



United States Department of Justice

Office on Violence Against Women

Working Together to End the Violence

Award Condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OVW authority to terminate award)

The following award condition is incorporated by reference into many OVW awards, starting in calendar year 2016. (Please refer to the terms and conditions that accompany the award document.) These requirements also may be addressed in (and encompassed by) certifications and assurances provided by recipients of OVW awards made in 2016 or earlier years.

Award Term and Condition:

Prohibited conduct by recipient and subrecipients related to trafficking in persons

Section A. Provisions applicable to a recipient that is a private entity

1. During the period of time that this award is in effect, the recipient, the recipient's employees, any subrecipient ("subgrantee"), and the employees of any subrecipient may not engage in--

- a. Severe forms of trafficking in persons;
- b. Procurement of a commercial sex act;
- c. Use of forced labor in the performance of the award or any subaward ("subgrant") under the award;
- d. Acts that directly support or advance trafficking in persons, including acts such as:
 - (i) Denying an employee access to the employee's own identity or immigration documents (including by destroying or confiscating such documents);
 - (ii) Without legally-sufficient justification as determined by OVW, failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;
 - (iii) Using materially false or fraudulent pretenses, representations, or promises regarding the employment to soliciting a person for employment, or in an offer of employment;
 - (iv) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited; or
 - (v) Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.

2. OVW as the federal awarding agency may unilaterally terminate this award, without penalty, if the agency official authorized to terminate the award determines that the recipient or a subrecipient ("subgrantee") that is a private entity--

- a. Violated a prohibition in section A.1 of this award condition; or
- b. Has an employee who violated a prohibition in section A.1 of this award condition through conduct that is either--
 - (i) Associated with performance under this award; or
 - (ii) Imputed to the recipient or the subrecipient ("subgrantee") using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.

Section B. Provisions applicable to a recipient other than a private entity

1. During the period of time that the award is in effect, any subrecipient ("subgrantee") that is a private entity, and the employees of any subrecipient that is a private entity, may not engage in--

- a. Severe forms of trafficking in persons;
- b. Procurement of a commercial sex act;
- c. Use of forced labor in the performance of the award or any subaward ("subgrant") under the award;
- d. Acts that directly support or advance trafficking in persons, including acts such as:
 - (i) Denying an employee access to the employee's own identity or immigration documents (including by destroying or confiscating such documents);
 - (ii) Without legally-sufficient justification as determined by OVW, failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;
 - (iii) Using materially false or fraudulent pretenses, representations, or promises regarding the employment to solicit a person for employment, or in an offer of employment;
 - (iv) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited; or
 - (v) Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.

2. OVW as the federal awarding agency may unilaterally terminate this award, without penalty, if the agency official authorized to terminate the award determines that a subrecipient ("subgrantee") under this award that is a private entity--

- a. Violated a prohibition in section B.1 of this award condition; or
- b. Has an employee who violated a prohibition in section B.1 of this award condition through conduct that is either--
 - (i) Associated with performance under this award; or
 - (ii) Imputed to the subrecipient ("subgrantee") using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.

Section C. Provisions applicable to any recipient

1. The recipient must inform OVW promptly, and without delay, of any information the recipient receives from any source alleging a violation of a prohibition in section A.1 or B.1 of this award condition.
2. OVW's authority to terminate this award unilaterally (without penalty), described in section A.2 and B.2 of this award condition:
 - a. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), (22 U.S.C. 7104(g)), and
 - b. Is in addition to any and all other remedies for noncompliance that are available to OVW with respect to this award, whether under the TVPA (see, e.g., 22 U.S.C. 7104b) or other applicable law.
3. The recipient must include and incorporate all applicable provisions of this award condition in any subaward ("subgrant") the recipient makes to a private entity.

Section D. Definitions.

For purposes of this award condition:

1. "Employee" means either:
 - a. An individual employed by the recipient or by a subrecipient ("subgrantee") who is engaged in the performance of the project or program under this award; or
 - b. Another person engaged in the performance of the project or program under this award, whether or not compensated with award funds, including, but not limited to, a volunteer, an individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements, or an agent (including a labor recruiter or broker).

2. "*Forced labor*" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "*Private entity*":

a. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. 175.25.

b. Includes:

(i) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. 175.25(b).

(ii) A for-profit organization.

4. "*Severe forms of trafficking in persons*," "*commercial sex act*," and "*coercion*" have the meanings given at section 103 of the TVPA (22 U.S.C. 7102).