summaries.

The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics generated a contract sample at our request using the Federal Procurement Data System-Next Generation database. We verified the presence of the mandatory CTIP clause in the contracts in our sample using the DoD Defense Electronic Business Program Office’s Web-based Electronic Document Access database.

For a more detailed discussion of the project methodology, see Appendix A.

³ For copies of these reports, see <http://www.dodig.mil/Inspections/IPO/combatinghuman.htm>

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Results

Combating Trafficking in Persons Clause Inclusion in Contracts

Observation 1

In our review of a selected sample of contracts for construction and services within the Islamic Republic of Afghanistan, we found that 95 percent (227 out of 240) included the proper version of FAR clause 52.222-50, “Combating Trafficking in Persons.”

This was a marked improvement compared to the results discussed in our three prior CTIP evaluation reports, in which we found that approximately half of the contracts reviewed did not include the FAR CTIP clause or included an outdated or incorrect version of the CTIP clause.

As a result, in most cases contracting officers responsible for contracts performed in the Islamic Republic of Afghanistan were equipped to apply remedies in the case of substantiated TIP-related violations.

Discussion

Federal Acquisition Regulation Combating Trafficking in Persons Clause

The FAR requires that all Federal solicitations and contracts contain clause 52.222-50, “Combating Trafficking in Persons,” or the clause with Alternate I modification for contracts with performance outside the U.S.⁴ The team reviewed 240 DoD construction and services contracts with the place of performance in the Islamic Republic of Afghanistan and a period of performance that included FY 2011.

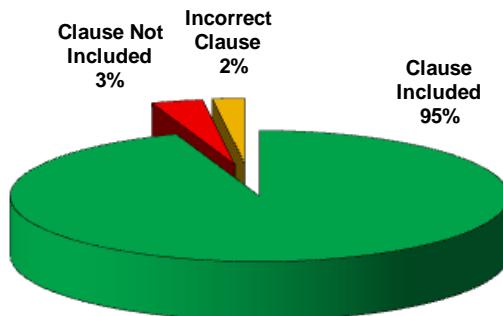


Figure 1. Presence of the FAR CTIP Clause in Sampled Contracts.

As shown in Figure 1, we found that 95 percent of the contracts (227 of 240) contained a proper version of FAR clause 52.222-50, and an additional 2 percent of the contracts (5 of 240) contained an incorrect citation. Overall, this was a significant improvement when compared to the findings of our prior DoD CTIP evaluations, where only half of the contracts we reviewed

⁴ FAR paragraph 22.1705 requires FAR clause 52.222-50 Alternate I when “the contract will be performed outside the United States...and 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.”

contained the proper version of the FAR CTIP clause. Incorrect citations included references to either an outdated version of FAR clause 52.222-50 or a regional clause developed for supplemental use in the U.S. Central Command area of responsibility, without inclusion of the mandatory FAR clause. In summary, 97 percent of the contracts reviewed (232 of 240) included CTIP requirements in some form.

Three percent of the contracts (8 of 240) did not contain any form of the FAR CTIP clause.⁵ The contracting offices of various commands in the Department of the Army had oversight responsibility for these contracts.

Noncompliance with the requirement to include the FAR CTIP clause in contracts has two negative effects. First, contractors may not have been made aware of the U.S. Government's "zero tolerance" policy and self-reporting requirements regarding CTIP. Second, contracting officers were potentially unable to apply applicable remedies to correct contractor violations when the CTIP clause was not properly present.

Significant progress has been made in ensuring that the FAR CTIP clause was included, although some additional effort is still necessary to ensure full compliance.

Recommendation 1.a. The Assistant Secretary of the Army for Acquisition, Logistics, and Technology should ensure that the Federal Acquisition Regulation clause 52.222-50, "Combating Trafficking in Persons" is included in all contracts identified as deficient in our review.

Client Comments and Our Response

The Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology concurred with our recommendation, and provided a plan for correcting the deficient contracts.

During our field work and analysis, one Washington Headquarters Services contract was identified as not containing the FAR CTIP clause. They issued a modification to that contract, correcting the identified deficiency prior to publication of this report.

⁵ Contracting offices include CTIP language in contracts by inserting the full text of the current or outdated clause 52.222-50, "Combating Trafficking in Persons;" inclusion by reference; or inclusion by reference via FAR clause 52.212-5, "Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items," where applicable.

Local Supplemental Clauses

The U.S. Central Command Joint Theater Support Contracting Command (C-JTSCC) developed two additional CTIP-related clauses required in all contracts with the place of performance in Afghanistan.⁶ These clauses are 952.222-0001, “Prohibition Against Human Trafficking, Inhumane Living Conditions, and Withholding of Employee Passports,” and 952.225-0016, “Contractor Demobilization (Afghanistan).” We also reviewed the sampled contracts to determine the presence of these two additional contract clauses.

The C-JTSCC clause 952.222-0001 requires all prime and subcontractors performing DoD contracts to:

- allow employees to retain their passports,
- provide employees with signed copies of their employment contract in English and their native language,
- provide adequate living conditions for their employees (and defines such),
- incorporate checks of employees’ life support areas in quality control programs, and
- comply with international and host-nation transit/exit/entry requirements.

The clause also prohibits prime and subcontractors performing DoD contracts from using “unlicensed recruiting firms or firms that charge illegal recruiting fees.”

C-JTSCC clause 952.222-0001 was present in 89 percent (213 of 240) of the contracts in our sample. In addition, clause 952.222-0001 was included in six of eight contracts listed above that did not have any form of the FAR CTIP clause. While not fully compliant, the presence of this clause would allow contracting officials to take action in instances of certain TIP-related violations.

C-JTSCC published clause 952.225-0016 in November 2010 for inclusion in DoD contracts. The clause requires the contractor to submit a demobilization plan. In addition to the return of facilities and equipment, the clause states that it is the “expectation of the USG [U.S. Government] that for any persons brought into the Afghanistan CJOA [Combined Joint Area of Operations] for the sole purposes of performing work on USG contracts, contract employers will return employees to their point of origin/home country once the contract is completed or their employment is terminated for any reason.”

C-JTSCC clause 952.225-0016 was present in 67 percent (160 of 240) of the contracts in our sample. However, it was included in 91 percent (126 of 139) contracts written after November 2010, the date the clause became a requirement.

A large percentage of the contracts in our sample contained both C-JTSCC-developed clauses. However, in light of scheduled troop withdrawals and the corresponding reduction in contractor support, and increasing use of Afghan labor, requiring all DoD contractors to take care of and account for their employees is a necessity.

⁶ U.S. Central Command Joint Theater Support Contracting Command Acquisition Instruction, September 01, 2011.

Recommendation 1.b. The Assistant Secretary of the Army for Acquisition, Logistics, and Technology; should ensure that the U.S. Central Command Joint Theater Support Contracting Command clauses 952.222-0001, “Prohibition Against Human Trafficking, Inhumane Living Conditions, and Withholding of Employee Passports,” and 952.225-0016, “Contractor Demobilization (Afghanistan),” are included in all contracts identified as deficient in our review.

Client Comments and Our Response

The Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology concurred with recommendation 1.b., and has provided a plan for addressing the deficient contracts.

During our field work and analysis, nine Air Force contracts and one U.S. Navy contract were identified as deficient, but upon further examination the C-JTSCC CTIP clauses were identified in previously completed modifications to the contracts. As a result, all U.S. Air Force and U.S. Navy contracts in the sample contained the appropriate CTIP clauses.

In response to contracts identified as missing the appropriate C-JTSCC CTIP clauses during our field work and analysis, the Director of Acquisition, U.S. Special Operations Command, and the Director of Acquisition, Washington Headquarters Services, issued modifications to correct the deficiencies or demonstrated that contracts had been closed out. As a result, all of the contracts in our sample for which U.S. Special Operations Command and Washington Headquarters Services had responsibility either contained the appropriate CTIP clauses, or had been closed out prior to the publication of this report.

Combating Trafficking in Persons Program Implementation in Afghanistan

Observation 2

During our site visit and interviews, we found that, while U.S. Government personnel were aware of CTIP statutes and DoD CTIP regulations, there was limited understanding on how to apply them to local and cultural settings within Afghanistan.

Deployed forces lacked guidance addressing DoD CTIP requirements within the culture and constraints unique to the Islamic Republic of Afghanistan.

This hindered means within the commands to identify, assess, investigate, and correct potential TIP incidents.

Discussion

DoD Instruction 2200.01, “Combating Trafficking in Persons,” September 15, 2010, requires Commanders of the Combatant Commands to develop policy, procedures, and local training supplements for CTIP within their areas of operation. The Instruction also requires Combatant Commanders to conduct periodic evaluations of CTIP awareness training and involve their inspectors general in the evaluations.

In response, the Commander, U.S. Central Command issued U.S. Central Command Regulation 570-4, “Combating Trafficking in Persons (CTIP),” August 19, 2011.⁷ This regulation delegates responsibility for CTIP policy, procedures, and local training supplements to Component and Joint Task Force Commands. The regulation also requires the U.S. Central Command Inspector General to incorporate TIP considerations into the command inspection program.

During our document review and the conduct of interviews, we found no CTIP policies, procedures, or localized training supplements developed at any level below U.S. Central Command headquarters. We also found no evidence of the inclusion of CTIP in command inspections. It is important that U.S. Commands operating within the Islamic Republic of Afghanistan have policies and procedures to protect local and third country national workers from TIP incidents or activities, as well as to provide a means to investigate allegations and apply corrective actions toward DoD contractors who may be in violation of CTIP requirements.

We observed, and it was further reported, that throughout Afghanistan, third country and local national workers supporting DoD contracts had a limited understanding of their rights as well as the CTIP requirements imposed on the contractors that employed them. The low rate of literacy and poor fluency in English contributed to this limited understanding.

The Contingency Contracting and Acquisition Policy Office of the Defense Procurement and Acquisition Policy Directorate of the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics, has developed a brochure for worker awareness of CTIP-related

⁷ The August 19, 2011 Regulation is an update of an earlier version issued on May 22, 2008.

matters.⁸ In addition, they created a contact card informing workers of their rights, and providing a contact number for questions or assistance. The contact card is available in eight languages (English, Arabic, Dari, Malay, Pashtu, Tagalog, Thai, and Urdu), and intended for distribution to workers in contingency contracting environments. Limited quantities of the brochure and contact cards were distributed to U.S. Government contracting commands within the Islamic Republic of Afghanistan, where they were well received and reported to have raised worker awareness.

Continued publication and wider, frequent distribution of worker awareness materials such as these should raise the awareness of third country and local national workers regarding their rights and CTIP requirements, help prevent TIP-related incidents from occurring, and aid in the investigation of TIP-related incidents that occur.

Recommendation 2. The Commander, U.S. Central Command, should ensure that:

- a. all Component Commands and Joint Task Forces operating in the U.S. Central Command area of responsibility develop Combating Trafficking in Persons policies, procedures, localized training supplements, and worker awareness materials in accordance with U.S. Central Command Regulation 570-4, “Combating Trafficking in Persons,” and
- b. the U.S. Central Command Inspector General incorporates Combating Trafficking in Persons into the Command Inspection Program.

Client Comments and Our Response

U.S. Central Command concurred with recommendations 2.a. and 2.b., stating that they will update their CTIP regulation to require that commands and task forces operating within the U.S. Central Command area of responsibility develop CTIP policies and procedures and report to U.S. Central Command regarding these CTIP matters. Further, U.S. Central Command stated that they will add CTIP into their command inspection program.

⁸ Accessible at http://www.acq.osd.mil/dpap/pacc/cc/docs/Trafficking_trifoldFinal_8-9-11_hi_res.pdf

Department of Defense Trafficking in Persons Criminal Investigative Reporting

Section 108 of Public Law 110-457 amended 22 U.S.C. §7109a, “Trafficking Victims Protection,” to require that an integrated U.S. Government database be established that provides “an effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis....” The statute required the database to combine “all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking....”⁹

We requested reports from the Defense Criminal Investigative Service, and the Army, Navy, and Air Force Military Criminal Investigation Organizations summarizing TIP-related criminal investigative activity under their purview from October 1, 2010, to November 30, 2011. The reports provided a summary of the DoD case data contributing to the national database. The scope of reporting was limited exclusively to alleged incidents occurring within borders of the Islamic Republic of Afghanistan. The summaries included two TIP-related incidents involving, or alleging the involvement of, DoD contractor or sub-contractor employees.

The U.S. Army Criminal Investigations Division Command initiated an investigation into an allegation of DoD contractors involved in prostitution at Camp Phoenix. In May 2012, the investigation was ongoing.

The Defense Criminal Investigative Service initiated an investigation of possible labor-related human trafficking violations by a sub-contractor in Afghanistan. In October 2011, the case was declared unfounded and closed.

Follow-up on Prior Recommendations

We contacted the responsible offices of the DoD Components, and have determined that they have addressed all prior recommendations from the DoD Inspector General 2010 CTIP Report and the 2011 CTIP Report. They have also submitted plans addressing recommendations from the 2012 CTIP Report and are in the process of implementing them.

⁹ Public Law 110-457, “William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008,” section 108, “Research on Domestic and International Trafficking in Persons.”

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Appendix A. Methodology and Acronyms

Methodology

We announced this series of evaluations on August 5, 2009, and specifically announced an assessment in the Islamic Republic of Afghanistan on November 21, 2011. We examined statutes, policies, procedures, and management and oversight reports relevant to DoD policy and practices regarding efforts to combat trafficking in persons.

We conducted this evaluation of a sample of all DoD construction and services contracts with a total value of \$ five million or greater, a period of performance in FY 2011, a place of performance in the Islamic Republic of Afghanistan, and conducted site visits from November 2011 to February 2012. All work was done in accordance with the standards established by the President's Council on Integrity and Efficiency (now the Council of the Inspectors General on Integrity and Efficiency) as updated and published in the *Quality Standards for Inspections and Evaluations*, January 2012. The evidence we obtained provides a reasonable basis for our observations and conclusions in concert with our objectives.

We selected the Islamic Republic of Afghanistan as an area satisfying the “heightened risk” standard required by statute.¹⁰ This decision was based on reports of prior human trafficking incidents in the region and country “tier placements” in the Department of State’s “Trafficking in Persons Report,” June 2011.

As part of the series of evaluations, we met with the DoD CTIP program office, located within the Office of the Under Secretary of Defense for Personnel and Readiness. We consulted with the Director of the Office to Monitor and Combat Trafficking in Persons of the Department of State. Finally, we coordinated with Inspectors General from the Department of State and U.S. Agency for International Development.

For this report we conducted site visits during January and February 2012, visiting nine separate installations throughout the Islamic Republic of Afghanistan. The team conducted over 110 interviews with military commanders, contracting office staff, and others to discuss CTIP issues. We performed sensing sessions with 78 personnel from contracting offices in the Army, Navy, Air Force and Defense Contract Management Agency to gauge awareness of CTIP efforts. We discussed CTIP implementation in non-appropriated fund contracts with Army and Air Force Exchange Services representatives. In addition, we interviewed representatives from 10 contractors, discussing contractor self-reporting and training mechanisms. We met with 145 contractor employees (local and third-country nationals).

We contacted selected DoD administrative and criminal investigation organizations to obtain summaries of criminal statistics related to trafficking in persons, as well as case synopses of those that identified a DoD contractor or sub-contractor as a subject.

¹⁰ Public Law 110-457, “William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008,” section 232. See page 2 of this report.

We developed a sample of contracts through a data request submitted to the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Defense Procurement and Acquisition Policy Office generated our contract sample list from the Federal Procurement Data System-Next Generation database.

Our selection criteria were contracts for construction and services with:

- a place of performance in the Islamic Republic of Afghanistan,
- a period of performance in FY 2011, and
- a total contract value (including options) of \$5 million or greater.

This resulted in a total sample size of 240 DoD contracts. These constraints provided us with a reasonable data set that was current and included labor-intensive efforts with significant numbers of third country national and local employees susceptible to forced labor practices.

We provided the contracts sample list to contracting offices that issued or administered the contracts, asking them to review the contracts for inclusion of the mandatory FAR CTIP clause 52.222-50 or its Alternate I (when the contract was performed outside the U.S.). We also requested the contracting offices to provide information regarding the inclusion of two CTIP-related contract clauses required by U.S. Central Command Joint Theater Support Contracting Command Acquisition Instruction, September 1, 2011. These clauses are 952.222-0001, “Prohibition Against Human Trafficking, Inhumane Living Conditions, and Withholding of Employee Passports,” and 952.225-0016, “Contractor Demobilization (Afghanistan).”

For each contract, the relevant contracting office stated whether the clause was present, and if so the location in the contract, and the date of the included clause. We consolidated and verified the data provided.

Use of Computer-Processed Data

We reviewed contract documents using the Defense Electronic Business Program Office Electronic Document Access database, which provided the most efficient source for the information required. The DoD Chief Information Officer directed all DoD Components to use the Electronic Document Access database, but Components remained responsible for the accuracy, authenticity, integrity, and timeliness of submitted documents.¹¹ We did not assess database reliability or test the sample for completeness. We did not attempt to project additional results from our sample and believe the sample reviewed was sufficient to support our conclusions.

Acronyms

C-JTSCC	U.S. Central Command Joint Theater Support Contracting Command
CTIP	Combating Trafficking in Persons
FAR	Federal Acquisition Regulation
TIP	Trafficking in Persons
U.S.C.	United States Code

¹¹ “DoD Electronic Document Access (EDA) Business Rules,” DoD Chief Information Officer memorandum, November 5, 2001.

Appendix B. Summary of Prior Coverage

Department of Defense Inspector General

DoDIG Report No. IE-2007-002, “Evaluation of DoD Efforts to Combat Trafficking in Persons,” November 21, 2006.

DoDIG Report No. IE-2010-001, “Evaluation of DOD Contracts Regarding Combating Trafficking in Persons,” January 15, 2010.

DoDIG Report No. SPO-2011-002, “Evaluation of DoD Contracts Regarding Combating Trafficking in Persons: U.S. Central Command,” January 18, 2011.

DoDIG Report No. DODIG-2012-041, “Evaluation of DoD Contracts Regarding Combating Trafficking in Persons: U.S. European Command and U.S. Africa Command,” January 17, 2012.

Unrestricted DoDIG reports can be accessed over the Internet at
<http://www.dodig.mil/PUBS/index.html>

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Appendix C. Report Distribution

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* Recipient of the draft report

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