

22.1704 Violations and remedies.

(a) Violations. It is a violation of the Trafficking Victims Protection Act of 2000, as amended, ([22 U.S.C. chapter 78](#)), E.O. 13627, or the policies of this subpart if—

- (1) The contractor, contractor *employee*, *subcontractor*, *subcontractor employee*, or *agent* engages in *severe forms of trafficking in persons* during the period of performance of the contract;
- (2) The contractor, contractor *employee*, *subcontractor*, *subcontractor employee*, or *agent* procures a *commercial sex act* during the period of performance of the contract;
- (3) The contractor, contractor *employee*, *subcontractor*, *subcontractor employee*, or *agent* uses *forced labor* in the performance of the contract; or
- (4) The contractor fails to comply with the requirements of the clause at [52.222-50](#), Combating Trafficking in Persons.

(b) Credible information. Upon receipt of credible information regarding a violation listed in paragraph (a) of this section, the *contracting officer*—

- (1) *Shall* promptly notify, in accordance with agency procedures, the agency Inspector General, the agency debarring and suspending official, and if appropriate, law enforcement officials with jurisdiction over the alleged offense; and
- (2) *May* direct the contractor to take specific steps to abate the alleged violation or enforce the requirements of its compliance plan.

(c) Receipt of agency Inspector General report.

(1) The head of an *executive agency* shall ensure that the *contracting officer* is provided a copy of the agency Inspector General report of an investigation of a violation of the trafficking in persons prohibitions in [22.1703\(a\)](#) and [52.222-50\(b\)](#).

(2)

(i) Upon receipt of a report from the agency Inspector General that provides support for the allegations, the head of the *executive agency*, in accordance with agency procedures, *shall* delegate to an authorized agency official, such as the agency suspending or debarring official, the responsibility to—

(A) Expeditiously conduct an administrative proceeding, allowing the contractor the opportunity to respond to the report;

(B) Make a final determination as to whether the allegations are substantiated; and

(C) Notify the *contracting officer* of the determination.

(ii) Whether or not the official authorized to conduct the administrative proceeding is the suspending and debarring official, the suspending and debarring official has the authority, at any time before or after the final determination as to whether the allegations are substantiated, to use the *suspension*

and *debarment* procedures in [subpart 9.4](#) to suspend, propose for *debarment*, or debar the contractor, if appropriate, also considering the factors at [22.1704\(d\)\(2\)](#).

(d) Remedies. After a final determination in accordance with paragraph (c)(2)(ii) of this section that the allegations of a trafficking in persons violation are substantiated, the *contracting officer shall—*

(1) Enter the violation in FAPIIS (see [42.1503\(h\)](#)); and

(2) Consider taking any of the remedies specified in paragraph (e) of the clause at [52.222-50](#), Combating Trafficking in Persons. These remedies are in addition to any other remedies available to the *United States* Government. When determining the appropriate remedies, the *contracting officer may* consider the following factors:

(i) Mitigating factors. The contractor had a Trafficking in Persons compliance plan or awareness program at the time of the violation, was in compliance with the plan at the time of the violation, and has taken appropriate remedial actions for the violations, that *may* include reparation to victims for such violations.

(ii) Aggravating factors. The contractor failed to abate an alleged violation or enforce the requirements of a compliance plan, when directed by a *contracting officer* to do so.

Parent topic: [Subpart 22.17 - Combating Trafficking in Persons](#)