



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



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Department of the Interior Guidance (DIG) Release 2013-01, Amendment 1

Subject: Standard Award Term for Grants and Cooperative Agreements -
Trafficking in Persons

References: Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104); and
2 CFR Part 175, Award Term for Trafficking in Persons

1. Purpose:

This DIG establishes a Department-wide requirement to include a standard award term for grants and cooperative agreements pursuant to the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104(g)). This amended version supersedes DIG 2013-01, issued on January 30, 2013.

2. Effective Date:

Effective upon issuance.

3. Background and Explanation:

In November 2007, the Office of Management and Budget issued Interim Final Guidance in the Federal Register (Volume 72, No. 218, 11/13/2007) on Trafficking in Persons: Grants and Cooperative Agreements. This award term implements Section 106 paragraph (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104), and is now located at 2 CFR Part 175. This amendment replaces the original DIG's references to 2 CFR part 376 of section 4a2iiB and 4b2ii, Action Required, to now reference 2 CFR part 1400 that is specific to OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement) for the Department of the Interior.

4. Action Required:

Financial assistance staff must include the following award term for any grant or cooperative agreement to a private entity as defined in 2 CFR Part 175.25(d); and any grant or cooperative agreement to a State, local government, Indian tribe or foreign entity, if funding could be provided under the award to a private entity as the subrecipient:

This term of award is pursuant to paragraph (g) of section 106 of the Trafficking Victims Protections Act of 2000, as amended (22 USC 7104).

- a. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
 - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - ii. Procure a commercial sex act during the period of time that the award is in effect; or
 - iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
 - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
 - A. Associated with performance under this award; or
 - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1400.
- b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—
 1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1400.
- c. Provisions applicable to any recipient.
 1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
 2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
 3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
- d. Definitions. For purposes of this award term:
 1. "Employee" means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a

- volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
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":
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - ii. Includes:
 - A. 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 CFR 175.25(b).
 - B. 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, as amended (22 U.S.C. 7102).

5. Additional Information:

Questions about this DIG may be directed to Monique Fleming, Financial Assistance Specialist, Office of Acquisition and Property Management, at (202) 513-0878 or by e-mail at Monique_Fleming@ios.doi.gov.



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