



Quarterly CTIP Newsletter

Agency Highlights

CTIP Program Management Office Launches New Survivor Voices Webpage *Contributed by: CTIP Program Management Office*

The Combating Trafficking in Persons (CTIP) Program Management Office (PMO) has created a page on its website dedicated to highlighting the stories of survivors of human trafficking. [Survivor Voices of Human Trafficking](#) presents the perspectives of a diverse group of survivors and highlights how they were recruited, transported, bought and sold. Hearing their stories is crucial to understanding how trafficking occurs and to developing programs to prevent it. The CTIP PMO is sharing, for the first time, the stories of survivors who have a U.S. military connection.

The CTIP PMO utilizes a “survivor-informed” approach to combating trafficking and incorporating the voices of survivors as part of its training and demand reduction efforts. Many of the survivors who share their stories on the web page have a Department of Defense (DoD) nexus. For example, Kalei Grant tells of being purchased by military members in Hawaii. She says:

We would be driven to military bases and nearby bars where [our trafficker] would force us to look for the drunk military soldiers and proposition them. The transactions would happen everywhere - in barracks, in homes and apartments, on military bases in warehouses, in military personnel vehicles, in personal cars, and while service members were on and off duty.



In another story, Kumar, who prefers not to give his whole name, tells of being trafficked into forced labor by subcontractors in India who charged each potential worker exorbitant recruitment fees to obtain jobs with good pay. The subcontractors then used classic bait and switch techniques to force these food service workers into hard labor when they arrived in Afghanistan. The new work paid so little they could not get out of debt. Kumar recalls:



I went to Afghanistan as a laborer, but the base was closed after just six months and I was sent home. In the end, I didn't make any money from the work. All my earnings went to cover the payment I made to the money lender, to pay the fee to get the job. When I talked with others in my group, this was also their experience; we all made half of what we were promised and all had to pay the commission to get the job. All of our original contracts were revoked by the U.S. company, and we were made general laborers for half the pay. I was lucky, many of the men had to pay a higher commission and they used their family homes as collateral for the loan. Most paid as much as \$3,000 to get their job. They went back to India and had to tell their family they had to get out of their house and try to find a new place to live. The house no longer belonged to them.

DoD's Survivor Voices of Human Trafficking tells how these survivors were recruited, transported, harbored; what their trafficker's modus operandi was, how they escaped and started a new life, and perhaps, most importantly, words of wisdom about what they wish they or others who could have helped would have done differently, and how others could have helped. It is a chance for us to listen in and learn, strengthen our programmatic and personal response to human trafficking, and will help us combat human trafficking in all its forms.

Survivor Voices of Human Trafficking debuts with eight stories about sex and labor trafficking and child soldiering, and the CTIP PMO hopes to add an additional six to eight stories in the coming year. We will continue to build it; adding stories to help prevent human trafficking in the future and raise awareness.



Featured Article

Suspension and Debarment as Tools to Hold Government Contractors Accountable

Contributed by: CTIP Program Management Office

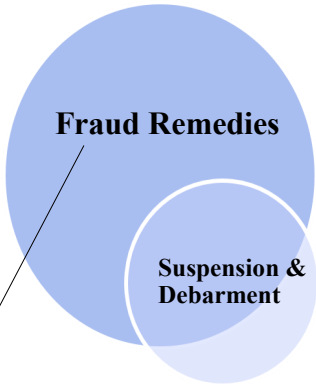
In 2017, a U.S. Army contractor was accused of forcing workers to work seven days a week with no days off, failing to pay employee wages, providing substandard housing, and withholding employee passports. Investigators found that these allegations were substantiated and, ultimately, the Army Suspension and Debarment Official debarred the contractor company and its owner for a period of three years. In another case, investigators determined that a contractor failed to pay their employees in accordance with Kuwaiti labor laws and withheld employee passports. This contractor was proposed for debarment by the Army Suspension and Debarment Official. Ultimately, the proposed debarment was terminated in favor of an administrative compliance agreement with the Army which noted corrective actions taken and underway, and featured the company engaging the services of a corporate monitor who reported to the Army on a regular basis and ensured that the company was taking all required corrective measures.

These cases illustrate a few of the ways in which suspension and debarment are effective, powerful administrative tools that can be used to hold government contractors accountable for violating trafficking in persons policies and to ensure that non-responsible contractors are not doing business with the Federal government.

What is “suspension and debarment?” While suspension and debarment are often grouped together, they are two separate administrative remedies for fraud. Suspension is an interim measure to temporarily exclude a contractor from future contracting or subcontracting when immediate exclusionary action is necessary, while debarment is a final decision excluding a contractor from future contracting or subcontracting for a specific period of time. Generally, a contractor is debarred for three years, although the period of exclusion is fact specific and could be longer or shorter. While suspensions and debarments do not stop work on current contracts and task orders, these exclusions effectively prevent the respondents from obtaining new work. Any contractor or subcontractor who has been suspended or debarred cannot receive:

- Federal contracts;
- Subcontracts above \$35,000-;
- Orders under Federal Supply Schedule (FSS) contracts, Blanket Purchase Agreements (BPAs), or basic ordering agreements, or that exceed the guaranteed minimum under Indefinite delivery/Indefinite quantity (IDIQ) contracts;
- New work associated with exercising options or extending the duration of contracts or orders

Fraud is any intentional deception by an individual, corporation, partnership, or other entity which seeks to unlawfully deprive the U.S. Government (USG) of something of value or to secure from the USG a benefit, privilege, allowance, or consideration for which there is no entitlement.



Many individuals view suspension and debarment as punitive measures, however this is incorrect. As Mr. Mark Rivest, Chief of the Procurement Fraud Division in the Office of the Judge Advocate General for U.S. Army, said at the July Combating Trafficking in Persons (CTIP) Task Force meeting: “Suspension and debarment are discretionary business judgements regarding a contractor’s present responsibility. These judgements are based on what problems contractors have had in the past, what remedial measures they’ve implemented, and how contractors are presently performing in more recent contracts. They are not punishments, but rather, they are protective measures intended to protect the U.S. Government and its procurement process.”

Suspension and debarment are also tools that the USG uses to prevent trafficking in government contracting. Mr. Rivest informed the CTIP Task Force that, since 2014, the Army procurement and fraud division received information on twelve human trafficking cases, four of which resulted in debarments and two of which resulted in proposed debarments. Ms. Valencia Mouzon, Deputy Assistant General Counsel (Acquisition Integrity) for the U.S. Navy, reported that the Navy has handled six CTIP cases since 2016, which resulted in one suspension and one debarment, and Mr. Brian Persico, Director of the Air Force Procurement Fraud Remedies Program, reported that the Air Force encountered one CTIP case out of Japan.

When considering suspension or debarment, the key element is “present responsibility,” which takes into consideration the misconduct reported, any remedial measures that contractors have implemented since the problem occurred, and the manner of performance on any subsequent contracts the subject contractors have obtained since the original misconduct or substandard performance issue. While there is no singular definition of present responsibility, there are some general standards, such as having a satisfactory record of technical capability, a satisfactory record of integrity and business ethics, as well as having adequate financial resources to perform the contract, or the ability to obtain them. There is also no “one-size-fits-all” policy that can be applied to every contractor, so present responsibility varies by the type of business and their performance history. In the context of suspension and debarment, present responsibility is a business judgement reserved to the agency Suspension and Debarment Official.

In any suspension or debarment case, evidence impacting a contractor’s present responsibility is included in the administrative record supporting the case. As an example, in a case involving substandard performance, the administrative record can contain cure notices, copies of contract provisions, and witness statements. There must be a solid base of evidence to initiate action for either suspension or debarment as proposed debarment cases must be supported by a “preponderance of evidence” while suspension cases must be supported by “adequate evidence that immediate action is necessary to protect the USG’s interest.” Oftentimes, a suspension is issued following an indictment. If a contractor or affiliate is suspended or debarred, that exclusion is immediate, government-wide, and tracked into SAM, the System for Award Management (www.SAM.gov), which is a publicly available database.

Suspension and debarment are powerful tools that the USG can use to help address and potentially prevent trafficking in government contracting. Being suspended or debarred from receiving DoD contracts negatively impacts companies, so companies have an incentive to carry out their due diligence to ensure that no taxpayer money is used unethically or to support companies that engage in TIP violations.

Interagency Activities



On July 1, the U.S. State Department released the [2021 Trafficking in Persons \(TIP\) Report](#), an annual publication documenting the efforts by governments of 188 countries and territories, including the United States, to combat human trafficking. The TIP Report assesses those efforts according to minimum standards that track the “3Ps” of the Trafficking Victims Protection Act of 2000, the prosecution of traffickers, the protection of trafficking victims, and the prevention of trafficking in persons. The theme of this year’s TIP Report is “Human Trafficking in the Context of a Global Pandemic.”



On July 13, the U.S. Department of State, alongside the U.S. Department of the Treasury, the U.S. Department of Commerce, the U.S. Department of Homeland Security, the Office of the U.S. Trade Representative, and the U.S. Department of Labor issued an updated [Xinjiang Supply Chain Business Advisory](#) to highlight the heightened risks for businesses with supply chain and investment links to Xinjiang, given the entities complicit in forced labor and other human rights abuses there and throughout China. This updates the original Xinjiang Supply Chain Business Advisory issued by U.S. government agencies on July 1, 2020.

DoD CTIP Program Office Updates

For more information, visit <http://ctip.defense.gov>

The CTIP PMO held its quarterly CTIP Task Force meeting on July 14. The speakers were Mr. Mark Rivest, Chief, Procurement Fraud Division, Office of The Judge Advocate General, U.S. Army, Mr. Brian Persico, Director of the Air Force Procurement Fraud Remedies Program and the Assistant Deputy General Counsel (Contractor Responsibility and Conflict Resolution) of Department of the Air Force, and Ms. Valencia Mouzon, Deputy Assistant General Counsel (Acquisition Integrity), U.S. Navy. The speakers gave a Joint Service presentation on suspension and debarment with a focus on the four fraud remedies, aspects of the suspension and debarment process, and the Army, Air Force, and Navy CTIP perspectives and observations.

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The Government Accountability Office (GAO) completed a review of DoD's Efforts to Combat Trafficking in Persons in Contracts and issued their final report [Human Trafficking: DoD Should Address Weaknesses in Oversight of Contractors and Reporting of Investigations Related to Contracts](#). There are six recommendations in the Report, two for the U.S. Army, one for the U.S. Navy, and two for the CTIP PMO and one for the CTIP PMO and the Office of the Under Secretary of Defense for Acquisition and Sustainment.

On June 19, the CTIP PMO participated in a follow up meeting with the Government Accountability Office (GAO) for Engagement 105056, Forced Labor Goods and the Defense Resale System. The GAO began this work in response to a Congressional mandate in the National Defense Authorization Act for FY2021 for GAO to review DoD's efforts to prevent resale of goods manufactured by forced labor in commissaries and exchanges.

OPEN FOR SUBMISSIONS

Have ideas for the next issue? Submit your suggestions and agency highlights to dodctip@mail.mil.

Upcoming Events

- The next CTIP Quarterly Task Force meeting is scheduled for October 13th, 2021.
- The CTIP Self-Assessment will be due back to the CTIP PMO by November 30, 2021.
- Follow us on social media! CTIP PMO is now on [Twitter](#) and [Facebook](#).

