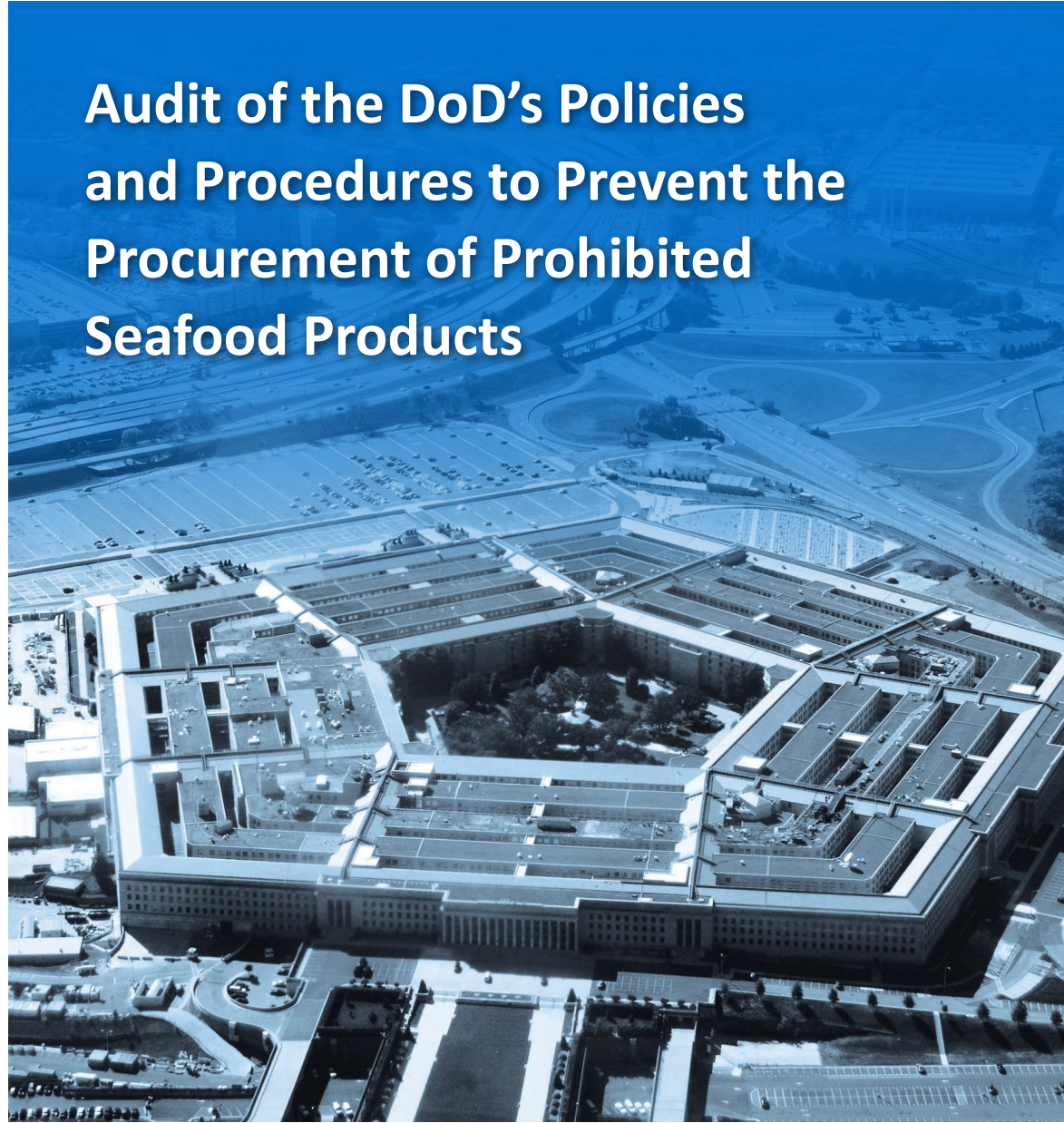




INSPECTOR GENERAL

U.S. Department of Defense

SEPTEMBER 18, 2025



Audit of the DoD's Policies and Procedures to Prevent the Procurement of Prohibited Seafood Products

INDEPENDENCE ★ INTEGRITY ★ EXCELLENCE ★ TRANSPARENCY





Results in Brief

Audit of the DoD's Policies and Procedures to Prevent the Procurement of Prohibited Seafood Products

September 18, 2025

Objective

The objective of this audit was to determine the existence and sufficiency of the Department of Defense's policies and procedures to procure seafood in accordance with the Tariff Act of 1930 (Tariff Act). The Joint Explanatory Statement to accompany the National Defense Authorization Act for Fiscal Year 2025 directed the DoD OIG to perform this audit.

Background

The DoD procures seafood for use across a wide range of facilities to support various missions. The Defense Logistics Agency (DLA) is the centralized agency for most DoD food procurement, while Service contracting commands procure supplies to support unique customer needs. The Tariff Act bans the importation of goods produced by forced labor. Federal and DoD policies restrict procurements from foreign sources.

Findings

The DoD has policies and procedures to procure seafood in accordance with the Tariff Act by implementing Federal laws restricting procurements from foreign sources, primarily through the Berry Amendment, which largely limits seafood purchases to U.S. suppliers.

DLA Troop Support personnel implemented policies and procedures to ensure the DoD procures seafood in accordance with Federal laws.

However, Service contracting command personnel for the Marine Corps and Navy did not include all required contract clauses

Findings (cont'd)

in three of eight seafood contracts we reviewed because the Service contracting commands misapplied Federal Acquisition Regulation policy and did not have sufficient quality control procedures to ensure the use of required contract clauses and did not document that they checked the DLA Prime Vendor Program for their seafood procurements or document the exception for not using it because the Services lacked guidance to take these steps.

Overall, the DoD ensured that over \$119 million of seafood, purchased through DLA Troop Support, was ordered from U.S. suppliers over the last 3 fiscal years, according to the DLA. However, the lack of controls over non-DLA Troop Support contracts, valued at \$641,791, risks the Services procuring seafood that does not comply with Federal guidance restricting procurements from foreign sources.

Recommendations

We recommend that the Principal Director of Defense Pricing, Contracting, and Acquisition Policy develop and implement policy directing contracting officers to check existing contract vehicles and document exceptions to satisfying requirements through the DLA Prime Vendor Program. We also recommend that the Service contracting commands for the Marine Corps and Navy inform contracting officers of resources and tools available for use when selecting clauses and reiterating Federal Acquisition Regulation clause prescriptions related to commercial contracts.

Management Comments and Our Response

The Principal Director, Defense Pricing, Contracting, and Acquisition Policy; Marine Corps; and Navy agreed with the recommendations. In addition, management took sufficient action to address three of five recommendations, therefore, we consider three recommendations to be closed and two resolved but open. Please see the Recommendations Table on the next page for the status of the recommendations.

Recommendations Table

Management	Recommendations Unresolved	Recommendations Resolved	Recommendations Closed
Principal Director, Defense Pricing, Contracting, and Acquisition Policy	None	3	None
Assistant Commander for Contracting Management, Naval Supply Systems Command Headquarters	None	1.b	1.a
Assistant Deputy Commandant, Installations & Logistics (Contracts), Headquarters, Marine Corps	None	None	2.a; 2.b

Note: The following categories are used to describe agency management's comments to individual recommendations.

- **Unresolved** – Management has not agreed to implement the recommendation or has not proposed actions that will address the recommendation.
- **Resolved** – Management agreed to implement the recommendation or has proposed actions that will address the underlying finding that generated the recommendation.
- **Closed** – The DoD OIG verified that the agreed upon corrective actions were implemented.



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

September 18, 2025

**MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION
AND SUSTAINMENT
DIRECTOR, DEFENSE LOGISTICS AGENCY
AUDITOR GENERAL, DEPARTMENT OF THE ARMY
AUDITOR GENERAL, DEPARTMENT OF THE NAVY
AUDITOR GENERAL, DEPARTMENT OF THE AIR FORCE**

**SUBJECT: Audit of the DoD's Policies and Procedures to Prevent the Procurement
of Prohibited Seafood Products (Report No. DODIG-2025-161)**

This final report provides the results of the DoD Office of Inspector General's audit. We previously provided copies of the draft report and requested written comments on the recommendations. We considered management's comments on the draft report when preparing the final report. These comments are included in the report.

The Principal Director, Defense Pricing, Contracting, and Acquisition Policy; Assistant Deputy Commandant, Installations & Logistics (Contracts), Headquarters, Marine Corps; and Naval Supply Systems Command Assistant Commander for Contracting Management agreed to address the recommendations in the report. Management took sufficient action to address three of five recommendations in this report, and we consider the three recommendations closed. We consider the remaining two recommendations resolved and open. We will close these recommendations when the Principal Director, Defense Pricing, Contracting, and Acquisition Policy, and Naval Supply Systems Command Assistant Commander for Contracting Management within 90 days provide documentation showing that all the agreed-upon actions to implement the recommendations are completed. Send your response to either [REDACTED] if unclassified or [REDACTED] if classified SECRET.

If you have any questions, please contact me at [REDACTED]. We appreciate the cooperation and assistance received during the audit.

A handwritten signature in black ink, reading "Carmen J. Malone", is positioned above the printed name.

Carmen J. Malone
Assistant Inspector General for Audit
Acquisition, Contracting, and Sustainment

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Introduction

Objective

The objective of this audit was to determine the existence and sufficiency of the Department of Defense's policies and procedures to procure seafood in accordance with Section 307 of Public Law 71-361, "Tariff Act of 1930" (the Tariff Act). During the audit, we revised the objective based on updated language in the National Defense Authorization Act for FY 2025.¹ See Appendix for a discussion of the scope and methodology and prior audit coverage related to the audit objective.

Background

The Joint Explanatory Statement to accompany the National Defense Authorization Act for FY 2025 directed the DoD Office of Inspector General (DoD OIG) to submit a report to the congressional defense committees, no later than 180 days after enactment of the act, assessing whether the Department has policies and procedures in place to verify that the food the Department procures does not include seafood originating in the People's Republic of China, the importation of which is prohibited under the Tariff Act.²

In recent years, multiple U.S. Government agencies released advisories providing information to businesses and individuals for assessing their risk of exposure to entities engaged in human rights abuses. The advisories recommend that businesses with operations in the Xinjiang Uyghur Autonomous Region (XUAR) of China be aware of the reputational, economic, and legal risks of involvement with entities that engage in human rights abuses, including forced labor. Additionally, various media investigations into human rights abuses in the seafood industry and congressional inquiries have questioned the sources and suppliers of seafood procured by the U.S. Government, including the DoD.

DoD Seafood Procurement

The DoD procures seafood to support various missions for use across a wide range of facilities, such as military dining facilities and naval ships. The Defense Logistics Agency (DLA) is the centralized agency for most DoD food procurement, while Service contracting commands are also permitted to procure supplies to meet unique Service requirements.

¹ Public Law 118-159, "Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025."

² 119th Congress 1st Session, No. 2, "Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025: Legislative Text and Joint Explanatory Statement to Accompany H.R. 5009 Public Law 118-159," January 2025.

Public Law 71-361, "Tariff Act of 1930," June 17, 1930, as amended.

Defense Logistics Agency

The DLA, a support agency of the DoD, is responsible for management of the global defense supply chain, including food, aviation, weapon systems, and energy. DoD Directive 5101.10E designates the DLA Director as the DoD Executive Agent for Subsistence.³ In this role, the DLA Director procures, manages, and distributes food supplies throughout the DoD supply chain.

The DoD Coordinated Acquisition Program, outlined in the Defense Federal Acquisition Regulation Supplement (DFARS), assigns contracting responsibility for food procurement to the DLA Troop Support.⁴ The DLA Troop Support, a major subordinate command of the DLA, is responsible for the procurement of food supplies, including seafood, for military dining facilities, naval vessels, and other locations across the DoD.

The DLA Troop Support–Subsistence provides food support for the DoD globally through the DLA Prime Vendor Program. The DLA Prime Vendor Program consists of contractual agreements between the DLA Troop Support and vendors, in which vendors supply specific products which the DLA Troop Support has vetted and deemed appropriate for use. The DLA Troop Support functions include review of Prime Vendor contracts to ensure compliance with acquisition regulations and audits of Prime Vendor facilities to verify compliance with contract requirements.

Service Contracting Commands

Service-specific contracting commands, such as the Army Contracting Command (ACC), Naval Supply Systems Command (NAVSUP), Air Force Installation Contracting Center (AFICC), and Headquarters, Marine Corps Installations and Logistics (HQMC I&L) have the authority to procure supplies and services to support all customer requirements. The Service contracting activities use the DLA Prime Vendor Program and manage specialized contracts, including seafood procurement, to meet the unique needs of each Service.

Service contracting commands' procurements of seafood are comparatively small in relation to the DLA Troop Support. Most seafood procured by the Service contracting commands is through the DLA Prime Vendor Program. For example, over the last 3 fiscal years, the DLA Troop Support had 100 Prime Vendor contracts, with a combined value of over \$15 billion, which included orders for over \$277 million worth of seafood. By comparison, over the last 3 fiscal years, Service contracting commands, including NAVSUP, the AFICC, and the HQMC I&L, had eight contracts in

³ DoD Directive 5101.10E, October 26, 2015 (Incorporating Change 3, October 8, 2019).

⁴ DFARS Procedures, Guidance, and Information Part 208, "Required Sources of Supplies and Services," Subpart 208.70, "Coordinated Acquisition." Section 208.7006, "Coordinated Acquisition Assignments."

which seafood was procured, with a combined value of \$641,791.⁵ See Table 1 for a summary of contracts from the DLA Troop Support and the Service contracting commands from the last 3 fiscal years.

Table 1. Contracts That Include Seafood Procurement, by Contracting Activity

Contracting Activity	Number of Contracts That Include Seafood from FY 2022 - 2024	Total Maximum Value of Contracts
DLA Troop Support	100	\$ 15,007,506,173
ACC	0	0
NAVSUP	1	106,458
AFICC	3	70,471
HQMC I&L	4	464,862
Total	108	\$15,008,147,964

Source: The DoD OIG.

Federal Laws

The Tariff Act establishes a broad ban on importation of products made in foreign countries produced by forced labor. The law states that all goods, wares, articles, and merchandise produced in any foreign country by convict, forced, or indentured labor shall not be entitled entry at any port of the United States. The law defines forced labor as “all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.”

The Berry Amendment requires the DoD to give preference to domestically grown, reprocessed, reused, or produced items related to food, textiles, and other items valued over \$150,000.⁶ The Berry Amendment was passed by Congress to protect U.S. industry by requiring the DoD to purchase certain items that are domestic in origin. In December 2021, Congress passed Public Law 117-78 to prevent the importation of goods produced through forced labor in XUAR to eliminate forced labor from United States supply chains.⁷ The National Defense Authorization Act for FY 2014 requires the DoD OIG to conduct periodic audits of contracting practices and policies related to procurement under the Berry Amendment.⁸ To meet this requirement, the DoD OIG has previous and ongoing work on the DoD’s compliance with the Berry Amendment.

⁵ The value of the seafood on these contracts could not be determined because it was ordered as part of a larger supply or catering service contract.

⁶ Section 4862, Title 10, United States Code (10 U.S.C. § 4862).

⁷ Public Law 117-78, December 23, 2021, commonly referred to as the “Uyghur Forced Labor Prevention Act.”

⁸ Public Law 113-66, “National Defense Authorization Act for Fiscal year 2014,” December 26, 2013.

Federal and DoD Regulations

In addition, several Federal and DoD regulations are designed to prevent the procurement of goods produced by forced labor. The Federal Acquisition Regulation (FAR) and DFARS implement Federal laws and regulations by requiring contractors to agree via contract clause to restrict purchases from foreign sources and forced or child labor.

Micro-Purchases and Simplified Acquisitions

DLA Troop Support and Service contracting commands may use micro-purchases or simplified acquisition procedures to meet smaller procurement needs.

A micro-purchase is an acquisition of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. The micro-purchase threshold is \$10,000, unless under certain circumstances.⁹

Purchases at or below the micro-purchase threshold may be conducted using simplified acquisition methods, such as government purchase cards, purchase orders, and blanket purchase agreements. Generally, micro-purchases do not require the FAR or DFARS clauses. However, purchases above the micro-purchase threshold and completed through use of purchase orders and blanket purchase agreements are required to include FAR and DFARS clauses, if applicable.

What We Reviewed

We reviewed contracts from the DLA Prime Vendor Program and the Service contracting commands that included seafood as an item. We selected and reviewed a nonstatistical sample of 13 of 100 DLA Prime Vendor contracts with a combined value of over \$6 billion that included seafood orders and all 8 contracts for the Service contracting commands with a combined value of \$641,791 in which seafood was procured within the last 3 fiscal years identified by NAVSUP, the AFICC, and the HQMC I&L.¹⁰

We reviewed the contracts to determine whether applicable clauses related to preventing the procurement of seafood produced by foreign sources, forced labor, and child labor were included. See Appendix for additional details on the universe and sample.

⁹ The micro-purchase threshold for an acquisition of supplies or services that, as determined by the head of an agency, are for use in support of contingency operations is \$20,000 if the contract is awarded and performed in the United States and \$35,000 if the contract is awarded and performed outside the United States.

¹⁰ The ACC did not have any seafood procurements outside of the DLA Prime Vendor Program in the last 3 fiscal years, and therefore we did not include any Army contracts in our review.

Finding

The DoD Has Policies and Procedures to Ensure the DoD Procures Seafood in Accordance with Federal Laws, but Implementation by Some Service Contracting Commands Could Be Improved

The DoD has policies and procedures to procure seafood in accordance with the Tariff Act. Specifically, the DoD implemented Federal laws restricting procurements from foreign sources and largely limited seafood purchases to U.S. suppliers, primarily through the Berry Amendment. For procurements exempt from the Berry Amendment, Federal and DoD contracting policies place other restrictions on contractors related to foreign-source acquisitions and forced or child labor.

DLA Troop Support personnel implemented policies and procedures, through the DLA Prime Vendor Program and the DLA Troop Support Food Audit Branch, to ensure the DoD procures seafood in accordance with Federal laws. Specifically, DLA Troop Support personnel included the required Berry Amendment clause that restricts procurements from foreign sources in all 13 DLA seafood contracts we reviewed. Additionally, the DLA Troop Support ensured contractor compliance with Berry Amendment requirements through periodic on-site inspections of vendor facilities.

However, some Service contracting command personnel did not implement policies and procedures to ensure seafood was procured in accordance with Federal laws. Specifically, contracting command personnel for the Marine Corps and Navy did not include all required contract clauses that restrict procurements from foreign sources or forced and child labor in three of eight seafood contracts we reviewed. This occurred because the Marine Corps and Navy contracting personnel misapplied FAR policy and did not have sufficient quality control procedures to ensure the use of required contract clauses.

Additionally, contracting command personnel for Service contracting command seafood contracts generally could not provide evidence that they checked existing DLA contracts to satisfy seafood requirements, nor did they document in the contract file the exceptions to using the DLA Prime Vendor Program. This occurred because the Service contracting personnel did not have guidance to confirm whether there were existing DLA Prime Vendor contract vehicles and document exceptions to the DoD Coordinated Acquisition Program.

As a result of the DoD procuring most of the seafood through the DLA Prime Vendor Program, the DoD ensured that over \$119 million of seafood was ordered exclusively from U.S. suppliers over the last 3 fiscal years, according to data obtained from DLA Troop Support personnel.

As a result of the DoD procuring most of the seafood through the DLA Prime Vendor Program, the DoD ensured that over \$119 million of seafood was ordered exclusively from U.S. suppliers over the last 3 fiscal years, according to data obtained from DLA Troop Support personnel. In addition, the ACC procured seafood solely through the DLA Prime Vendor Program in the

last 3 fiscal years, benefiting from DLA's robust policies and oversight procedures. However, the lack of controls over non-DLA Troop Support procurements, valued at \$647,791, risks the Services procuring seafood that does not comply with Federal guidance restricting procurements from foreign sources.

The DoD Has Policies and Procedures Restricting Procurements from Foreign Sources

The DoD has policies and procedures to procure seafood in accordance with the Tariff Act by implementing Federal laws restricting procurements from foreign sources and largely limiting seafood purchases to U.S. suppliers, primarily through the implementation of the Berry Amendment. For example, according to DFARS, seafood must be manufactured or processed in the U.S., taken from the sea by U.S. flag vessels, or obtained from fishing within the United States for DoD contracts.¹¹ DFARS also requires that DFARS 252.225-7012 be included in all solicitations and contracts.¹² For procurements exempt from Berry Amendment requirements, Federal and DoD contracting policies place other restrictions on contractors related to foreign sources and forced or child labor. See Figure 1 for a summary of FAR and DFARS clauses that implement policies related to foreign-source acquisitions and forced or child labor.

¹¹ DFARS Part 252, "Solicitation Provisions and Contract Clauses," Subpart 252.2, "Text of Provisions and Clauses," Section 252.225, "[Reserved]," Subsection 252.225-7012, "Preference for Certain Domestic Commodities."

¹² DFARS Part 225, "Foreign Acquisition," Subpart 225.70, "Authorization Acts, Appropriations Acts, and Other Statutory Restrictions on Foreign Acquisition," Section 225.7002, "Restrictions on food, clothing, fabrics, hand or measuring tools, and flags," Subsection 225.7002-3 "Contract Clauses."

Figure 1. FAR and DFARS Clauses Implementing Policies Related to Foreign-Source Acquisitions and Forced or Child Labor

FAR Subsection 52.222-50, "Combating Trafficking in Persons"	Requires contractors and subcontractors to prevent forced labor in their supply chains, certify compliance, and report any violations. Reinforced for DoD agencies in DFARS Procedures, Guidance, and Information Section 222.17, "Combating Trafficking in Persons." ¹ Required in all contracts.
FAR Subsection 52.222-19, "Child Labor - Cooperation with Authorities"	Requires contractors to cooperate with officials conducting an investigation to determine whether forced or indentured child labor was used to mine, produce or manufacture a product offered under a contract. Required in all contracts above the micro-purchase threshold.
DFARS Subsection 252.225-7012, "Preference for Certain Domestic Commodities"	Implements the Berry Amendment. ² The Berry Amendment requires the DoD to give preference to domestically produced goods, and states that seafood must be manufactured or processed in the United States. Required in all contracts, unless an exception applies. ³
DFARS Subsection 252.225-7001, "Buy American and Balance of Payments Program"	Requires the delivery of only domestic end products when their value exceeds the micro-purchase threshold for contracts performed in the United States. ⁴ Required in all contracts, unless an exception applies.
DFARS Subsection 252.225-7060, "Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region"	States that the DoD is prohibited from procuring products involving forced labor from the XUAR and requires the DoD to ensure that contractors make a good faith effort to prevent forced labor from XUAR in the performance of a contract. ⁵ Required in all contracts.

¹ FAR Part 52, "Solicitation Provisions and Contract Clauses," Subpart 52.2, "Text of Provisions and Clauses, Section 52.222 "[Reserved]," Subsection 52.222-50, "Combating Trafficking in Persons."

² Enacted under 10 U.S.C. § 2533a and implemented by DFARS Part 225, "Foreign Acquisition," Subpart 225.70, "Authorization Acts, Appropriations Acts, And Other Statutory Restrictions on Foreign Acquisition," 225.7002-1, "Restrictions," and "The Berry Amendment."

³ DFARS Subsection 225.7002-2, "Exceptions" outlines several exceptions to compliance with the Berry Amendment. Exceptions include acquisitions not exceeding \$150,000, except for certain athletic footwear purchases, and acquisitions outside the United States in support of combat operations.

⁴ DFARS Subsection 252.225-7001, "Buy American and Balance of Payments Program."

⁵ DFARS Subsection 252.225-7060, "Prohibition on Certain Procurements from the XUAR."

Source: The DoD OIG.

DLA Troop Support Personnel Implemented Policies and Procedures to Ensure Seafood Procurement is in Accordance with Federal Laws

DLA Troop Support personnel implemented policies and procedures to ensure the DoD procured seafood in accordance with the Tariff Act. Through the DLA Prime Vendor Program and the DLA Troop Support Food Audit Branch, DLA Troop Support personnel enforce compliance with the Berry Amendment, which is required on all Prime Vendor contracts. We found that all 13 DLA Troop Support seafood contracts included the Berry Amendment clause that restricted procurements from foreign sources. Additionally, the DLA Troop Support ensured contractor compliance with Berry Amendment requirements through periodic on-site inspections of vendor facilities.

The DLA Complied with the Berry Amendment

DLA contracting personnel complied with Berry Amendment requirements by including the Berry Amendment clause in all 13 contracts we reviewed. The clause, required for all procurements over \$150,000, states that all food delivered under the contract shall be grown, reprocessed, or reused, or produced in the United States. The clause includes exceptions to this requirement for some food procurements; however, seafood is specifically excluded from all exceptions to this requirement.

All contracts we reviewed were over the \$150,000 threshold and were therefore required by DoD and DLA policy to include the Berry Amendment clause in the solicitation and contract. Inclusion of the Berry Amendment clause is sufficiently restrictive to comply with the Tariff Act. The Berry Amendment clause requiring Prime Vendors to procure seafood solely from domestic sources indirectly ensures compliance with the Tariff Act, as Berry Amendment compliance would eliminate the risk of seafood being procured that is produced by forced labor from China.

DLA contract clause guidance requires the Berry Amendment clause to be included in solicitations and contracts for the acquisition of seafood. In addition, the DLA Troop Support requires DLA Prime Vendor contractors to maintain a certificate of compliance that certifies that the items offered on their contracts, including seafood, are compliant with the Berry Amendment. Furthermore, whenever a Prime Vendor contractor adds a new item to an existing Prime Vendor catalog, DLA Troop Support personnel review the item request and associated documentation to ensure it is Berry Amendment compliant.

DLA Troop Support Food Audit Branch Procedures Ensure Berry Amendment Compliance

The DLA Troop Support ensured contractor compliance with Berry Amendment requirements using the Subsistence Prime Vendor Product Audit Program that functioned as a service and quality assurance process check for food supply contracts. DLA Food Audit Branch personnel conducted audits at Prime Vendor facilities alongside representatives from the U.S. Department of Agriculture and the U.S. Department of Commerce to inspect items from each contract. DLA Troop Support policy requires each Prime Vendor contract to be audited at least once per contract period.

As part of the audits, DLA Food Audit Branch personnel required DLA Prime Vendors to provide a U.S. Department of Commerce Seafood Certificate of Inspection detailing the product that was inspected, product label description, product origin, and a Berry Amendment compliance statement. DLA Food Audit Branch personnel compared the Certificates of Inspection to product labels to verify accuracy and compliance with Berry Amendment requirements.

DLA Food Audit Branch personnel documented the results of their audit in an Audit Summary Report, identifying any noncompliance and deficiencies. In instances where noncompliance with the Berry Amendment was identified, the Food Audit Branch provided recommendations that the Prime Vendor must take to meet contractual requirements.

For the 13 contracts we reviewed, DLA Food Audit Branch personnel identified one instance of noncompliance with Berry Amendment requirements by a Prime Vendor. The Prime Vendor procured seafood that was a product of Chile. As a result, DLA Troop Support personnel notified the Prime Vendor of the noncompliance and it removed the item from distribution. The DLA Troop Support required the Prime Vendor to submit a Corrective and Preventive Action Plan detailing the root cause of the deficiency, actions taken to correct the deficiency, and actions taken to prevent recurrence of the deficiency in the future. Further, the Prime Vendor replaced the item with a conforming product from the United States.

The Food Audit Branch's robust oversight and auditing procedures to implement the Berry Amendment effectively ensures compliance with the Tariff Act.

The Food Audit Branch's robust oversight and auditing procedures to implement the Berry Amendment effectively ensures compliance with the Tariff Act.

Marine Corps and Navy Contracting Commands Did Not Implement Policies or Procedures to Ensure Compliance with Federal Laws

Marine Corps and Navy contracting commands did not implement policies or procedures to ensure seafood was procured in accordance with Federal laws for smaller scope procurements.¹³ While seafood procurements procured by Service contracting commands were generally exempt from Berry Amendment requirements, other restrictions on procurements from foreign sources or forced and child labor still applied. However, Service contracting commands for the Marine Corps and Navy did not properly implement these restrictions within the contracts. Specifically, of the eight contracts:

- one did not include all contract clauses that restrict procurements from foreign sources; and
- three did not include clauses related to preventing the procurement of seafood produced by forced or child labor.

Table 2 summarizes our review of the procurements completed outside of the DLA Prime Vendor Program and whether the procurements included the required contract clauses.

Table 2. Review of Service Contracting Command Procurements

Service Contracting Command	Contract Number	Applicable Foreign Source Restriction Clauses Included ¹	Applicable Forced/ Child Labor Restriction Clauses Included ²
NAVSUP	N6264922-P-0108	Yes	No
HQMC I&L	M68450-22-P-H008	Yes	Yes
HQMC I&L	M29000-23-P-0031	Yes	No
HQMC I&L	M68450-23-P-H017	Yes	Yes
HQMC I&L	M68450-24-P-T001	No	No
AFICC	FA6712-21-A-0001	Yes	Yes
AFICC	FA6712-21-A-0006	Yes	Yes
AFICC	FA6712-23-A-0015	Yes	Yes

¹ Applicable foreign source restriction clauses refer to DFARS 252.225-7001, “Buy American and Balance of Payments Program,” DFARS 252.225-7012, “Preference for Certain Domestic Commodities,” and DFARS 252.225-7060, “Prohibitions on Certain Procurements from the XUAR.”

² Applicable forced/child labor restriction clauses refer to FAR 52.222-19, “Child Labor-Cooperation with Authorities and Remedies,” and FAR 52.222-50, “Combating Trafficking in Persons.”

Source: The DoD OIG.

¹³ Procurements with smaller dollar values, as defined in this report, were procurements which were less than the simplified acquisition threshold of \$250,000 or Berry Amendment threshold of \$150,000.

Service contracting command personnel for the Marine Corps and Navy did not include all required contract clauses because the Service contracting command personnel misapplied FAR policy and did not have sufficient quality control procedures to ensure the use of required contract clauses.

Marine Corps and Navy Contracting Commands Misapplied FAR Policy

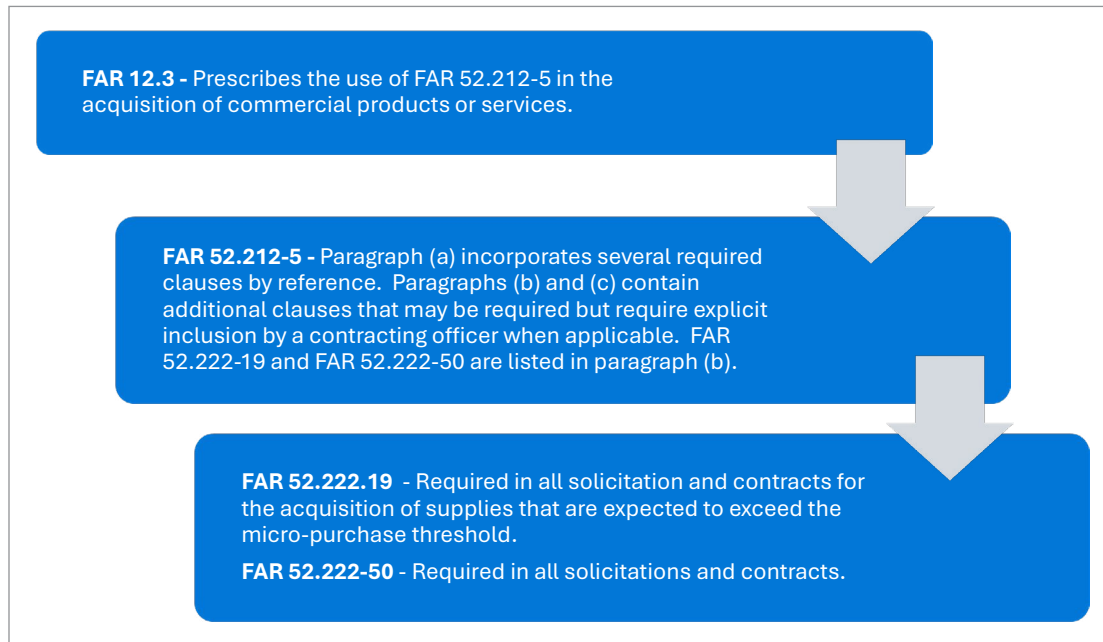
Marine Corps and Navy contracting personnel did not include clauses in contracts that restricted procurements from forced labor because contracting officers at these commands misapplied FAR Sections that incorporated the required clauses by reference. Specifically, Marine Corps and Navy contracting personnel misapplied FAR Subsection 52.212-5, “Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Products and Commercial Services,” and did not incorporate all required clauses by reference.¹⁴

FAR Subpart 12.3, “Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services,” outlines provisions and clauses required for inclusion in contracts for the acquisition of commercial products and services.¹⁵ See Figure 2 below that demonstrates clauses required in commercial contracts.

¹⁴ FAR Section 52.212 “[Reserved],” Subsection 52.212-5 “Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Products and Commercial Services.” As of August 14, 2025, the FAR Council issued model deviation guidance that removes FAR 52.212-5 as a required clause for commercial contracts until the FAR is revised through rulemaking. As of August 25, 2025, the DoD has not adopted or issued implementing guidance on this change.

¹⁵ Commercial products are any items customarily used for nongovernmental purposes that are sold to the general public. FAR Part 12, “Acquisition of Commercial Products and Commercial Services,” Subpart 12.3 “Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services,” prescribes policies and procedures unique to the acquisition of commercial products.

Figure 2. Clauses Required in Commercial Contracts



Source: The DoD OIG.

Contracting officers have access to electronic tools to ensure they select accurate clauses. Specifically, contracting officers can access the Clause Logic Service, a web-based tool that selects provisions and contract clauses for use as a result of answering a standard set of questions. Additionally, contracting officers can access the Defense Acquisition University tool, Provision and Clause Matrix, that provides guidance on the use of all provisions and clauses contained in the FAR, DFARS, and various agency supplements. Marine Corps and Navy contracting personnel could benefit from guidance that outlines these resources to prevent the exclusion of required clauses. Therefore, we recommend that the NAVSUP Assistant Commander for Contracting Management and the Assistant Deputy Commandant for HQMC I&L (Contracts) inform contracting officers of resources and tools available for use when selecting clauses and reiterating the application of FAR 52.212-5. After we briefed the results of our contract review, the HQMC I&L (Contracts), Policy Branch, distributed to the entire HQMC I&L Head of Contracting Activity, and made available to all contracting personnel on their contracting policy SharePoint, a letter that outlined multiple resources and tools available for use when selecting clauses. Therefore, the recommendation to the HQMC I&L has been resolved and will be closed upon report issuance.

Marine Corps and Navy Contracting Commands Lacked Quality Controls

Marine Corps and Navy contracting personnel did not include all required contract clauses because the Marine Corps and Navy contracting commands did not have sufficient quality controls to ensure the use of required clauses in contracts that restrict procurements from forced labor. Specifically, the Marine Corps and Navy post-award reviews of the inclusion of required clauses was limited and Service contracting command personnel stated that contracts executed by the command may be reviewed on a sample basis.

Marine Corps and Navy contracting personnel used checklists as part of post-award reviews of contract files that they performed on a sample basis. However, the checklists did not sufficiently detect missing clauses. The checklists contained several items that a reviewer should verify were included in a contract and overall contract file, such as documentation of market research and acquisition planning, as well as inclusion of certain FAR and DFARS clauses. However, none of the checklists used by Marine Corps and Navy contracting personnel included all clauses to prevent the procurement of seafood from foreign sources and forced or child labor. For example, one contract in our sample that Marine Corps contracting personnel selected for review was missing FAR 52.222-50 and DFARS 252.222-7060. Because the post-award review did not include a check for these missing clauses, the reviewer did not identify these exclusions nor recommend corrective action. Therefore, we recommend that the NAVSUP Assistant Commander for Contracting Management and Assistant Deputy Commandant for HQMC I&L (Contracts) update post-award review checklists that includes clauses to prevent the procurement of seafood from foreign sources and forced or child labor.

Service Contracting Command Personnel Lacked Procedures to Confirm and Document Exceptions to the DoD Coordinated Acquisition Program

Generally, Service contracting command personnel for the Service contracting command seafood contracts could not provide evidence they checked existing DLA contracts to satisfy their seafood requirements, nor did they document in the contract file the reason used to justify the exception to the DLA Prime Vendor Program. This occurred because the DoD Coordinated Acquisition Program does not require Service contracting personnel to confirm whether DLA Prime Vendor contract vehicles existed to satisfy the requirement or to document exceptions to procuring food from the DLA Prime Vendor Program.

The DoD Coordinated Acquisition Program assigns contracting responsibility for food procurement to the DLA Troop Support and each of the Service contracting commands have guidance that specifies the DLA Prime Vendor Program as the preferred source of food. The DoD Coordinated Acquisition Program mandates that Services submit contracting requirements for seafood to the DLA Prime Vendor Program unless an exception applies, such as a contract by the requiring department being in the best interest of the Government for a procurement below the simplified acquisition threshold. For example, according to HQMC I&L personnel, a subordinate contracting office procured seafood for a unit for use during a training exercise because the dollar value of the seafood procured was under the simplified acquisition threshold. However, HQMC I&L personnel could not provide documentation that the contracting officer determined that procuring outside of the DLA Prime Vendor Program was in the best interest of the Government. The contracting officer did not submit this requirement to the DLA Prime Vendor Program and according to HQMC I&L personnel, did not check for existing DLA Prime Vendor contract vehicles prior to award. Further, the DLA Troop Support had an available contracting vehicle with a Prime Vendor operating in the exercise location.

Coordinated Acquisition Program guidance does not require contracting officers to check existing contract vehicles during acquisition planning or document the applicable exception to using the DLA Prime Vendor Program.

However, Coordinated Acquisition Program guidance does not require contracting officers to check existing contract vehicles during acquisition planning or document the applicable exception to using the DLA Prime Vendor Program. Further, none of the Service contracting commands have

Service-specific guidance requiring contracting personnel to verify and document whether the DLA Troop Support had an existing contract for seafood that would satisfy the requirements of the Services before making a new procurement or awarding a new contract. Additionally, the Service contracting commands did not have Service-specific guidance requiring contracting officials to document the exception to using the DLA Prime Vendor Program. Therefore, we recommend that the Principal Director, Defense Pricing, Contracting, and Acquisition Policy, develop and implement policy for the DoD acquisition community directing contracting officers to check existing contract vehicles and document exceptions to satisfying requirements through the DoD Coordinated Acquisition Program during acquisition planning for food procurements.

The DoD's Implementation of Policies Generally Met the Requirements of the Tariff Act

The DoD ensured that over \$119 million of seafood, purchased through the DLA Troop Support, was ordered exclusively from U.S. suppliers over the last 3 fiscal years, according to data obtained from DLA Troop Support personnel. The DoD procured most seafood through the DLA Prime Vendor Program, which had policies and procedures to comply with the Tariff Act, requiring that seafood the DoD procured was provided by U.S. suppliers. The DLA Troop Support's policies and procedures to implement Berry Amendment requirements ensured that the \$119 million complied with Tariff Act requirements to prohibit the importation of seafood made in foreign countries by forced labor.

All of the 13 DLA contracts that we reviewed complied with Berry Amendment requirements. These 13 contracts included over \$119 million of seafood orders over the last 3 fiscal years according to data obtained from DLA Troop Support personnel. The Service contracting commands relied on the DLA Prime Vendor Program for most seafood purchases, which minimized the risk of procuring prohibited seafood. In addition, the ACC procured seafood solely through the DLA Prime Vendor Program in the last 3 fiscal years, benefiting from the DLA's robust policies and oversight procedures.

However, implementation and oversight by some Service contracting commands could be improved. Procurements completed by the Services outside of the Prime Vendor Program were generally not subjected to the Berry Amendment, had less oversight of contractor compliance, and had less assurance that all seafood procurements comply with Federal guidance restricting procurements from foreign sources.

Recommendations, Management Comments, and Our Response

Deleted Finding and Renumbered Recommendations

As a result of additional information provided by Air Force personnel and audit work completed, we updated the findings and deleted recommendations regarding missing clauses in AFICC contracts. In addition, we renumbered draft Recommendation 4 as Recommendation 3.

Recommendation 1

We recommend that the Naval Supply Systems Command Assistant Commander for Contracting Management:

- a. Inform contracting officers of resources and tools available for use when selecting clauses and reiterating the application of Federal Acquisition Regulation 52.212-5.**

Naval Supply Systems Command Assistant Commander for Contracting Management Comments

The Acting NAVSUP Assistant Commander for Contracting Management agreed with the recommendation, stating that resources and tools for appropriate contract clause selection will be reinforced during Contracting Policy Sessions for the contracting workforce held in August 2025 and through distribution of a newsletter to the entire contracting workforce.

Our Response

Comments from the Acting NAVSUP Assistant Commander addressed the specifics of the recommendation. We reviewed the August 2025 Contracting Policy Session agenda and communication that the Navy sent to the contracting workforce and verified that it included various resources and tools contracting officers can use for clause selection and reiterated the application of FAR 52.212-5. Therefore, we consider this recommendation closed.

- b. Update post-award review checklists that includes clauses to prevent the procurement of seafood from foreign sources and forced or child labor.**

Naval Supply Systems Command Assistant Commander for Contracting Management Comments

The Acting NAVSUP Assistant Commander for Contracting Management agreed with the recommendation, stating that appropriate award checklists will be updated to direct contracting officers to ensure that all appropriate clauses are selected for commercial awards.

Our Response

Comments from the Acting NAVSUP Assistant Commander addressed the specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the updated checklists include clauses to prevent the procurement of seafood from foreign sources and forced or child labor.

Recommendation 2

We recommend that the Headquarters, Marine Corps, Assistant Deputy Commandant, Installations and Logistics (Contracts):

- a. Inform contracting officers of resources and tools available for use when selecting clauses and reiterating the application of Federal Acquisition Regulation 52.212-5.**

Headquarters, Marine Corps, Assistant Deputy Commandant, Installations and Logistics (Contracts) Comments

The Assistant Deputy Commandant, HQMC I&L (Contracts), agreed with the recommendation, stating that HQMC I&L (Contracts) officials communicated with staff about missing clauses in contracts. In addition, HQMC I&L (Contracts) personnel used a March 2025 monthly policy newsletter to communicate the importance of clause selection, along with tips, resources, and tools to their contracting enterprise.

Our Response

Comments from the Assistant Deputy Commandant addressed the specifics of the recommendation. We reviewed the communication sent to staff about the missing clauses and the March 2025 monthly policy newsletter. In addition, we verified that the policy newsletter highlighted the importance of proper clause selection, reiterated the application of FAR 52.212-5, and included tips, resources, and tools available to contracting personnel. Therefore, we consider this recommendation closed.

- b. Update post-award review checklists that includes clauses to prevent the procurement of seafood from foreign sources and forced or child labor.**

Headquarters, Marine Corps, Assistant Deputy Commandant, Installations and Logistics (Contracts) Comments

The Assistant Deputy Commandant, HQMC I&L (Contracts), agreed with the recommendation, stating that the checklist was updated on July 23, 2025, that included clauses related to preventing the procurement of seafood from foreign sources and forced or child labor.

Our Response

Comments from the Assistant Deputy Commandant addressed the specifics of the recommendation. We reviewed the updated checklists and verified that they included clauses related to preventing the procurement of seafood from foreign sources and forced or child labor. Therefore, we consider this recommendation resolved and closed.

Recommendation 3

We recommend that the Principal Director, Defense Pricing, Contracting, and Acquisition Policy, develop and implement policy for the DoD acquisition community directing contracting officers to check existing contract vehicles and document exceptions to satisfying requirements through the DoD Coordinated Acquisition Program during acquisition planning for food procurements.

Principal Director, Defense Pricing, Contracting, and Acquisition Policy Response

The Principal Director, Defense Pricing, Contracting, and Acquisition Policy, agreed with the recommendation, stating that they will publish a memorandum reminding contracting officers of the DoD Coordinated Acquisition Program requirements to submit procurement needs to the assigned acquiring department in accordance with DFARS 208.7006 unless an exception is documented per policy.

Our Response

Comments from the Principal Director addressed the specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we receive a copy of the issued memorandum and verify that it directs contracting officers to check existing contract vehicles and document exceptions in accordance with the DoD Coordinated Acquisition Program for food procurements.

Appendix

Scope and Methodology

We conducted this performance audit from November 2024 through August 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We limited our scope to contracts issued by the DLA Troop Support within the DLA Prime Vendor Program in which seafood was ordered from FYs 2022 through 2024. Additionally, we reviewed contracts in which seafood was procured within the last 3 fiscal years awarded by NAVSUP, the AFICC, and the HQMC I&L. We did not review contracts awarded by the ACC as they did not procure seafood outside of the DLA Prime Vendor Program.

We evaluated contracts against the following applicable criteria.

- FAR Part 52, “Solicitation Provisions and Contract Clauses”
- FAR Part 52, “Solicitation Provisions and Contract Clauses,” Subpart 52.2, “Text of Provisions and Clauses,” Section 52.222, “[Reserved]”, Subsection 52.222-19, “Child Labor-Cooperation with Authorities and Remedies”
- FAR Part 52, “Solicitation Provisions and Contract Clauses,” Subpart 52.2, “Text of Provisions and Clauses,” Section 52.222, “[Reserved]”, Subsection 52.222-50, “Combating Trafficking in Persons”
- DFARS Part 252, “Solicitation Provisions and Contract Clauses,” Subpart 252.2, “Text of Provisions and Clauses,” Section 252.225, “[Reserved]”, Subsection 252.225-7001, “Buy American Act and Balance of Payments Program”
- DFARS Part 252, “Solicitation Provisions and Contract Clauses,” Subpart 252.2, “Text of Provisions and Clauses,” Section 252.225, “[Reserved]”, Subsection 252.225-7012, “Preference for Certain Domestic Commodities”
- DFARS Part 252, “Solicitation Provisions and Contract Clauses,” Subpart 252.2, “Text of Provisions and Clauses,” Section 252.225, “[Reserved]”, Subsection 252.225-7060, “Prohibition on Certain Procurements from the XUAR Representation”
- DFARS Part 225, “Foreign Acquisition,” Subpart 225.70, “Authorization Acts, Appropriations Acts, and Other Statutory Restrictions on Foreign Acquisition,” Section 225.7002, “Restrictions on food, clothing, fabrics, hand or measuring tools, and flags”

Universe and Sample

We used documentation provided by the DLA Troop Support to identify a universe of Prime Vendor contracts in which seafood was procured. With assistance from DLA Troop Support personnel, we limited the query to Prime Vendor contracts with orders of seafood from FYs 2022 through 2024.

We identified 100 Prime Vendor contracts valued over \$15 billion. From this universe we selected a nonstatistical sample of 13 contracts valued at over \$6 billion. Included in our sample we selected six of the highest value contracts that DLA Troop Support personnel had recently selected for contract quality review and seven of the highest value contracts that had not been reviewed by the DLA Troop Support. Additionally, we included in our sample eight contracts in which seafood was procured within the last 3 fiscal years identified by NAVSUP, the AFICC, and the HQMC I&L.

Internal Control Assessment and Compliance

We assessed internal controls and compliance with laws and regulations necessary to satisfy the audit objective. In particular, we assessed control activities related to the DoD's policies and procedures to prevent the procurement of seafood produced by forced labor. However, because our review was limited to these internal control components and underlying principles, it may not have disclosed all internal control deficiencies that may have existed at the time of this audit.

Use of Computer-Processed Data

We obtained contract data from the DLA, NAVSUP, the AFICC, and the HQMC I&L to perform this audit. We verified the data obtained against contract records in the Federal Procurement Data System, the Electronic Document Access, and the DLA Food Services Contract Search. We obtained and reviewed source documentation to validate the reliability of the data for the 21 contracts we selected to review. We determined that the data are reliable for the purpose of this audit.

Prior Coverage

During the last 8 years, the DoD Office of Inspector General (DoD OIG) and the GAO issued five reports discussing actions needed to better prevent the availability of at risk goods in the DoD's commissaries and exchanges and compliance with the Berry Amendment.

Unrestricted GAO reports can be accessed at <http://www.gao.gov>. Unrestricted DoD OIG reports can be accessed at <http://www.dodig.mil/reports.html/>.

DoD OIG

Report No. DODIG-2021-033, "Audit of the Department of Defense's Compliance With the Berry Amendment," December 14, 2020

The DoD OIG determined that the Military Services and the DLA generally complied with the Berry Amendment requirements for DoD procurements and acquisitions. The Military Services and DLA officials included the required Berry Amendment DFARS clauses in solicitations for 65 of 74 contracts. Additionally, Military Services and DLA officials complied with Berry Amendment requirements for the award for 118 of 135 contracts.

Report No. DODIG-2018-078, "Defense Commissary Agency Oversight of Fresh Produce Contracts in Japan and South Korea," February 22, 2018

The DoD OIG determined that Defense Commissary Agency officials failed to properly oversee produce contracts for Japan and South Korea. The report stated that the lack of oversight by Defense Commissary Agency officials resulted in inadequate verification of produce prices for 35 high-volume core items on contractor surveys. This failure stemmed from missing policies and procedures, insufficient training on contractual survey requirements, and inaccurate credit calculations for non-conforming produce.

Report No. DODIG-2018-070, "Summary Report of DoD Compliance With the Berry Amendment and the Buy American Act," February 6, 2018

The DoD OIG determined that the DoD complied with the Berry Amendment in 69 out of 109 reviewed contracts, obligating \$387 million. However, the DoD OIG identified 41 deficiencies in the remaining 40 contracts, including missing Berry Amendment clauses in 33 contracts and failing to prepare award notices with execution language for foreign-made items without proper documentation approval. In 40 contracts, the DoD lacked assurance that purchases met Berry Amendment requirements and failed to inform the public about the shortage of domestically produced products.

Report No. DODIG-2017-098, "Defense Logistics Agency Compliance With the Berry Amendment and the Buy American Act," July 7, 2017

The DoD OIG determined that DLA contracting personnel complied with the Berry Amendment in 13 out of 32 reviewed contracts but failed to meet requirements in 19 contracts worth \$453.2 million. At DLA Troop Support Philadelphia and DLA Aviation Richmond, personnel omitted the implementing clause in 14 contracts due to unfamiliarity with the amendment, reliance on their contract writing system, or administrative errors. They also failed

to prepare award notices for nondomestic items and purchased foreign-made items without required documentation. At three contracting offices, DLA personnel followed the Buy American Act in 44 out of 56 reviewed contracts but failed to comply in 12 contracts valued at \$1.8 million.

GAO

Report No. GAO-22-105056, “Actions Needed to Better Prevent the Availability of At-Risk Goods in DOD’s Commissaries and Exchanges,” February 3, 2022

The GAO determined that the Office of the Secretary of Defense did not effectively monitor the compliance of the Defense Commissary Agency and exchanges with policies to prevent the resale of goods produced with forced labor. The military exchanges have not consistently implemented all requirements related to resale goods, such as periodic assessments of forced labor prevention programs. The lack of a mechanism to monitor efforts by Defense Commissary Agency and exchanges to prevent the resale of goods produced by forced labor left the Office of the Secretary of Defense without reasonable assurance that resale organizations were not purchasing and reselling these goods.

Management Comments

Defense Pricing, Contracting, and Acquisition Policy

**Final
Report Reference**



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT
ACQUISITION, CONTRACTING AND SUSTAINMENT,
OFFICE OF THE INSPECTOR GENERAL

SUBJECT: Response to the Department of Defense Office of the Inspector General Draft
Audit Report, "Audit of the DoD's Policies and Procedures to Prevent the
Procurement of Prohibited Seafood Products (Project No. D2025-D000AH-
0028.000)"

As requested, I am providing a response to recommendation 4 of the subject report.

Recommendation 4: The Department of Defense Office of Inspector General (DoD OIG) recommends that the Principal Director (PD), Defense Pricing, Contracting, and Acquisition Policy (DPCAP), develop and implement policy for the DoD acquisition community directing contracting officers to check existing contract vehicles and document exceptions to satisfying requirements through the DoD Coordinated Acquisition Program during acquisition planning for food procurements.

Response: Concur. The PD, DPCAP, will publish a memorandum that reminds contracting officers of the requirements in Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 208.70 "Coordinated Acquisition." Requirements must be submitted to the assigned acquiring department unless an exception is documented in accordance DFARS 208.7003-2. Coordinated acquisition assignments are listed in DFARS Procedures, Guidance, and Information 208.7006, which designates the Defense Logistics Agency Troop Support as the acquiring department for food purchases.

Please contact my point of contact for this action, [REDACTED] if additional information is required.

Sincerely,

TENAGLIA.JOHN [REDACTED]
.M [REDACTED]

John M. Tenaglia
Principal Director,
Defense Pricing, Contracting, and
Acquisition Policy

**Renumbered as
Recommendation 3**

Naval Supply Systems Command Headquarters



DEPARTMENT OF THE NAVY
NAVAL SUPPLY SYSTEMS COMMAND
5450 CARLISLE PIKE
MECHANICSBURG, PA 17050-2411

MEMORANDUM

From: Commander, Naval Supply Systems Command
To: DODIG Auditors

Subj: ACOM for Contracting Management Concurrence with DoDIG
Recommendations, Audit of DoD Policies and Procedures to Prevent the
Procurement of Prohibited Seafood Products; Project No. D2025-D000AH-
00028.000

1. DoDIG conducted a review of contracts for the acquisition of seafood occurring FY2022-FY2024. NAVSUP FLC-Yokosuka issued one (1) seafood procurement contract in FY2022 due to DLA COVID-era sourcing issues. DoDIG seeks NAVSUP ACOM for Contracting Management concurrence with DoDIG Draft Report recommendations:

- ❑ *1.a. - Inform contracting officers of resources and tools available for use when selecting clauses and reiterating the application of Federal Acquisition Regulation 52.212-5*
- ❑ *1.b. - Update post award review checklists that includes clauses to prevent the procurement of seafood from foreign sources and forced or child labor.*

2. Recommendation provided to SUP 02 on 4 Aug 2025 via point paper to Tasker 2025-0965. Recommendation was to concur with DoDIG Recommendations.

3. SUP 02 concurred on 4 Aug 2025.

- ❑ *DoDIG recommendation 1.a will be implemented via reinforcement of resources and tools for appropriate contract clause selection during 20 August 2025 Contracting Policy Sessions with contracting activities and via KM Highlight enterprise-wide distribution to the contracting workforce.*
- ❑ *Where applicable DoDIG recommendation 1.b. will be implemented to update appropriate award checklists directing contracting officers to review commercial awards to assure that all appropriate clauses are selected when checking-the-boxes in the clause 52.212-5(b). To be completed by 31 Aug 2025.*

DICOLA.ANTHONY.R
OBERT

Anthony DiCola
CAPT SC USN
ACOM for Contracting Management (Acting)
Commander, Naval Supply Systems Command

Headquarters, Marine Corps Installations & Logistics



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
701 S. COURTHOUSE ROAD, SUITE 2K045
ARLINGTON VA 22204-2461

31 July 2025

MEMORANDUM FOR DEPARTMENT OF DEFENSE OFFICE OF INSPECTOR GENERAL

SUBJECT: DODIG Draft Report Project No. D2025-D000AH-0028.000, Audit of the
DoD's Policies and Procedures to Prevent the Procurement of Prohibited
Seafood Products

Pursuant to your July 11, 2025, draft report, I am providing the attached responses to the
recommendations. I concur with recommendations no. 2.a and 2.b.

For questions regarding this response, my point of contact is [REDACTED]

DEAL..JOHANY
.M. [REDACTED]

Johany M. Deal
Assistant Deputy Commandant for Installations
and Logistics, Contracting

Attachments:
As stated

Headquarters, Marine Corps Installations & Logistics (cont'd)

**DODIG DRAFT REPORT DATED JULY 11, 2025
PROJECT NO. D2025-D000AH-0028.000**

**“AUDIT OF THE DOD’S POLICIES AND PROCEDURES TO PREVENT THE
PROCUREMENT OF PROHIBITED SEAFOOD PRODUCTS”**

**UNITED STATES MARINE CORPS COMMENTS
TO THE DODIG RECOMMENDATIONS**

DODIG recommends that the Headquarters, Marine Corps, Assistant Deputy Commandant, Installation & Logistics (Contracts):

RECOMMENDATION 2.a: Inform contracting officers of resources and tools available for use when selecting clauses and reiterating the application of Federal Acquisition Regulation 52.212-5.

USMC RESPONSE: We concur with the recommendation. As noted in the report, HQMC I&L (Contracts) completed this action so the DODIG can immediately close this recommendation.

On 21 April 2025, HQMC I&L (Contracts) provided the following documentation to the DODIG:

- Email communications: HQMC I&L (Contracts) sent information to the field offices that awarded the contracts where DODIG noted missing clauses. HQMC I&L (Contracts) informed them of the specific issues noted during the audit to promote corrective action. HQMC I&L (Contracts) sent the emails on 19 March 2025, and leadership at the offices confirmed receipt that same day and addressed the issue with the staff.
- The HQMC I&L (Contracts) March 2025 Monthly Policy Recap Newsletter: HQMC I&L (Contracts) utilized our monthly newsletter to our entire contracting enterprise to address these audit findings. In addition, the newsletter explained the importance of clause selection, gave tips, and provided resources and tools. This newsletter was sent on 8 April 2025.

RECOMMENDATION 2.b: Update post-award review checklists that includes clauses to prevent the procurement of seafood from foreign sources and forced or child labor.

USMC RESPONSE: We concur with the recommendation and completed it on 23 July 2025. We recommend the DODIG close this recommendation.

We updated our HQMC I&L (Contracts) File Review Checklist to include the clauses, as shown in the image below:

Headquarters, Marine Corps Installations & Logistics (cont'd)

2

CATEGORY	REVIEW ITEM	REVIEW	NOTES
Clauses	FAR 52.222-50, Combating Trafficking in Persons <i>May require inclusion with its Alt I (see prescription at FAR 22.1705).</i> <i>For commercial contracts, must be manually checked within 52.212-5.</i>		
Clauses	DFARS 252.225-7060, Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region		
Clauses	FAR 52.222-19, Child Labor—Cooperation with Authorities and Remedies <i>Required in all contracts over the MPT.</i> <i>For commercial contracts over the MPT, must be manually checked within 52.212-5.</i>		
Clauses	DFARS 252.225-7001, Buy American and Balance of Payments Program. <i>Required instead of FAR 52.225-1 unless an exception at DFARS 225.110(2) applies.</i> <i>See DFARS 225.110(2) for using the basics and alternates.</i>		
Clauses	DFARS 252.225-7012, Preference for Certain Domestic Commodities <i>Required unless an exception at DFARS 225.7002-2 applies.</i>		

Air Force Installation Contracting Center



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

OFFICE OF THE ASSISTANT SECRETARY

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

FROM: SAF/AQC
1060 Air Force Pentagon Suite 4C149
Washington, DC 20330

SUBJECT: Department of the Air Force (DAF) Response to DoD Office of Inspector General (DODIG)
Draft Report, “Audit of the DoD’s Policies and Procedures to Prevent the Procurement of
Prohibited Seafood Products” (Project No. D2025-D000AH-0028.000)

1. This is the DAF response to the DODIG Draft Report, “Audit of the DoD’s Policies and Procedures to Prevent the Procurement of Prohibited Seafood Products” (Project No. D2025-D000AH-0028.000). The DAF agrees in part with the report and welcomes the opportunity to address the draft recommendations.
2. SAF/AQC’s review of the findings and recommendations is as follows:

RECOMMENDATION 3a: The DODIG recommends that the Air Force Installation Contracting Center Commander inform contracting officers of resources and tools available for use when selecting clauses and reiterating the application of Federal Acquisition Regulation 52.212-5.

DAF RESPONSE: *Agree with comments.* The Air Force agrees with this recommendation and shall provide guidance to all contracting offices reiterating the use of FAR 52.212-5. However, the DAF takes exception to the findings that predicated this recommendation. The DAF notes that all three call orders fall below the micro-purchase threshold (MPT). Micro-purchases are not subject to FAR 52.212-5, and DAF was not required to include this clause in the call orders. **Estimated Completion Date:** 30 September 2025.

RECOMMENDATION 3b: The DODIG recommends that the Air Force Installation Contracting Center Commander update post-award review checklists that include clauses to prevent the procurement of seafood from foreign sources and forced or child labor.

DAF RESPONSE: *Disagree.* The Air Force disagrees with this recommendation. The three call orders reviewed are below the MPT and the contracting officer correctly applied the FAR. As well, the DAF self-inspection checklists for post-award reviews already require inspectors to ensure the correct clauses are included. As such, no update is needed. **Estimated Completion Date:** No action required.

3. The SAF/AQC point of contact is [REDACTED].

ROBINSON.MARY
KATHRYN.SQUIRE
[REDACTED]
FOR LANCE R. FRENCH, Brig Gen, USAF
Deputy Assistant Secretary (Contracting)
Assistant Secretary of the Air Force
(Acquisition, Technology, & Logistics)

Final
Report Reference

Deleted

Deleted

Acronyms and Abbreviations

ACC	Army Contracting Command
AFICC	Air Force Installation Contracting Center
DFARS	Defense Federal Acquisition Regulation Supplement
DLA	Defense Logistics Agency
FAR	Federal Acquisition Regulation
HQMC I&L	Headquarters, Marine Corps Installations and Logistics
NAVSUP	Naval Supply Systems Command
U.S.C.	United States Code
XUAR	Xinjiang Uyghur Autonomous Region



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**For more information about DoD OIG
reports or activities, please contact us:**

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