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TRAFFICKING IN PERSONS

JOINT HEARING

BEFORE THE

MILITARY PERSONNEL SUBCOMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES

MEETING JOINTLY WITH

AFRICA, GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL OPERATIONS SUBCOMMITTEE

OF THE

COMMITTEE ON INTERNATIONAL
RELATIONS

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TRAFFICKING IN PERSONS

HOUSE OF REPRESENTATIVES, COMMITTEE ON ARMED SERVICES, MILITARY PERSONNEL SUBCOMMITTEE, MEETING JOINTLY WITH COMMITTEE ON INTERNATIONAL RELATIONS, AFRICA, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL OPERATIONS SUBCOMMITTEE, *Washington, DC, Wednesday, June 21, 2006.*

The subcommittees met, pursuant to call, at 2:04 p.m., in room 2118, Rayburn House Office Building, Hon. John McHugh (chairman of the Subcommittee on Military Personnel) presiding.

OPENING STATEMENT OF HON. JOHN M. MCHUGH, A REPRESENTATIVE FROM NEW YORK, CHAIRMAN, MILITARY PERSONNEL SUBCOMMITTEE

Mr. MCHUGH. The hearing will come to order.

As always, I want to welcome you all here this afternoon, which I think promises to be a very interesting session. First of all, it will be interesting because of the topic matter, an important topic because of timeliness, but also because it is a joint hearing.

And I want to start by welcoming our distinguished colleagues of the International Relations Committee, particularly my good friend from New Jersey, Chris Smith, and another friend from New Jersey, the ranking member, who I hope will join us soon, Mr. Payne, to discuss the issues with respect to human trafficking.

And it is a pleasure for us to join with the Subcommittee on Africa, Global Human Rights and International Operations to hear testimony on the Department of Defense efforts to implement a zero tolerance policy for human trafficking.

Let me just very briefly, I hope, say that as a way of background, in December 2002, President Bush issued a national security Presidential directive which established a zero tolerance policy for United States government employees and contractor personnel representing the United States overseas who engage in trafficking of human persons.

Subsequently, the Department of Defense (DOD) issued policy directives that make it clear that human trafficking will not be facilitated in any way by members of the military, by DOD civilian employees or by DOD contract personnel.

Further, the directives clearly state DOD's opposition to prostitution and outline specific objectives of DOD efforts to combat trafficking. And I strongly commend the Department of Defense for seizing the momentum set by the President, and I am encouraged by the aggressive approach the department has taken to combat trafficking.

At the same time, I believe there is more work, and frankly probably much more work, to be done and this has been communicated to the department by report language included in the National Defense Authorization Act for Fiscal Year 2007.

And during this hearing today, I hope we can focus on, first, the implementation by the Department of Defense and the individual military services of the guidance that was given by then-Deputy Secretary Wolfowitz and Secretary Rumsfeld regarding trafficking in persons; second, the investigation and prosecution of crimes of human trafficking by the military services; third, the DOD response to human trafficking violations by contractors and sub-contractors in Iraq; and, last, the coordination between the DOD and the State Department to ensure that we are doing everything we can to combat human trafficking.

And before I introduce our panel who have joined us here today, let me offer my good friend, Chairman Chris Smith, an opportunity to make his opening remarks.

Just as a preface, although for most, if not all, in this audience, it probably does not require saying there are few, if any, people in this Congress, either today or in recent memory, that have taken a more bold stance and a more compassionate position on issues like human trafficking than Chairman Smith, and it is an honor to share the dais with him.

So, Chris, with that, our attention is yours.

STATEMENT OF HON. CHRISTOPHER H. SMITH, A REPRESENTATIVE FROM NEW JERSEY, CHAIRMAN, AFRICA, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL OPERATIONS SUB-COMMITTEE

Mr. SMITH. Thank you, Chairman McHugh. And, first of all, let me just say how grateful I am that you have agreed and are hosting this important hearing, especially as chairman of the Military Personnel Committee.

In one of my former jobs as chairman of the Veterans Committee, I just want to note for the record how grateful I was and how well we worked together. You did a tremendous job on a number of the issues where there was joint concerns, like DOD-Veterans Affairs (V.A.) sharing agreements, issues dealing with personnel as they transitioned into V.A. status. And so I want to applaud you for that outstanding work that you have done.

Let me just say also how glad I am, and you mentioned it a moment ago, that we worked together to include language in this year's committee report for the National Defense Authorization Act for 2007, which I think will make even more of a difference going forward.

Just by way of background, in September of 2004, Chairman Hunter and I co-chaired a briefing to examine DOD's enforcement of U.S. policies against trafficking in persons. At that time, DOD and individual commanders had just begun to address the issue, primarily for the issuance of high-level directives from the secretary and deputy secretary of defense but had little yet to say for its implementation or the efficacy of its efforts.

The one exception was in South Korea where General LaPorte was already taking strong and decisive action to curb the involve-

ment of U.S. service members in creating a demand for prostitution that fuels trafficking. And General LaPorte came and testified and provided some useful insights as to how he did it, and those recommendations, I know, have been well-incorporated in what we are doing around the globe now.

Our need to examine this problem in the context of DOD arises from the fact that prostitution has historically coexisted alongside large populations of military forces. This is a problem for all militaries, not just the American military.

In recent years, Non-Governmental Organizations (NGOs) and the press have reported women being forced into prostitution for a clientele consisting of military service members, government contractors, and international peacekeepers.

Over the past half-dozen years, such evils have been documented in South Korea, Southeastern Europe, the Congo and Sudan. There have also been horrific accounts of international peacekeepers from several countries, thankfully not including the United States, who have purchased sex from hungry children in exchange for a piece of bread.

As you know, Mr. Chairman, I was the prime sponsor of three landmark laws to end trafficking, here and abroad: the Trafficking Victims Protection Act of 2000 and the 2003 act as well as the 2005 act. For years, I and members of our committee have focused attention on the problem of human trafficking through legislation and congressional hearings and overseas trips.

My focus on the U.S. military began in 2002 when a Fox News reporter named Tom Merriman showed me a hidden camera investigation of U.S. troops in South Korea patronizing bars and other establishments where women from the Philippines and the former Soviet states, including Russia, were trafficked and forced to prostitute themselves.

The investigation regrettably captured U.S. soldiers on “courtesy patrol,” patrolling these establishments at which U.S. soldiers are the primary customers. I have no doubt that the vast majority of U.S. service members would never engage in such reprehensible conduct, but I was outraged to learn that some were indeed creating a demand for trafficking of women into prostitution.

At my request, the DOD inspector general undertook investigations in South Korea and in Bosnia-Herzegovina and in Kosovo. The two resulting reports identified institutional weaknesses in our military’s understanding and response to trafficking and made concrete recommendations for action.

For DOD, these issues do not end with the demand side of the equation and are not limited to sex trafficking. In testimony before the Armed Services Committee and the Commission on Security and Cooperation in Europe in 2004, Martina Vandenberg, a former researcher for Human Rights Watch, described eight cases in which U.S. Government contractors, including four DOD contractors, allegedly purchased trafficked women and girls in Bosnia.

More recently, in October 2005, the *Chicago Tribune* reported on U.S. Government subcontractors trafficking Nepalese laborers through Jordan and into Iraq to work on U.S. military bases. Subsequently, the U.S. Multi-National Force-Iraq conducted an inves-

tigation, an inspection of contracting activities in Iraq which confirmed the tribune's report.

In April, General George Casey issued labor guidelines to all defense contractors in Iraq and Afghanistan, with the intention of protecting employees from abuse.

I look forward to hearing today about the investigations that DOD conducted, and how DOD will create a policy that affects all U.S. installations and operations.

It is reprehensible that any person with a responsibility to protect civilians in a destabilized region or to promote the rule of law would participate in prostitution or otherwise encourage human trafficking.

Speaking before the United Nations (U.N.) General Assembly in 2003, President Bush stated eloquently that, "There is a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of the sex trade see little of life before they see the very worst of life—an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others."

U.S. military or contractor involvement in trafficking, besides exploiting the individual girls or young boys, even, weakens the rule of law, strengthens criminal networks and undermines DOD's own mission. If a U.S. Government representative, or even a contractor paid by U.S. taxpayer funds, engages in actions that allow prostitution and human trafficking to prosper, the efforts of our President, the State Department, and Congress to combat this criminal scourge are thwarted.

Only when DOD and the U.S. military take an uncompromising position on the issues of prostitution and trafficking will we be in a position to effectively push international organizations and other countries to do likewise.

I continue to be deeply troubled by the slow pace of reform at the United Nations and have conducted two hearings on the sexual exploitation and abuse of the U.N. peacekeepers' operation in the Congo. I am sad to say that since early 2004, the U.N., in conducting its investigation, found that there were some 296 personnel involved in that exploitation, which has resulted in the repatriation of 137 military personnel, including 6 commanders, and the dismissal of 17 civilians and 16 police.

Most of these cases occurred at U.N. missions in Africa, but according to the State Department's 2006 Theory Into Practice (TIP) report, "It may take months or even years before an effective measure is put into practice at the U.N."

Ladies and Gentlemen, women and children cannot wait months or even years to be safe from abuse. Bureaucracy is no excuse for tolerating exploitation, and the U.S. and all countries of goodwill must redouble our efforts at the United Nations to move forward on these issues.

Finally, now that sound policies are for the most part set, DOD has the difficult task of ensuring their implementation. DOD's anti-trafficking initiatives must rise above individual personalities who themselves understand why we need to prevent trafficking. Anti-trafficking efforts must become part of DOD's organizational cul-

ture and infrastructure. Despite some progress, I do have some concerns about implementation.

But, again, since we do have a vote, I do yield back, and I thank my good friend for calling this hearing.

Mr. MCHUGH. I thank the gentleman.

And the unwritten rule of Congress, if you have a hearing, votes will happen no matter when it is. The good news is, there are only two, so why don't we press on and see if we can get through some opening comments.

Good point. That is a 15-minute warning before what we expect will be the vote, so we do have a little bit more time, and I would be happy in that time to yield to my partner on the Personnel Subcommittee, the distinguished gentleman from Arkansas, Dr. Snyder, for any comments.

STATEMENT OF HON. VIC SNYDER, A REPRESENTATIVE FROM ARKANSAS, RANKING MEMBER, MILITARY PERSONNEL SUBCOMMITTEE

Dr. SNYDER. Thank you, Mr. Chairman, and thank you to you and Chairman Smith for holding this hearing today.

And, Mr. Smith, it is good to be back and have you as chairman again, Chris.

I was honored to be on the Veterans Committee when he was chairman, and he did a great job there.

I have an opening statement, Mr. Chairman. I would like to submit it for the record.

Mr. MCHUGH. Without objection, so ordered.

Dr. SNYDER. I will be brief in my opening comments.

I don't think there is any American that has any honor at all that would ever knowingly participate in human trafficking, and yet the more we get into this, the more we learn there are things that we can do and that young people can do, whether as contractors or in the service, that contribute to the demand that fosters this terrible evil in the world.

It is also one of the things we keep thinking the world is making progress, and yet with regard to human trafficking, there seems to be a tremendous activity going on around the world now, and it may well be going in the wrong direction.

So until we deal with the issue of poverty and the discrimination against women in the world, it is going to be with us.

And I commend you, Mr. Chairman, both of you, chairmen, for bringing this hearing today so that we can try to chip away at this problem in the ways that we can in our jurisdiction.

Thank you.

[The prepared statement of Dr. Snyder can be found in the Appendix on page 49.]

Mr. MCHUGH. I thank the gentleman.

Let us press on to the most important part of the afternoon, that of course our distinguished panelists, and let me on behalf of all the members here today from both committees extend our warmest words of welcome.

We have four witnesses, and we would like to give each of you the opportunity to present your testimony in the fullest possible way.

I would note that we do have, I believe, all of your testimony now in its written form, and, without objection, it will be, each and every one of them, entered into the record without change. Hearing no objection, so ordered.

So to the extent you possibly can, we would respectfully ask that perhaps you could summarize the high points of your written testimony, and I know there are many, to the shortest timeframe possible.

Let me now introduce the distinguished panel.

First of all, Ambassador John R. Miller, who is director of the Office to Monitor and Combat Trafficking in Persons, United States Department of State.

Mr. Ambassador, thank you for being here.

Ms. Gail H. McGinn, who is performing the duties as Principal Deputy Under Secretary of Defense for Personnel and Readiness for the Department of Defense.

Welcome.

Mr. Thomas F. Gimble, Principal Deputy Inspector General, acting agency head, the Department of Defense.

Mr. Inspector General (IG), welcome.

And also Colonel Robert K. Boyles, United States Air Force, former principal assistant responsible for contracting, Forces Joint Contracting Command-Iraq/Afghanistan.

Colonel, welcome. And I also, if I might, add that thank you particularly for being here. I know you just recently returned from Iraq, and under the leave policies of our great military would probably be off doing other things as returning, but you have chosen—I hope voluntarily, but I won't probe you on that—to be here, and we are very, very much appreciative for that effort, as we are to all of you.

And just by a little housekeeping for the members' edification, although we don't always do it, today, given the fact we do have a joint hearing and I would expect members will be coming in and out, we will operate under the five-minute rule with the normal exception for the two chairs and the two ranking members and recognize those folks in the order of seniority, alternating committees, alternating sides who were here at the gavel and then as they presented themselves after the gavel.

So with all of that having been said, Mr. Ambassador, Ambassador Miller, welcome again, and we look forward to your comments.

**STATEMENT OF AMBASSADOR JOHN R. MILLER, DIRECTOR,
OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS,
DEPARTMENT OF STATE**

Ambassador MILLER. Thank you, Mr. Chairman, Mr. Co-Chairman, members of the two committees. I see many of you who have taken a personal interest in abolishing modern-day slavery, and I thank you for your efforts.

I am here really as a stage setter. I am the warm-up. The heavy lifting is going to be done by the Department of Defense, but I think I have been called to testify because I wear two hats: One, I am an ambassador-at-large for the president on modern-day slavery around the world, and in that capacity, I have looked at mod-

ern-day slavery around the globe and the efforts that governments, including their militaries, undertake.

The second capacity I am here in is that I am chairman of the Senior Policy Operating Group on Trafficking in Persons that you created that includes all the major United States agencies, including the Department of Defense.

You are all aware of the tremendous challenge that we face in the 21st century, the human rights challenge, the national security challenge, the health challenge that comes from millions in modern-day slavery. And I think let's be realistic, if you look at trafficking in persons, particularly sex trafficking, there is a long history of the militaries in the world, including ours, being connected to this phenomena. That is the reality.

In the past couple of years, I have had the privilege of working with the Department of Defense and I have seen some very diligent and determined efforts to change the culture. This is going to be described in more detail but first came a no tolerance on trafficking policy.

Then when discussions were held as to how could soldiers and sailors know whether somebody was a trafficking victim when they visited a brothel—are you going to ask, “Are you a victim,” and they are going to give you a straight answer—when that issue was raised, the Department of Defense moved further and they changed the military code of justice to make not only trafficking but the patronizing the prostitute an offense.

And then they went further and revised their training, and our office worked with them on that and worked with what you referred to in Korea, Mr. Co-Chairman, to see that soldiers, sailors, airmen understand the policy and their commanders do.

Now, has everything been done? No. Is there more to do? Yes. We are awaiting an Office of the Inspector General (OIG) report this August where defense has taken the initiative in surveying what is happening or are these efforts in place.

But that is mainly in the area of sex trafficking.

In the last several months, we have worked with the Department of Defense on an issue relating to forced labor trafficking, which the co-chairman mentioned and which is included in our annual report on page 19, and that is with regard to that story in the *Chicago Tribune* about Nepalese laborers being lured by phony recruiting agencies, then being shipped off to Jordan thinking they were going to work in 5-star hotels and then going against their will into Iraq.

And the Department of Defense undertook a very thorough investigation of this and not only investigated and, as the co-chairman basically corroborated the major points of the article, but through the efforts of Colonel Boyles and others came up with some very specific recommendations that showed to me an understanding of the trafficking issue—directions to contractors that passports are not to be withheld from workers, directions on working conditions, directions on recruiters. And a new regulation going through the process that is going to make it easier to hold contractors and sub-contractors responsible.

So, again, has everything been resolved? No, but efforts have been undertaken.

And that leads me to my conclusion, because you want me to just summarize. I go around the world and I see what happens with militaries and I see what you described, the disturbing evidence regarding the militaries of many countries acting through the United Nations peacekeepers.

Trafficking goes on in every country in the world, and to some extent every military in the world comes in contact with it. But I can truly say that in my opinion the U.S. military, Department of Defense, is the leader in the world today when it comes to undertaking efforts to combat trafficking in persons and abolishing slavery.

And we are looking, and rightly so, you are looking, you helped start this process with that hearing a couple of years ago. I was at the hearing in 2004. You have been pushing this issue, but I think the Department of Defense has responded, and what we are really concerned with is effort, and the effort has truly been there.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Miller can be found in the Appendix on page 53.]

Mr. MCHUGH. Thank you very much, Mr. Ambassador.

Ms. McGinn, welcome again. Look forward to your comments.

STATEMENT OF GAIL H. MCGINN, ACTING PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS)

Ms. MCGINN. Thank you.

Chairman McHugh, Chairman Smith, members of the committees, I want to thank you for this opportunity to address you concerning the Department of Defense's role in combating trafficking in persons (TIP).

Our efforts continue to be focused on two primary areas of concerns, which Ambassador Miller so alluded to. The first concern continues to be the sex exploitation industry overseas in and near our areas of operations. The second concern is with the employment practices by civilian contractors supporting DOD operations overseas. Our ongoing actions are aimed at addressing these two major areas of concern.

The department's major effort has been in trafficking in persons awareness training. We have deployed an awareness training module required to be taken by all military and civilian DOD personnel serving overseas.

The emphasis of the training is to educate individuals to not support trafficking, even indirectly, by frequenting businesses or enterprises that could involve trafficking in persons. I would add that I have reviewed that training in preparation for this hearing. I found it very well done and very engaging, and that is important for people to be interested in it and to learn from it.

Our next important training release will be for commanders. This module is nearing completion and should be fielded in August.

Our overseas operations also highlight our second concern—labor trafficking. As recently in the actions taken by the commander of Multi-National Force-Iraq against labor practices of supporting contractors, this concern is well founded. Our Defense Federal Acquisition Regulation trafficking in persons rule will give overseas com-

manders the contract management tools necessary to hold contractors accountable for their labor practices and their employees' actions.

We have modified our rule to include those labor areas we feel are vulnerable to trafficking practices outside the United States, which are not covered in a broader rule published in April of this year. Those are, for example, supply and construction. We returned our rule to the Office of Management and Budget (OMB) for clearance this month, with a publication targeted for August of this year.

The Uniform Code of Military Justice (UCMJ) is central to enforcing the department's anti-trafficking in persons program. On October 18, 2005, the President signed Executive Order 13387-2005, Amendments to the Manual for Courts-Martial, United States. The executive order added the specific offense of "patronizing a prostitute" to the Manual for Courts-Martial.

Early this year, we conducted a targeted media program to specifically get the word out on the new offense and generally promote our anti-trafficking in persons policy and program.

In the broader scope of the UCMJ, we have reviewed the code in its ability to proscribe trafficking in persons. We believe that the UCMJ is fully adequate to the task of addressing the crime and any of its associated wrongful acts should the jurisdiction fall to the department to do so.

These steps we are taking reflect our strong commitment to address combating trafficking in persons within the scope of DOD's responsibilities.

Thank you again for scheduling this important hearing, and I look forward to answering your questions.

[The prepared statement of Ms. McGinn can be found in the Appendix on page 58.]

Mr. MCHUGH. Thank you very much.

Next, Mr. Thomas Gimble, principal deputy inspector general. Mr. Gimble, welcome.

**STATEMENT OF THOMAS F. GIMBLE, PRINCIPAL DEPUTY
INSPECTOR GENERAL, U.S. DEPARTMENT OF DEFENSE**

Mr. GIMBLE. Mr. Chairman and members of the committee, thank you for the opportunity to discuss past and ongoing efforts by my office in the area of combating trafficking in persons.

Previously, on September 21, 2004, the former inspector general presented testimony regarding TIP in a joint hearing report to Chairman Hunter and the Helsinki Commission. OIG initiatives in the area of human trafficking were triggered when 13 Members of Congress wrote to the secretary of defense on May 31, 2002 to request a thorough, global and extensive investigation into the publicized allegation that U.S. military leadership in Korea had been implicitly condoning sex slavery.

In response to those concerns, OIG initiated a human trafficking assessment project. The first phase focused on United States Forces-Korea. IG teams visited in Korea in December of 2002 and March of 2003.

The second phase focused on the European theater, specifically Bosnia and Kosovo, and IG teams visited Balkans in June of 2003.

The results of the assessment project indicated that awareness training along with leader focus were important tools in the effort to combat human trafficking. Our specific findings are included in my written statement that was submitted for the record.

As a follow-on to our earlier efforts, my office announced on November 18, 2005 the evaluation of DOD efforts to combat trafficking in persons. To date, we have accomplished the field work and are now coordinating the draft report. The evaluation examines TIP policies, programs and actions at the Office of the Secretary of Defense (OSD) level and program execution at the combatant command and installation levels.

The objectives are to determine if DOD directives, implementing instructions, organizations, metrics and resources are adequate for the DOD components to develop implementing programs and objectives; determine if the TIP training is effective in promoting awareness of applicable laws and restrictions and fostering behavioral changes among all DOD employees—service members, civilians and contractor personnel; determine if current laws and international agreements are sufficient to give commanders the requisite authority outside the gate.

In addition to our ongoing evaluation, we continue to collaborate with various TIP stakeholders across the Department of Defense. For example, on April 19, 2006, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council published an interim rule, “Combating Trafficking in Persons,” which prohibits severe forms of trafficking in persons, procurement of commercial sex acts and use of forced labor.

On April 14, 2006 the OIG responded to a request from the under secretary of defense for Personnel and Readiness into alleged TIP practices by DOD contractors and subcontractors in Iraq, as reported in a series of *Chicago Tribune* articles regarding the circumstances leading to the death of 12 Nepalese workers inside Iraq on August 31, 2004. The allegations concerned involuntary servitude occurring under the auspices of DOD contractors in Iraq.

The DOD IG made the following recommendations to the under secretary, which were provided later to Ambassador Miller on May 18, 2006, which included DOD should continue to prosecute military members who become involved in TIP or TIP-related activities in accordance with the Uniform Code of Military Justice; DOD should ensure that all contracts incorporate the language of the anti-TIP Defense Federal Acquisition Regulation (DFAR) clause, once it is approved; DOD should evaluate rewriting existing contracts to incorporate the language of the anti-TIP DFAR clause, once it is approved; military department and combatant command inspectors general continue their involvement in the DOD efforts to combat TIP within the limits of their authority to do so.

We have also worked with U.S. Central Command and the in-theater IGs on issues related to labor or debt bondage. In April 2006, as has been noted before, the commanding general, Multi-National Force-Iraq, published the Fragmentary Order 06-188, “Prevention of Trafficking in Persons in Multi National Forces Iraq.”

In conclusion, we remain committed to support DOD’s zero tolerance policy against trafficking in persons, and we will continue to

evaluate programs and compliance to the policies. And I look forward to your questions.

[The prepared statement of Mr. Gimble can be found in the Appendix on page 63.]

Mr. MCHUGH. Thank you very much, Mr. Gimble.

I have been remiss over the last two or three witnesses to fail to note that we have, as I commented in my opening remarks, been joined by the distinguished ranking member of the International Relations Subcommittee, Mr. Payne.

I would propose to my colleagues, because I have seen the testimony by Colonel Boyles and unless he is going to expand on that, which would be really unusual, he has a two-page militarily concise statement, perhaps we could do that, and then when we reconvene, Mr. Payne, if you have any opening remarks, I would be happy to yield to you.

Does that meet with your approval?

Colonel, again, thank you for being here, particularly given your just-back-from-Iraq status, and we look forward to your comments.

STATEMENT OF COL. ROBERT K. BOYLES, FORMER PRINCIPAL ASSISTANT RESPONSIBLE FOR CONTRACTING, FORCES JOINT CONTRACTING COMMAND—IRAQ/AFGHANISTAN, U.S. AIR FORCE

Colonel BOYLES. Thank you, Mr. Chairman.

Chairman McHugh, Representative Snyder, Chairman Smith, Representative Payne—

Mr. MCHUGH. Colonel, yes, get that a little closer.

Colonel BOYLES. Okay.

Mr. MCHUGH. We are all old and deaf.

Colonel BOYLES. I am there with you, sir.

Mr. MCHUGH. Thank you.

Colonel BOYLES. You have this for the record, sir, so I won't read it verbatim for you. I will summarize, as you requested.

When I got to Iraq in January, as any good leader would do, I went and met with the Multi-National Force (MNF)—I chief of staff. The only thing that General Donovan mentioned to me during that interview was trafficking in persons, quality of life for third country nationalists, making sure that everybody who supported MNF—I had a quality of life that would be as good as any troop that we had.

I took that to heart and when first notified in February of certain contractors withholding passports, I immediately called those two contractors in. At that point in time, there were only two that we knew about. Called them in, talked to them, let them know that their behavior was offensive to the United States government and directed them to return passports by, I believe it was, the end of the 28th of February. Both started complying, both identified concerns.

Subsequently, the investigation was complete. I haven't seen the whole investigation, but the inspector general, who I will tell you in Iraq is a pit bull on this topic, identified to me more contractors that were withholding passports, so I went out with a blanket letter to all contractors in Iraq of whom my organization wrote the contracts for and let them know that I expected them to return all

passports by the first of May and outlined to them certain actions I would take as a contracting officer were that not to be accomplished.

For the most part, that happened relatively fast. Some of the larger contractors wanted to talk about some of their concerns, but we didn't drag it on, and I can tell you that right now pretty much every contractor has returned passports.

There are some individuals who have worked in the office from the Philippines and I would routinely ask them, "Have you got your passports? Do your friends have their passports?" And ultimately that came back and we get a lot of data back talking about how this was successful.

General Casey, through the inspector general, outlined a Fragmentary Order (FRAGO), which is an order to the military, that basically outlines what his expectations are and directs certain activities. In that it also laid out those types of things that I had laid out in my letter.

In addition to making sure that all new contracts that we wrote had that language in there, we took the step of also modifying all of our existing contracts, and I gave my folks until, at that point in time, it was the 31st of May to make sure all of our existing contracts were modified.

That activity competes with the day-to-day contract award in support of our troops, so I would say when I left at the end of the month, end of May, we were about 80 percent complete. I would venture to guess 100 percent of those contracts are awarded right now.

I just wanted to say, sir, that I appreciate the opportunity to come here. My few comments are as a matter of record, and I am ready for your comments.

[The prepared statement of Colonel Boyles can be found in the Appendix on page 75.]

Mr. MCHUGH. Thank you, Colonel.

And thank you all.

As I noted, two votes. I regret that we are going to have to interrupt, but that is an unavoidable reality of the Hill. So if you could stand in recess until we return, hopefully immediately after the second vote.

[Recess.]

Mrs. DRAKE [presiding]. Call the meeting back to order.

When Mr. Payne—here is Mr. Payne.

Mr. Payne, we would like to ask you if you have a statement.

Mr. PAYNE. Yes. As a matter of fact, I thought you would be asking that.

Mrs. DRAKE. We are going to yield to you for your statement. Thank you.

**STATEMENT OF HON. DONALD M. PAYNE, A REPRESENTATIVE
FROM NEW JERSEY, RANKING MEMBER, AFRICA, GLOBAL
HUMAN RIGHTS, AND INTERNATIONAL OPERATIONS SUB-
COMMITTEE**

Mr. PAYNE. Thank you very much. Timing, I guess, is important, and I will be very brief, though I would like to, of course, welcome the witnesses who have already been greeted by our committee.

I would like to thank the chairpersons of the two committees for calling this very important hearing about military zero tolerance policy with the armed services.

Chairpersons, thank you for calling this important hearing concerning the Department of Defense's implementation of zero tolerance for human trafficking.

As we know, the trafficking of persons is regarded to be one of the dominating criminal enterprises of the early 21st century. Trafficking of persons perpetrates poverty, war, crisis and ignorance, and the International Labor Organization estimates that there are some 12.3 million forced laborers at any time.

The Department of Defense has worked to implement a zero tolerance stand against any actions by defense personnel that contributes to human trafficking and instituting a service-wide mandatory training program, as we have already heard described. The trafficking issue has been a policy priority of the United States for a number of years.

The hard work of officials has begun to show results. In the State Department's fifth annual report on human trafficking and which had highlighted how the U.S. and international campaigns against human trafficking has begun to show the results and show that the programs are paying off. The zero tolerance policy has contributed to the slow decay of the horrors of human trafficking, as well as spreading a message to the world that human trafficking must end. We will no longer tolerate this.

As we know, there have been many challenges to this policy, like in Iraq, South Korea, Bosnia and Herzegovina and Kosovo; recently revealed top U.S. commanders in Iraq had ordered sweeping changes for private military support operations after confirming violations of human trafficking laws and other abuses by contractors involving possibly thousands of foreign workers on American bases. This is just a particular disturbing example of how human trafficking can be right under our own very noses, and we must continue to be vigilant about wiping it out.

Continuing to strengthen the zero tolerance policy is in the nation's best interest concerning the human rights abuses as well as for our national security. Hopefully, the Department of Defense will meet the complex challenges in strengthening policies in the horrors of human trafficking.

And, once again, I thank all of the witnesses for being here and look forward to the questioning period.

Thank you, Ms. Chairperson.

Mrs. DRAKE. I would also like to join my colleagues in thanking all of you for being here today. And certainly very impressive to me. It is my first hearing in a joint panel to hear what Department of Defense is doing, and I am impressed by what I have heard.

Colonel, I would like to ask you, in my experience of going to Europe and looking at some of the countries, we visited two receiver countries and we visited two supply countries, but the question that stood out in our minds is, how do the authorities there determine that this is someone who is a victim and not someone who is a criminal?

So from the standpoint with Department of Defense and with our contractors that are there on the issue of prostitution—I am sure

with laborers that would be more apparent that these are people who have been trafficked in—but is it clear or are your men and women trained in trying to identify is this someone who is engaging in this activity in a criminal manner or is this someone who is actually a victim of trafficking?

Colonel BOYLES. I would say first, ma'am, that training is something we identified as being needed in Iraq, and to be honest with you, I really need to kind of limit my comments to what I really know from Iraq and what I did.

In terms of how you identify criminal activity versus a victim, I really couldn't tell you there. I don't know if training covers that or if training is anticipating to cover that. I would have to defer that to someone who is in the training room.

Ms. MCGINN. I can take a shot. Having just done the training myself—

Mrs. DRAKE. Yes, please.

Ms. MCGINN [continuing]. I was very impressed because it does tell our service members what signs people would exhibit if they were being held illegally, things like not knowing where they were, not being able to answer questions about directions, not being able to speak the language, body demeanor and the like. It was very impressive the way they taught. The training teaches to parse that.

Mrs. DRAKE. All right. Thank you.

I would, before I turn the chair over to the chairman, would just like to take a moment and thank all of you, though, for adding that prostitution is an offense and our military members cannot engage in that at all. Because I think from their standpoint, and Ambassador Miller made the point, that they are not going to walk in and say, "Are you a victim or are you someone who is truly engaging in this behavior?"

And I think from our standpoint here at home that our communities—I wasn't aware that you had done that until you said it today, but that will make a difference in our communities too.

So I wanted to thank you and turn the chair back over to our chairman.

Mr. MCHUGH [presiding]. I thank the gentlelady.

I apologize for jumping in and out, and unfortunately it is going to be occurring through most of the afternoon. Fortunately, we have great leaders on this issue, such as the gentleman who I am proud to yield to right now, Chairman Smith.

Mr. SMITH. Thank you very much, Chairman McHugh.

And I, too, want to thank our very distinguished witnesses for the work you are doing. It is proactive, it is effective, but obviously more always has to be done, and I say that for the Congress as well.

We found in writing our first law in 2000 we missed a number of areas. In some cases, we couldn't get a consensus with the Senate on some of those areas, which we came back and got in 2003 and 2005.

In one of those areas in 2003, when we held hearings and found out that some of our contractors in Bosnia, for example, were accused of engaging in trafficking, that was the genesis, frankly, of the language that in 2003 was directed just at the foreign affairs account, the 150 Account, but in the 2003 act signed by the Presi-

dent, it was expanded to be all Federal contracting that can be revoked if the contractor is engaging in trafficking.

And my question is, and I heard a moment ago, and I am glad to hear it, that you have been modifying, Colonel, the contracts. And I wonder if you might amplify on what those modifications are. Have you gotten to the point where you will pull a contract from an offending company in Iraq or Afghanistan?

I mean, you mentioned that their returning passports, but, as you know, there are a number of other concerns, deep concerns about how many of this labor force finally go through Iraq.

The stories that were mentioned early, and I would ask unanimous consent, Mr. Chairman, that a series of articles by Cam Simpson from the *Chicago Tribune* be made a part of the record.

Mr. MCHUGH. Without objection, they are entered.

[The information referred to can be found in the Appendix on pages 81, 87, 95.]

Mr. SMITH. These are decisive articles that speak to the exploitation of a labor workforce that has been recruited by very morally bankrupt labor brokers who abused, put many of these people at grave risk, including those who have died along the road while en route. I am just wondering, what are we doing to ensure that that workforce is not exploited at any part?

If you note, if you recall, the definition of trafficking is very clear. It has to do with recruitment, right on through to end use exploitation, whether it be in a house of prostitution or whether it be a labor trafficker, and we are dealing with, obviously, people who are being defrauded and then at some point even coerced, and, certainly, their desperate situation is being exploited.

So if you could—I mean, the law is very explicit. You have the power, you have the authority to revoke those contracts.

And let me just say parenthetically, one of the concerns that many of us have had, and I am sure you have it on this committee, we have it in New Jersey and elsewhere, is that we have found that a number of illegals were working on our military bases, which begged the question about who was vetting the security risk that they might pose? And I remember meeting frequently at McGuire Air Force Base and others along with Jim Saxton and some of my other colleagues to make that case, who is it that is on our bases.

Well, a similar issue, I think, could be raised as to who it is, what kind of vetting is actually being done. One, we want to protect laborers, but, second, we want to know who is working on our bases.

And I think the key question is about the subcontractors. You know, it is one thing to get an okay from Halliburton or someone that they are on the up and up about, but it has to go down to the 200 or so subcontractors that they might have under the employ, what are they doing with regards to this?

And so, Colonel, if you could begin with that question.

Colonel BOYLES. I will try, sir. That is a mouthful, but let me try to talk to some of that.

Modifying contracts, we have in our new contracts requirements for a number of things. Those exact same things are being modified into our existing contracts. Let me lay these out for you.

The requirement that all passports return by the first of May, well, that was a directive I put out; ensuring all contracts include a termination without penalty clause; requiring prime and sub-contractors to provide employees with a signed copy of their employment contract that defines the terms of their employment and compensation; the prohibition of the use of unlicensed recruiting firms or firms that charge illegal fees; and this is where we went a little bit beyond, establishing 50 square feet as a minimum acceptable living standard for living space; and then a requirement in the contract that all contractors comply with host station entry and exit requirements.

So what I did was let all of the—in Joint Contracting Command, we had 12 buying activities in Iraq, and I laid out and said, “By the 31st of May, guys, you need to have all your existing contracts modified to put all this language in there.” Like I said earlier, that competes with the day-to-day awarding contracts, so I believe we are about 100 percent but about this time, instead of 31 May, probably about 15 June-ish.

So it was a dual approach. It was everything forward but also everything that was in existence. Now, there was some reasonableness there. If a contract was going to expire in a month, for example, we didn’t modify it.

One thing that is important to understand is that there are many contracting activities doing business in Iraq. Joint Contracting Command writes—in 2005, I believe we had about 20,000 contracts for about \$1.6 billion. But there are other agencies that write contracts. So when I take action it is against those contracts for which my organization has written them, and I warranted people to do that.

When we were getting a little bit of recalcitrance from one of the larger contractors to passing back passports, I took a couple of their contracts and I laid it in front of them and said, “Okay, we are getting ready to terminate these,” and they came around.

And so to answer your question specifically, sir, we didn’t terminate anything, but it got to the point where we identified the ones we were going to terminate, we identified those contractors, made it known, and they turned around with some leverage from that end, because they are a sub to Kellogg, Brown, and Root (KBR). KBR provided some leverage also, and this contractor then returned all the passports.

First, I believe it is putting the requirements in the contract. The other part, I think, talks to enforcement, how do you enforce it? You have to inspect and in about 90 days from July, I believe, the IG is going to go back out and do some inspection. You have got training that needs to take place for all contracting officer representatives. There are so many contracts out there that a contracting guy is not going to be able to go out and do everything.

Each unit has a COR, a contracting officer’s representative, and as part of their training, we need to incorporate some training on TIP, what things to look for, and then when something is identified, the contracting people need to take the enforcement actions in terms of the termination, debarring a contractor or suspending them for receiving more government contracts. We have worked with the legal community at Camp Victory, for example, about

when and where we would bar a contractor from entry to the facility.

All those types of actions have been identified to the contractor, and we continue to have ongoing dialogue with the legal community and the force protection community on these.

I really can't answer the vetting of security contractors. I understand that on Mr. Simpson's article, for example, a young man coming from a different country, who would vet them security requirements, those types of things, to what extent does a company go through? It didn't sound like much.

I do know that there is a security concern at Camp Victory and other camps in Iraq because once Third Country Nationals (TCNs) come in and they opt to leave a contract for employ somewhere else, oftentimes they don't get rebadged, they may not get another job right away, they are kind of footloose and fancy free, homeless, if you will, and if that lasts too long, it is a security risk because we have concern that they are then ripe for the anti-Iraqi forces, the insurgency, to come and try to get them to do some bad things. So security is of interest to us.

Sir, how they are vetted, I couldn't tell you.

Mr. MCHUGH. Is that something you could get back to us on?

It would seem to me, and I would ask the ambassador as well, my understanding is that there is some \$600 million being let for the new embassy. About 1,000 foreign nationals are working on that project, and I could be off on that number, and correct me if I am wrong.

And I am wondering, you know, I remember when we went through the debacle in our Soviet embassy, it had to do with a different threat and that was the bugging of the embassy. It seems to me that if we don't properly vet who it is that is in and around U.S. military and Foreign Service officers and the like, we put them at risk. I mean, this is a deep concern of mine, and I think many of my colleagues, that they be properly vetted.

And, you know, there are contractors, I know that Bisharat and Partners Group, which didn't provide any significant security for the overland trip, according to Mr. Gimble's statement, and they, as we all know, lost their lives.

And I would ask you, in addition to those questions, Mr. Gimble, what your take would be on this and also on the fact that any shipment of goods that are brought in get significant protection. The other side of that, labor capital, people, apparently don't get protection, and I am wondering what we are doing to try to rectify that very serious problem. One is a trafficking problem, another is that, even if somebody is voluntarily or involuntarily en route.

And if one of you could tell us, if you would, how many foreign nationals are working in Iraq.

So all of those questions. And I do have more, but I will wait.

Mr. GIMBLE. Mr. Chairman, when I talked about the 12 Nepalese workers being killed, what we actually were able to do with that, because there was no provision in the contracts, we actually, the DOD IG had no authority to do any investigation. We did our data searches through the U.S. military and the DOD contacts that we had.

Short of that, I think that is actually what caused General Casey to go ahead and do the extensive work that he did in ensuring these clauses are in there.

So I think my answer to you would have to be that we really weren't able to do much, because it got outside the scope of what we had the authority to do.

Ms. MCGINN. Mr. Chairman, on the subject of vetting the security of the third country nationals, I will take that and get back to you instead of Colonel Boyles. I would probably be more appropriate, if that is okay.

[The information referred to can be found in the Appendix beginning on page 103.]

Ambassador MILLER. And I will get back to you with the issue raised with the embassy. We have started inquiring on that in our office, but our inquiry was not on the vetting of security; it was on the fear of trafficking and the regulations that applied, so we will expand our inquiry and get back to you.

If I could add just one comment that occurred to me. We are sitting here and there has been a lot of attention focused on trafficking into Iraq. And of course we have a special responsibility there, but I think the members of the committee should understand also the broader background.

This takes place against the background of the massive migration of literally millions of South Asians to the Gulf. There are a million Filipinos in Saudi Arabia today, a million Indonesians, proportional numbers in all the Gulf states. They are there as construction workers or domestic workers.

And, as you will know in our report, many of the countries in the Gulf got very low ratings. One last year, Saudi Arabia, United Arab Emirates (UAE), Qatar and Kuwait, I believe, all were tier three. Several have moved up to tier two. Actually, Saudi Arabia is still tier three. So there is a massive problem there, which underlies the issue of to what extent there is forced labor in Iraq.

But as I said, of course, there is a special responsibility that the United States has in Iraq.

Mr. MCHUGH. Let me just ask a question with regards to the World Cup, which just brought a highlight to the fact that many of us have been raising the issues with German parliamentarians for years about legalized prostitution and the fact that to meet demand many Russians and Slavic women are being trafficked into Germany.

Well, obviously, we have a large deployment of U.S. military deployed to Germany, and I am wondering, I mean, when we originally did our letter back in 2001, I remember arguing—not arguing, but having a conversation with Joseph Schmitz at the OIG, because we put in the word that we wanted the assessment to be global. At first, the thought was limit it to South Korea and then it was expanded under a dialogue between us that Bosnia-Herzegovina and Kosovo be included.

But Germany, it seems to me, has a very serious problem of trafficking plus prostitution, which now under the Uniform Code of Military Justice, clearly, there is no fuzziness about the issue, is an actionable offense.

And I am wondering, and I know that this report will be coming out in August, I believe, what is the state, Mr. Gimble, of investigation as to how well or poorly we are implementing this zero tolerance in Germany, vis-a-vis our own military?

Mr. GIMBLE. Well, as we said earlier, the results are not final in our latest evaluation; however, we did address those problems, as it applies to the DOD operations over there. We interviewed numerous people, looked at other training plans and programs. There are some plans and programs in place, training is over there. To the extent that it is probably not as far along, as an example, as Korea; however, I think I would like to get back to you with some really specific data on that, but it is going to be when we issue that report.

Mr. MCHUGH. Would anyone else like to take that, what is the status of our military response on zero tolerance in Germany?

Ms. MCGINN. I think that Mr. Gimble is probably the most qualified person to answer that. Of course, our military forces in Germany are subject to the same direction as the rest of our forces, the direction that the secretary and the deputy secretary gave, and are subject to the same rules as our military forces elsewhere in the world.

Mr. MCHUGH. Mr. Gimble, if I could, in your memo, dated April 14, you point out that there are no privities of contract between DOD and the foreign companies allegedly guilty of these trafficking practices. Therefore, the U.S. has no jurisdiction over the persons or the offenses even if there are violations of U.S. or foreign law.

My question is, why can't the foreign subcontractors be prosecuted under the Military Extraterritorial Jurisdiction Act (MEJA), and why are you focusing on contract law rather than on criminal law? Because it is my understanding that they can be prosecuted.

Mr. GIMBLE. You are talking about the memo we did for Dr. Chu—

Mr. MCHUGH. Yes.

Mr. GIMBLE [continuing]. And when we did the 12 Nepalese. What we were tasked to look at in that was what could we look—there was no clauses in the contract, and these were not U.S. contracts. So we didn't think we had the authority to go down into those.

So far as prosecution, that probably should go back into the local—the Iraqi government should be the one prosecuting the murders on that.

And it is kind of the same thing, as you recall, back in the Bosnia issue where they had the prostitution ring back in 2002 that we had reported. Kind of the same issue there. We referred that back to the local jurisdictions over there, and I am not sure whether they ever investigated or prosecuted or not, but those were—the 12 Nepalese we thought were a crime in the host country.

Had there been a connection to DOD contractor, then what we might have been able to do is debar the contractor.

Mr. MCHUGH. But, again, one of the reasons why we, when we originally wrote the law, had significant penalties up to life imprisonment, and of course there is always prosecutorial discretion. And in this continental United States, U.S. attorneys have a checkered record as to how well they are implementing the law. Some U.S.

attorneys have racked up one condition after another of traffickers. My own U.S. attorney, Christopher Christie, has nailed a number of traffickers and sent them away to prison for 15 to 20 years. If we choose not to use the criminal side, it seems to me we are letting lie fallow a very, very important tool in prosecuting this effort.

So I would ask you, if you could, maybe, Ms. McGinn, you could get back to us on that as well.

Mr. GIMBLE. Mr. Chairman, could I just respond to that?

Mr. MCHUGH. Sure.

Mr. GIMBLE. I believe what you are referring to refers to U.S. citizens, and I don't believe the people that they killed, the 12 Nepalese, were U.S. citizens; I believe they were Iraqi insurgents. I could be wrong. But that is the reason we believe that in that particular instance we didn't have any jurisdiction to look at it.

Mr. MCHUGH. I thank the gentleman.

Let me broaden the question my colleague asked. I heard your response about Germany. Let me just put it generically, and I would refer to Ms. McGinn.

Under the UCMJ provision, how many prosecutions for facilitation or access to prostitution have been undertaken?

Ms. MCGINN. I don't know the answer to that.

Mr. MCHUGH. I am sorry?

Ms. MCGINN. I don't know the answer to that. We don't—

Mr. MCHUGH. Do you know of any?

Ms. MCGINN [continuing]. We don't have a system right now to collect that information specifically. That is something that we want to put in place. And of course that took effect in October 2005, so it has been in effect for a limited time.

I do understand that there have been prosecutions in Korea under the umbrella of trafficking in persons. I don't know how many of those would be prosecutions for patronizing a prostitution or other kinds of offenses that would come under that umbrella. But as of now, we don't have a system where we can routinely collect the information, the prosecutions, or our Article 15 actions that might be associated with the new UCMJ code.

Mr. MCHUGH. You looked at your colleague. I didn't know if he wanted to add or not.

Let me ask what I hope is the obvious: Are you working on that system?

Ms. MCGINN. We will be putting that system in place, yes.

Mr. MCHUGH. When would you expect it to be in place?

Ms. MCGINN. I would expect that what we would want to do would be to collect that data on an annual basis. And I am hypothesizing now, sitting here, but it would seem like an annual report. It would have to be a special report that the military services would send to us. And we would do it on an annual basis, either on a fiscal year or calendar year basis.

Mr. MCHUGH. Let me tell you why I am concerned about that, again, perhaps to state the obvious. Several of you in responses, and I don't believe anybody took objection to this, talked to the rather historical aspect of the nexus between prostitution and militaries throughout history, and I think we would be naive to suggest that there isn't some nexus historically with the United States military in those kinds of activities.

If a very strong message of prosecution is not sent, I am concerned it will have the tree falls in the forest syndrome: If no one is there to hear it, does it make a sound? If no one is prosecuted, does anybody care? And to the rank and file military, if they are not hearing about that, and I don't see how they effectively do on a service-wide basis without some kind of tracking that is effective and disseminated, and that is why I would certainly encourage it.

Because there are two parts to this equation, it seems to me, and the first part, listening to Ambassador Miller and others and doing some of the background work, I think—I won't speak for my colleagues—I think you have done a very, very good job. Whether it is the UCMJ provisions, whether it is the provisions of prosecution on contracting and the good colonel's efforts that without getting determination have had the correct outcome, that is great.

But the second part is the prosecutorial part of that that I think is equally important, and a database, it seems to me, is essential.

So from my personal perspective, I certainly hope you would act as expeditiously as possible in doing that. And I appreciate the forbearance of my colleagues, because I missed my turn as I was out of the room, but I wanted to pose that.

And I would be happy to yield to the Personnel Subcommittee distinguished ranking member, Dr. Snyder.

Dr. SNYDER. Mr. Chairman, if it is all right with you, I would like to have Ms. Sanchez lead off the questioning on our side.

Mr. MCHUGH. The gentleman is perfectly within our rules and practice to yield to the gentlelady from California, Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

And thank you to the ranking member for allowing me to ask my questions.

Ambassador Miller and others, the reality is that many of us have been working on the issue of sex trafficking and human trafficking for quite a while now, and I congratulate in particular my colleague from New Jersey who was very instrumental in putting some of the laws in effect.

I have seen, as I have gone around to different countries, I have seen the effect of them, whether it is when we were with Turkey and the Turkish government brought up the issue and said, "This is very important, we understand. We get graded on it now because of the law that we passed in the year 2000."

Just recently, I was in Bosnia and Kosovo and I think it was General Weber who went through a whole detailed report about what they are doing with respect to really being a transit country from the former Eastern Bloc and Soviet countries through to western Europe and what our armed forces are actually doing to help in the civilian world, if you will, to stop some of this.

So I think we have seen some very positive effects because of the interests that many of us have had.

There are just a couple of things that always continue to bother me. One is something that was brought up in the June 6, 2006, article, again, by the *Chicago Tribune*, basically talking about the trafficking in persons report and suggesting somehow that Iran was among the 12 nations that we were singling out as worst on the list. Also included in that Syria, North Korea, Cuba, Venezuela. And that some strategically important nations that the White

House in particular are trying to work with, including India, Mexico, Russia and China, escape the roll call of being on the bad list, even though there are indications, growing indications that they have problems.

And I guess I have the largest Vietnamese population outside of Vietnam in the world in Orange County, California. We have a project, actually, a person trafficking project, domestic project through State Department monies right in Orange County because of what we see happening domestically.

And we are just worried, some of us, that if we were trying to get Vietnam, or some are, through the World Trade Organization (WTO) program, we are trying to open up. I read in the *New York Times* or *The Washington Post* the last couple of days about how some think we are trying to use Vietnam to, sort of, offset the importance of China in the region, et cetera.

I mean, how do we not know that you, State Department, really are not focusing in places where the trafficking is really terrible, given some of the White House concerns of trying to make strategic allies? In other words, how do you counter what this story, and I know that you have read it, says?

And in particular I think of all the work that we have been doing with respect to the Vietnamese women being trafficked to Taiwan and the work that Father Hung is doing and just the incredible amount of trafficking for sex that we see out of that country, for example.

Ambassador MILLER. Well, if you will look at our report on Vietnam, we go into the issues that you have cited, and we point out where Vietnam has to do more, and we specifically mentioned the bride selling and the sex trafficking. They have made some improvements in their export labor regulations, which we gave them credit for, but they have to do more.

I think the other part of your question refers to the fact that major countries in the world, I mean, some you might call allies, some, I don't know whether you call them allies or not, but major countries in the world, Russia, China, India, Mexico, are in tier two watch list, which is just above tier three, and they are there for—all those countries I have mentioned they are there for at least the second year. In some cases, it may be three years.

Ms. SANCHEZ. So what is the ramification of being second tier?

Ambassador MILLER. Well, that is the—

Ms. SANCHEZ. The true impact.

Ambassador MILLER. Well, the impact, I think what Congress intended, you created the tier two watch list, and I think that you created the tier two watch list as a warning that a country, while they were making some efforts and therefore they were in tier two, they were in the very bottom of tier two, and that if they didn't increase their efforts and show appreciable progress, that they would fall to tier three. That is what I interpret the meaning to be, and Congressman Smith may want to elaborate more, as one of the authors of that provision.

This is a serious concern. Those countries I have mentioned, and some others, I believe this coming year have to take many more significant steps than they have if they are going to avoid tier three. We have put allies on tier three. We put Greece and Turkey

on tier three a couple of years ago. It had a very salutary effect. In the four months after they were put on tier three, they did amazing work, and as a result they could be raised without sanctions.

I did want to come back to Iran. People have speculated in articles, well, we have been at odds with Iran or we are negotiating with Iran over nuclear issues. Our office, when we looked at Iran, the thing that put Iran in tier three had nothing to do with what I have just mentioned. It had to do with the fact that there were credible reports that Iran was executing the victims of trafficking, and the law that you have passed puts an emphasis on prosecution and victim protection and specifically states that victims are not supposed to be punished for acts they committed because they were trafficked.

In the case of Iran, these were sex trafficking victims who then were executed or imprisoned because they committed acts which the Iranian government considered a violation of other laws, whether it be prostitution, adultery or whatever.

I can't think of another country in the world where there were such reports of executing the victims. I think this is a perfectly justifiable and reasonable position to place Iran in tier three. I hope this changes.

The purpose of this report, the purpose of the law you passed is not to sanction; it is to get progress, I think, in throwing traffickers in jail, in freeing and helping the victims. And that applies whether it is in countries that are allies or enemies or friends or neutrals or however you describe it. That is what I believe the purpose of the law is.

It is a fact that countries that are undemocratic are more likely than democratic countries to have huge challenges or to make less efforts. I mean, it is not a shock that we find North Korea in tier three. Yes, we have been at odds with North Korea, but this is a country, this is a government that has had a massive problem not only with slave labor within the country but the exporting of mainly women for sex trafficking purposes.

Ms. SANCHEZ. You have the same thing in Vietnam, and, you know, we have a speaker who went to Vietnam and said, "Let's bring them into the WTO."

I mean, I guess I am asking—

Ambassador MILLER. Well, I don't—

Ms. SANCHEZ. What is it that—if we care about this and we want it to stop, aside from making them feel bad that they are put on the list, what would you suggest would be the step? What is the Congress—what could we be doing that we are not doing? Are we missing something, not putting more keys to the lock?

Ambassador MILLER. No. I think the Congress's role is to be vigilant, as you are now being vigilant in seeing that the law is applied without fear or favor. If you believe Vietnam has been inaccurately rated, bring this to our attention.

I don't think whatever the problems are in Vietnam you can say that they are the equivalent of North Korea's. And the reason you can't say it is because in the law you very properly did not put the emphasis just on the nature of the problem. You put the emphasis on what governments are doing about it.

North Korea does zero about it. Vietnam does some things.

I think that was a legitimate decision on your part to put it on, but what you can do about it, if you disagree with the ratings, you bring this to our attention.

I was present at a meeting, it was after our report went to the printer, and I think you may have been there, of Vietnamese refugee groups here on the Hill. We are trying to collect further information from them.

Second thing you can do, I think when you visit with government officials, other government officials, whether it is in those countries or their officials here, if you raise the issue of trafficking, this is a tremendous help. Then they just don't think, "Oh, this is something that the State Department Office on Trafficking or Ambassador Miller is concerned about."

And we would be happy, if you were meeting with officials of a specific country or going there, to provide background or briefing papers of specific issues that we want to see progress on. Because all these countries that are in tier two watch lists and tier three and even some that are in tier two, we are preparing right now mini action plans so there is no misunderstanding next spring about what we are looking at. In other words, "Here is what we think we recommend you should be doing."

Ms. SANCHEZ. Thank you. Thank you for the time.

Mrs. DRAKE [presiding]. I would like to recognize the gentleman from North Carolina, Mr. Jones.

Mr. JONES. Thank you, Madam Chairman.

I want to say, I don't have the background of Mr. Smith or Ms. Sanchez or anyone else. I am on the Armed Services Committee, I am from North Carolina, and it is an area that I wish that I had had more exposure to from the standpoint of learning. But thanks to my friend, Mr. Smith and others, who have taken the lead on this for a number of this. I voted with them.

To be a man of faith or even no matter what your faith is, this is just absolutely deplorable and unacceptable, and I want to thank each and every one of you at the table for what you bring to the cause, if I can use the word "cause."

This is, in a way, as distressing as it might be, when I look at what has been done by the Congress, again, Mr. Smith as well as others, and what the administration is trying to do and previous administrations, maybe there is hope in the world. We will never see the end of it, but maybe we can make progress.

Colonel Boyles, I want to ask you, because before the bells, I think, and I made some notes, and I hope I am correct, but the question is this: When passports are being held by these contractors, do they lose the contract?

Is there anything in the contract, let's say if it is in Iraq or some old country, and these are foreign contractors, I would assume, the majority of them, when you said that they hold the workers' passports, what is the next step? When you are told or when the proper person is told that this individual their passports are being held so they are becoming slaves, so to speak, what is the next step by the military, say, in an Iraq situation?

Colonel BOYLES. Yes, sir. Two things: One, we look at it this way, it is an illegal act. It is not just a contract violation in terms of per-

formance of a contract or something. There is legal basis to say that, "You have now violated the law." And so when you have that situation, you can say, well, you can terminate a contract because you are performing it illegally. Or what you can do is you can talk to the base commander who has the authority then to bar people or entities from a base because they are performing an illegal act.

So if for some reason you didn't want to terminate or felt you didn't have an ability to terminate, you would work with the law enforcement side to bar access to that contractor specifically if it is an individual and maybe the remainder of the entity or the company is still performing but maybe they had the individual and that person could be barred. Or you can terminate.

And we came close to terminating twice, sir.

Mr. JONES. Do you find when you meet with the contractor, the proper authorities for the military, that there is a sincere willingness to try to change or is that just something that you cannot read, that it does vary or there is a willingness to say, "I regret what I have done and it will not happen"—I mean, I am trying to get a feel because I haven't been there and I won't be there, quite frankly, but I am trying to get a feel for that contractor, because he or she is making money. If they are being paid by the Federal Government, they are being paid by the taxpayers.

Do you find that, generally speaking, when it is brought to their attention, that is the end of it or do you still have to stay on top of the situation because it is probably going to happen again?

Colonel BOYLES. You have to constantly stay on top of it, Congressman. You make a very good point. When I called a couple of them into my office the first time, and the first time I heard there were two contractors by name, I gave them a call and said, "Come in," they were, "Yes, yes, yes, we can understand," but it was kind of like pulling teeth to get them to give things back.

They had big concerns, they wanted to address them, and so we took a two-pronged approach. It was, "You will return them," and "Oh, we will talk." Because some of the things they wanted to talk about did raise valid issues for us—security situations, those types of things.

This has been a practice—and I am like you, I got over there in January where I started getting indoctrinated to this a little bit. This has been a common, standard practice throughout the world and the business community for a long time.

They are not changing because they think it is the right thing to do right now, they are not changing because they have had an epiphany that this is now something special. They are changing because they are being held accountable to it, because we have threatened and they know that we will take action.

The voices that matter in Iraq have been very unequivocal in the message they have gotten out in terms of—you know, when MNF—I leadership basically says, cost is a factor, we know there could potentially be some impact to forces, but this is such a magnitude, such an issue that we are willing to do that. These contractors then finally get the message and they comply.

But, you know, if a guy is off doing business in, I don't know, pick a country, somewhere else, the chances are he is probably still

doing that as a method because that is kind of the way it is done, in my opinion, sir.

Mr. JONES. Madam Chairman, can I just ask one more question? I will be quick.

I don't want to dwell on this but I would like to know, and maybe this would be anybody at the table, the training for our troops that go into a foreign country and knowing that there are brothels, did you say that in the training that those soldiers that would go into a brothel at some point in time are told to ask questions about the age of the individual? I misunderstood that?

Ambassador MILLER. No. What I was trying to say, and this is where I think the Defense Department made a major step forward, Congressman Jones, initially, the policy was zero tolerance on trafficking and the question was raised, is this enough, because how does the soldier or sailor know in the brothel whether it is a trafficking victim?

There has been research done that shows the vast majority of adults engaged in prostitution are not there of their free will; they are trafficking victims. And all children under our law, under international protocol that are in prostitution are trafficking victims. But it didn't seem realistic to say the soldier or sailor should find out whether they are—you know, that is just—and, of course, the brothel owner and the pimp, they will have the ready answer.

And so the Defense Department addressed that issue by saying, "No, you don't have to ask these questions. We are going to establish a policy that our forces, our troops, just don't go into these brothels and patronize prostitution. We are going to change the military code of justice so that is punished."

So, I am sorry, I may have misspoken there.

Mr. JONES. No, you did not. I think I was so overwhelmed by the information that was being given to us, I think probably I was just really—I thank you for the clarification. I would imagine and was hoping that what you shared with me was the fact that I misunderstood, and I am very pleased that you are doing this for the world, I really am.

And God bless you and Chairman Smith at the same time and all those in Congress who support your position and we will continue to support, and may God bless this world.

Ambassador MILLER. Congressman, I just want to say, if you go abroad or even in the United States, I recommend, and I know some members of this committee have already done this, but I recommend spending some time visiting with some survivors of trafficking, whether it is sex trafficking or labor trafficking, in a foreign country or this country.

I have had the opportunity to visit with people, survivors all over the world. These are very moving experiences and it is very powerful, and I think you grasp what it is that somebody has suffered physically and spiritually and mentally by being a victim, by being imprisoned in a brothel or being, in essence, imprisoned in a factory or on a farm or as a child soldier or in a home.

Mr. JONES. Thank you.

And thank you, Madam Chairman, for the time.

Mrs. DRAKE. The gentleman from Arkansas, Dr. Snyder.

Dr. SNYDER. Thank you, Madam Chairman. I am on a five-minute clock, folks, so I will ask quick questions and if you could get right to the point on the answers.

I wanted to pursue this about the holding the passports, Colonel Boyles, and, Mr. Gimble, if you want to join in.

I have worked overseas several times as a doctor and have worked for folks, nonprofits, that held my passport while I was there; I did not have it on me. And I think there are a couple reasons: Because theft was pretty high and sometimes we would lose stuff, and it could be difficult to get a replacement in a timely way, plus when it came time to arrange flights to go home, they had the passport, it made it easier for them. That was all a good faith effort.

I assume that what is going on with these contractors is that if a person does not have their own passport, they can't go out and go shop a little bit and find places with higher wages and say, "Hey, I am here in country and I am looking for a better job or I am experienced at cooking at this place, so why don't you hire me."

What does this whole issue of the holding of the passports say about the people with whom we are contracting is my question? We are talking about enforcing the contracts, but are we saying we are dealing with a bunch of bad actors? I mean, should we be contracting with these people at all? What you are implying is that if they comply with this aspect of the contract, they are good actors, but is this a warning sign about the people we are dealing with, that they are holding the passports?

Colonel BOYLES. You want to take that?

Ambassador MILLER. The colonel can give his perspective on Iraq. This holding of the passports goes on all over the world. It doesn't mean that every employer that holds a passport is a trafficker. However, one can say that a common device of traffickers that is almost used by traffickers is to hold the passport.

This gives them control. You are in a foreign country and your papers are taken from you, you don't know the language, it is very potent. It can be a threat. We have your papers.

Dr. SNYDER. So, Mr. Ambassador, what does that say then about the people we are dealing with? Are they bad actors? Are we dealing with bad actors?

Ambassador MILLER. Well, as I say, I can't say that every employer that holds a passport is a trafficker, because they can come up with all sorts of rationalization. But I can say that the overwhelming majority of traffickers use this technique.

Did you want to comment on this in Iraq?

Colonel BOYLES. You know, I would say that, again, it has been a standard. From talking to the people that I have talked to, it is a standard practice. It is the way to try to keep people from jumping their contract.

I would also say that, and I am sitting here trying to think of the conversations I have had, because you make a good point about some probably do hold for safety, but I never had a conversation where holding for safety was the only reason. There was always—I mean, I am trying to think of this, I have had conversations where control was the only reason, but I have never had a conversation where, "I am holding it because the guy might lose it. Oh,

by the way, the doggone guy might jump over to Tamimi from Gulf Coast, Incorporated."

Dr. SNYDER. So if I am hearing you all right, what you are saying is, this practice is so common, while the purpose may be to hold for control of the person so they won't violate the contract, you don't consider the holding of the passport to be such a violation of human standards as to warrant on its own canceling the contract.

Colonel BOYLES. I think that if there was a level of comfort that you knew a contractor well enough and that he maybe has opened up his books and let's say he, in working with a base, had Iraq that had 500 passports and there was a way for us to look at it and a guy was a righteous kind of guy and everybody walks in, they could get theirs back and forth, I would say holding it for safety is not a bad idea. And there is nothing wrong with that.

Again, I go back to there was never a conversation where safety was the only reason. There was always a, "The guys are jumping." It was always, "Okay, this guy is leaving, he is going over," and I have got to somehow disincentivize him from leaving my company, jumping my contract and going somewhere else.

Dr. SNYDER. Colonel Boyles, I wanted to ask you one last question, a hypothetical. Let's suppose you have a young E3 that he is very much aware of the current UCMJ changes, patronizes a house of prostitution, goes in the door and realizes right away that he has walked into a place of young people, children, just a really bad place; leaves and is now torn.

Is he going to be able to come and say, "Somebody needs to do something about this place down the street because there are a bunch of 12-year-old girls." Or by coming to you under the law of unintended consequences will he put his military career at risk because he will be acknowledging that he went into a place of prostitution?

What do we have for protections of folks that want to step forward and say, "We have got a really bad situation down the street, outside the gate"?

Colonel BOYLES. There are avenues for him to make that known anonymously. There are ways for him to do that. And so if he wanted and he went somewhere and he saw something that he felt morally compelled to make somebody aware of it, and I talk hypothetically here because I can't speak for anybody, but there are methods and ways, and you probably know, DOD hotlines, those types of things, that he could make that anonymously.

Mrs. DRAKE. Thank you.

Gentleman from Arkansas, Mr. Boozman.

Mr. BOOZMAN. Thank you, Madam Chairman.

Ambassador Miller, in your written testimony, you referred to the fact that there are persistent rumors of peacekeepers violating their trust. I know not too long ago my wife came to me and said she has seen a thing on television where the U.N. peacekeepers were trading candy bars with starving kids for sex, boys and girls.

You know, we hear the arguments, in fact, I have sat through hearings that Chairman Smith has had where the argument was that we are in a war zone, these things happen. Well, things don't happen with pre-teen kids. I mean, that is a whole separate issue.

I guess, do we grade the U.N. in the same way that we do the other—

Ambassador MILLER. Good question. First of all, before I get to the question, it is not just a rumor about U.N. peacekeepers.

Mr. BOOZMAN. I understand that.

Ambassador MILLER. What has happened has been disgraceful.

Mr. BOOZMAN. Right.

Ambassador MILLER. And the U.N.'s own investigation turned up scores, and I think Chairman Smith commented on this, scores of instances of child rape and trafficking. And so there is a concerted effort to try to push the U.N. to do something now, not a year from now, and Ambassador Bolton had a hearing on this a couple of months ago.

Now, to your main question, do we grade the United Nations, we don't grade but thanks to your recent legislation that you approved last December, you asked that we evaluate efforts by international peacekeepers. So starting on page 277 of our report, we have several pages on the U.N. and then on North Atlantic Treaty Organization (NATO) and then the Organization for Security and Cooperation in Europe, and we go into considerable detail about the deficiencies of U.N. peacekeepers and what is needed to improve the situation.

In fact, I think Chairman Smith is the author and probably knows this better than I do, in your legislation you also said that before authorizing further peacekeeping appropriations that the secretary has to send a report on the international peacekeepers and what they are doing on trafficking; is that right, Mr. Chairman?

Mr. SMITH. That is correct. Fifteen days prior to approving or re-authorizing an existing peacekeeping deployment or a new peacekeeping deployment, we need to be noticed as to what measures are to be taken to mitigate trafficking to make sure that the people who will be sent overseas or gathered from other countries and sent to the hotspot are sufficiently vetted and trained.

So it doesn't have a veto power on whether or not our original version of the bill had such a thing that we would not provide money to any peacekeeping operation unless those checks and security measures were there to protect against exploitation, but the final version means we at least have to get a report on what measures are being taken by the Organization for Security and Cooperation in Europe (OSCE) or NATO or the United Nations.

Mr. BOOZMAN. When we have Americans present in these areas and there are rumors or more than that, are the Americans present, those in authority, do they have clear direction as to how to handle this and convey that we are just not going to tolerate this stuff?

Ambassador MILLER. Well, I believe that our military does, but I have to point out that if you look at U.N. peacekeeping forces throughout the world and they are like in 30, 40 countries and thousands and thousands of troops, the number of Americans involved is very small.

Mr. BOOZMAN. Well, I understand that.

Ambassador MILLER. And I don't think it is even mostly military personnel. I may be wrong. I think the figure 294 pops into my mind.

Mr. BOOZMAN. I understand that. I would feel better, though, that if we have, and, again there are not many of them, but we have got people in responsibility in those areas, if they know that this kind of activity is going on, I would feel better if they have certain guidelines that they are supposed to do in regard to that activity so that it can't be tolerated.

Ambassador MILLER. Well, I think that is a good point. You are talking about reporting on any evidence that they see, and I don't know if any of my colleagues here want to comment. Do you—

Ms. MCGINN. We can certainly work with the State Department, but we only have about 29 military people engaged in the world in peacekeeping right now. So a very small percentage of the total military population that is out there.

Mr. BOOZMAN. One final thing, if it is okay, can you give us any advice on—again, Chairman Smith has worked very hard on this—can you give us any other advice as far as holding them accountable? Anybody?

Ambassador MILLER. Well, it is easy to say we should do more, and of course we should do more. I believe that the basic elements of the law you passed are very good. Now, I have been working with it. People can complain about it. Foreign governments say it is too harsh or we are being subjective, et cetera, et cetera, et cetera, but the law, I think, is very ingenious. It is the only human rights related law that works this way.

It not only calls for this evaluation based on criteria that you lay out in a lot of detail, basically prosecution, protection, prevention criteria, it then directs that we engage with other countries on this and the law also says we better engage at home too, and then what, I think, is a brilliant provision is it says if you put a country in tier three in the June report, they have three months to shape up, because the purpose is not the sanction, it is the threat, embarrassment, all that. They have got three months to shape up, to take some steps.

Then in September the President makes a decision, a recommendation to the secretary. If they have taken steps, they can be raised out of tier three or then he can decide on sanctions that relate to certain kinds of aid—military aid, educational cultural assistance, support at the World Bank and International Monetary Fund (IMF). It excludes trade-related aid and humanitarian aid, anti-trafficking in person aid. The President then makes a decision whether or not the country still in tier three to apply the sanction, if so, to what degree or waive it in the national interest.

In my experience, there has been a tremendous amount of progress by governments who were put on tier three in June in the following three months. The next day they denounced the report, of course, but then steps are taken.

I could cite you examples from Turkey, from Greece, from Jamaica, from Bangladesh how countries changed. And I think even countries that aren't in tier three. Tier two watch list this year, the congresswoman pointed out that some countries are still on tier two watch lists and not in tier three, but the interesting thing is

most of the countries that were mentioned that were put on tier two watch lists denounced the report. India, I mean, I have seen the cables, they were not happy. And a lot of statements from countries in tier two watch lists.

So even with tier two watch lists, although there was no threat of immediate sanction, it had an effect on these countries, and I hope it will lead to action.

So you can always fine tune a law, right? I mean, last year, the reauthorization was passed. By the way, I am glad to say this was—I don't know of any other major piece of legislation that had such an impact that passed, was it, 426 to nothing. I mean, it shows the broad, bipartisan support on this issue. It passed the Senate unanimously. There are always ways that a statute can be tweaked to do more, but the basic elements of the law, I think, are very sound.

Now, individually, we can all do more. I can do more to push other countries. You can raise the issue when you meet with foreign officials. The news media can do more reporting. Law enforcement can do more training. There is a lot more to do, because this problem is still, unfortunately, with us, and every day we discover more about it. Of course, we think, oh, it has grown larger in the last year. I don't think it has grown larger in the last year. I think we are discovering it.

If you look at what has happened—and this is important to keep in mind because you can despair on this issue. I will tell you, you meet with survivors and you are ready to despair. But if you look, as the chairman mentioned at the beginning, at some of the overall indicators, there is reason for some hope.

Several years ago, there were just a few hundred worldwide convictions of traffickers. Last year's report, we reported 3,000. This year, 4,700. Now, let me tell you, that has got to be sending a message to some people. Our staff visits countries, I visit countries. We haven't kept the statistics on shelters, but I can tell you from first-hand experience, every month, more and more shelters for survivors are opening up.

Last year, 41 more countries passed anti-trafficking in person legislation. The year before it was 39. You go back to the year the United States passed this law, I don't know the answer. Were there two or three countries, Congressman Smith? I am not even sure there were two or three countries passing laws at that time.

The media coverage is increasing worldwide, and of course that leads to good things happening.

So would should be angry, we should be concerned, we have to do more, we have to pressure, we have to push, but I think what the Congress set in motion is starting to—we are starting to turn the corner—starting.

Mrs. DRAKE. Thank you, Ambassador.

Gentlewoman from California, Ms. Davis.

Ms. DAVIS OF CALIFORNIA. Thank you. Thank you, Madam Chair.

Thank you all for being here. I appreciate the opportunity, really, to sit in on this meeting and to have a chance to look perhaps closer at home here for a second, if I may.

One of the things that you mentioned that is very important is the sensitivity training to the troops, to our military, and I wanted

to ask who is giving that training? Is that the military that is giving that training, primarily?

Ms. MCGINN. The training is actually being—is available online. Some of the training is done at Fort Benning where our folks process through to go over to deployment, but other people going overseas can take the training at their home station or wherever they would like to take it, because it is available.

Ms. DAVIS OF CALIFORNIA. Have we invited in outside experts to work with us and to do that training?

Ms. MCGINN. I think we work with the State Department on the development of the training.

Ambassador MILLER. The Defense Department, yes, they invited in a lot of experts on trafficking. We had people that had been working on training that worked with them on this, and we work with NGOs on this subject of developing training programs. I think there has been a lot of outside input, but I can't cite you chapter and verse.

Ms. DAVIS OF CALIFORNIA. I am glad to hear that, and I will certainly be happy to go back and talk with some folks, because I have had individuals come to me over the course of the last year and even as recently as today in trying to inquire in preparing for this panel, and there are organizations.

I represent San Diego and of course we have the border very close to us and large numbers of military in the community. And they have tried to, kind of, break through and have the opportunity to do more training and to really partner to help in that effort, and they have not been very successful in doing that. So I don't know whether that is just a unique example or what, but I certainly would encourage that.

I think if we can work with those organizations that have a history of doing that and certainly do as you suggest, Ambassador, having close contact with victims so that they can tell those stories well to members in the military. It is one thing to train our own, and I think that there is a consistency with that and I really appreciate that and I think we need to make sure it is consistent, but on the other hand, I would hope that we would at least have a dialogue with groups that are working on these issues and are fully immersed in it on a daily basis.

That would certainly, I would think, would be helpful, and, certainly, if anyone would like to comment on that, perhaps what we are hearing is not as valid as what you are suggesting.

Ms. MCGINN. Well, we will certainly look at that as our training evolves, and we are certainly happy to demonstrate the training for you or any member of either of the committees that would like to see it, and obviously we would seek to improve it where it would need to be improved.

I do think that it very clearly tells the service member what to watch out for, what the rules are, and when they encounter people in any situation where they believe, what are the symptoms, if you will, or what are the indications that this person might be a victim of trafficking of some kind. But we would be happy to demo it for you, if you would like.

Ms. DAVIS OF CALIFORNIA. Okay. Great. That would be wonderful.

I know that Congressman Snyder, I believe, asked earlier, somebody did, about prosecution within the military, and it sounded as if we didn't really have baseline data on that nor did we know how many prosecutions had occurred.

And, again, I have a sense, anecdotally, that on our border that has improved, certainly, over the years and in Tijuana area, but on the other hand, if we don't really have that data, if we are not really tracking it, if we are not getting good reports on it, then we have no way of knowing.

And, certainly, there again are organizations in the community which would tell you that that has not changed dramatically since the changes to UCMJ. Again, I don't have personal knowledge of that, and I have a sense that it has improved but they are suggesting that it hasn't.

How can we track that? How can we begin to really know for sure whether there have been changes and whether they are positive ones?

Ms. MCGINN. I think that is something that we have to do and particularly around the new provision for patronizing a prostitute.

The tracking of the data gets complicated by the fact that there are many different articles of the UCMJ that one can use to prosecute trafficking in persons. I have a scenario here that describes how you might apply the UCMJ to a particular hypothetical case that we developed, which we would be happy to give you or provide for the record for the committee, but for this one scenario I think there were 14 different provisions under which the person could be prosecuted.

So what we are going to have to do is determine exactly the constellation of data that we want to collect as well as the data on patronizing a prostitute. And so it is probably not going to be as simple as—I made it sound like, yes, we are going to set up a system, but we do need to track it, I think. In addition to sending a message to the force, it also sends an additional message that this is important to us because we want to watch it.

Can I just take a moment to highlight something that my good colleague has, in response to the question that Congressman Jones had, there is a DOD hotline for people to report trafficking and an e-mail that they can send the reports to. I just wanted the committee to be aware.

[The information referred to can be found in the Appendix beginning on page 104.]

Ms. DAVIS OF CALIFORNIA. Thank you.

And, Madam Chair, very quickly, just, again, a question to look into: Are we training the new National Guard at the border in this regard as well? Do we do that with our border agents also, and do we know for sure whether they would be receiving that kind of training?

Ms. MCGINN. Well, right now our training is for folks who are going overseas. We do have a plan to try to extend the training to all of our forces, because this is a domestic issue as well as an overseas issue, and we think it would be important for everyone to be aware of this incredibly ugly thing that happens in our country. But right now, unless they are going overseas, they do not receive the mandatory training.

Ms. DAVIS OF CALIFORNIA. Okay. Thank you.

Mrs. DRAKE. Ms. McGinn, to follow up on that, since Mexico is on the tier two watch list, I would assume our Border Patrol are also trained. I mean, you are from DOD. All of you are really referencing DOD questions. So is that a fair assumption or something that we need to work on right away about Border Patrol?

Ms. MCGINN. I think I need to get back to you on that? I am not really aware—

[The information referred to can be found in the Appendix beginning on page 107.]

Mrs. DRAKE. All right. And I know you were going to get us data too on the prosecution.

Ambassador MILLER, do you know the answer to that? Do we train our Border Patrol?

Ambassador MILLER. Well, I believe that the Department of Homeland Security (DHS) does have training for their personnel on the border. I can't tell you firsthand the quality of the training or the extent. I would be happy to try to get back to you on that.

Mrs. DRAKE. And just one statement I want to make before I turn back to Congressman Smith, and that is, I think you are exactly right, that there is much better publicity about this issue, the press has picked up on it, the movies that we have seen. I still wish we could find a way to make it more public what the countries are on the tier two watch and on tier three, because I personally have vacationed in Venezuela and Belize, and I would have never done that had I known they were on tier three.

And I think these countries listen to money, so when Congress put restrictions on foreign aid, that meant something to them. If they know people are not going to travel to their nations because of the way they deal with this issue, I think that would also help us. I know I would never go, and I wouldn't let my husband go either. He is not going.

Ambassador MILLER. That is an interesting comment because there is no question this report gets more attention and publicity and abroad than at home.

Mrs. DRAKE. But the average person, because I have told many people about the Congressional delegation (CODEL) that I went on, most people I talk to have never heard of it before. They react to it instantly, just like Congressman Jones did a few minutes ago. They are so appalled, they can't believe such a thing exists. And they really react. So if we could find a way to make that, just those two, tier two watch and tier three, I think we would go a long way in getting their attention and them not wanting to be on one of those two lists.

Congressman Smith, I will turn it over to you.

Mr. SMITH. Thank you very much for yielding, Madam Chair.

Let me just ask some final questions, if I could. The training in the Navy and Marines, I have seen the training module, I think it is a good one.

My first question is, is that also being implemented within the Army and the Air Force?

Ms. MCGINN. Yes.

Mr. SMITH. Same, identical?

Ms. MCGINN. Yes.

Mr. SMITH. Okay. Second, let me just ask with regards to the language that was contained in the 2007 act, the report language, and you might recall, and I will just reiterate it, report language directed the secretary of defense to ensure that combatant commanders designate a person on their respective staffs to carry out anti-trafficking programs and oversee implementation of OSD anti-trafficking directives.

It also directed training for military criminal investigators and prosecutors regarding trafficking in persons, and I wonder if you can give us an update where you are in terms of implementing both the spirit and letter of that language, and how high of an officer are we talking about? I mean, it would seem to me that just like personnel has policy and if you don't have a sufficient number of people dedicated to a task, it speaks volumes about your interest or lack thereof with regards to that issue, and same goes in terms of rank.

How high of a rank will that person be, he or she?

Ms. MCGINN. Well, the combatant commanders now have appointed somebody with the responsibility for this, and I don't know exactly what rank they have designated. I would assume it would be an officer.

And in terms of the training for criminal investigators, we are doing a training module for criminal investigators. We think we will be ready to deploy that in October.

Mr. SMITH. So, again, each combatant commander does have a—

Ms. MCGINN. Yes.

Mr. SMITH. Could you get back to us with some details of what that looks like, what the rank is?

Ms. MCGINN. Sure.

[The information referred can be found in the Appendix beginning on page 107.]

Mr. SMITH. How well trained and how well motivated. I mean, if it is part of their larger portfolio, and we often see this with human rights officers, in very large countries who have portfolios that include other things and that is like their part-time job, it seems to me that this needs to be, if we are going to be serious about it, a more singular focus.

Ms. MCGINN. I also understand that the IG in each combatant command has made this topic a special topic of interest for someone on their staff as well.

Mr. SMITH. Okay.

Mr. GIMBLE. Yes, that is correct.

I would like to just put out a point back to Representative Drake's question about reserves. Just as an example, there is an Air Force—we have a thing where Air Force Reserve units and National Guard, Air National Guard and Air Force Reserve units have timelines for TIP training to be completed all in 2006.

Now, there is some little holes in that. There are the ones that are deploying that the combatant commanders (COCOM) request the training be executed before deployment. So we may have some people getting double training, but it is basically being done through the day-by-day (DBDs) being sent out to the reserve and guard units, at least in the Air Force.

Mr. SMITH. Can I just ask you generally on that again, because I have noticed “deployment” is one of the terms used. That is when this training seems to kick in. We have tried to convey to the military, and maybe it is being done, that the training needs to be done really at the point of maybe not basic training but certainly early on in the training, and it needs to be reinforced over and over again if we are going to take it seriously.

I mean, I would argue it is not just the exploitation of women, which is in and of itself clearly enough to justify every bit of this, but there are also force protection issues, sexually transmitted diseases (STDs) and a myriad of other diseases that can incapacitate a unit. And we know that many of the units, as we try to muster African peacekeepers, there was a real problem with battalions not having sufficient soldiers because of HIV/AIDS. That is a real problem vis-a-vis Darfur.

So there are a whole host of issues. The exploitation issue clearly is enough.

So my question is—and I would just parenthetically, the Trafficking Victims Protection Act of 2005 contained a brand new initiative on domestic trafficking. We know that upwards of 17,500 people are trafficked into the U.S. from abroad every year, but we also know that many of our own girls and young women, many of them runaways, are being trafficked. We don’t know the number. We call for analysis to get a better prevalence number.

But we know that anecdotally there are many women that are being trafficked domestically, being picked up at malls, being picked up on day or two that they have run away from home. They are drugged, they are carted to different places, including military bases, again, being a magnet for that kind of activity.

And I am wondering what kind of training has been initiated to ensure that at our new joint base in New Jersey or Camp Lejeune or any other military installation so that those soldiers in like manner are adequately trained, know what to look for. Because, again, there is a duty to protect that we all have. The military has it, civilians have it, and these women are vulnerable as the day is long.

And as Ambassador Miller will tell you, from our work we have discovered and from our hearings, from just meeting women, young girls and young women who are seemingly voluntary prostitutes, you find out that very often almost in every case they have been raped, they have been the victim of incest as a young girl. These are not the happy hooker myths. These are women who are dysfunctional and then they are exploited secondarily by these pimps and others.

So the training domestically, is that there?

Ms. MCGINN. I think, as I said earlier, we are planning to expand our training to all of our forces, whether they are domestic or they are deployed or sent overseas.

Mr. SMITH. When?

Ms. MCGINN. We haven’t done that yet. I don’t have a timeline on that yet.

Mr. SMITH. Could you get back with us as to when?

Ms. MCGINN. Okay.

[The information referred to can be found in the Appendix beginning on page 107.]

Mr. SMITH. Because delay is denial, especially when it comes to these exploited women.

Ms. MCGINN. Right, right. But we are trying to publish our next two modules, which are the commander modules and the law enforcement modules. We are trying to push those out the door here quickly.

Mr. SMITH. Thank you.

Colonel Boyles, if I could ask you, you know, one of the things that I do is I travel, and I do a lot of human rights traveling around the globe. I always meet with defense ministers if they will meet with me, and while we often talk issues related to security matters, I bring trafficking—as a matter of fact, I have brought General LaPorte's training manual and given it to foreign ministers in several countries, because I think it is a good job and I think we probably have even more that we could be giving out but that is what I have been doing.

My question is with regard to military to military. Within the last few months, I have met with two defense ministries, two different continents, one of whom practically laughed at me when I raised the issue of trafficking and exploitation of women as if boys will be boys.

And let me note parenthetically, when we were pushing NATO to adopt a zero tolerance policy my wife, Maureen Walsh, Dorothy Taft, who is the deputy chief of staff of the Helsinki Commission and others who were with us on that trip, first went to trafficking shelters in Greece and not only met with the Greek government but went to shelters where Russian and other women were the lucky ones; they had been rescued. And they told stories about how soldiers, especially sailors, had abused them.

So our next trip was to Brussels. We met with top military leaders there. And most of them seemed to be sympathetic. One particular admiral, like this defense minister, practically laughed and said, "What do my guys do when they get off their ship in Athens?" I said, "Well, funny you mentioned that. We just left a shelter where a Russian woman had just been reunited with her two daughters, had been trafficked for two years in a brothel frequently visited by military personnel. She didn't say American, she just said military. And here is one of the lucky ones but a broken woman if ever there was one.

So we obviously conveyed that back, I did, to the admiral and said, "This is the end use, the end exploitation."

My question is, defense people listen more with a more open ear to other defense individuals, and maybe, Ms. McGinn, you might want to touch on this as well. Politicians, statesmen, whatever you might want to call us up here, we can be dismissed when we are talking to bureaucrats, particularly in the military, rather easily, particularly abroad.

But when our military raises it, and I would ask that it be included in the record, Paul Wolfowitz's memo and Donald Rumsfeld's record, which are excellent statements of policy. I mean, these are so well-written and they articulate what America is all about. But it has to be a consistent message, and it has to be articulated, I would say, with all due respect, from the highest levels

over and over again if we are going to have militaries that respect women and cease their exploitation.

What would be your thoughts on how our military can be much more proactive so that when uniform to uniform they are meeting this isn't some asterisk somewhere that is brought up by a lower-level person, if it is brought up at all, but it becomes part of a serious dialogue?

Do you have any thoughts on that?

Ms. MCGINN. Well, we do obviously do military-to-military meetings.

Mr. SMITH. On trafficking?

Ms. MCGINN. No, not on trafficking but in general. I mean, we do military-to-military meetings. I doubt that this has ever been raised in that context. I can certainly go back and raise the issue with our under secretary for policy who are people who are kind of our version of the State Department that works with other countries. I can take that thought back.

Mr. SMITH. I would deeply appreciate that, because one of the defense ministers I met with in the last couple months took the manual and especially since it had the imprimatur, if you will, of the United States government, that we saw it as a best practice, he took it and thought it was something he would want to look into with regards to his own military.

So I thank you for taking that back, and I look forward to working with you on that.

Colonel Boyles, if I could just ask you a couple of questions, then I will be done. You mentioned a moment ago about the holding of the passports, and I think the record should be very clear that this isn't some benign action taken by someone. It is usually part of a long series of actions that have been taken, starting with the recruitment of that person in the first place, usually a defrauding recruitment that included the defrauding and then maybe the inhumane transit to get to the point where they might not even get what they are told they are going to get.

We have a hard time in the United States, as you know, verifying wage and hour with illegal aliens, and it seems to me when you are talking about a subcontractor where there is minimum oversight, whether or not that person gets what they have been told in advance they are going to get is very, very unlikely, which, again, would fit into a labor trafficking definition.

So I wondered if you might want to touch on that a little bit as to what kind of verifications are we looking for? I mean, my numbers are, and correct me if I am wrong, 35,000 and 48,000 people are non-Americans working in Iraq under U.S. funding. I mean, that is a significant number of people.

Colonel BOYLES. Mr. Chairman, certainly there is this process from day one to the time somebody shows up at a camp. I can't talk the whole process. I think, though, that the point you make goes back to the enforcement I was talking about.

When we have contracts that are out there, and go back to things that we did in terms of putting it in our contracts, making sure that the employees have copies of their employment contract that talks about their compensation and everything, when we teach our CORs, which, again, are contracting officer representatives, people

not in the units, that unit has a contract, they have a COR. We train them in contracting, because they are our extension. I am a warranted contracting officer, I can't be everywhere.

So I would need, I would think, to be adding this to our COR training that might say on a periodic basis, all your contracts, go out and talk to five or ten, pick a number, TCNs, look at their employment contract. Do they have it? That is a violation now if they don't. If they do have it, are they actually getting that, and then take action if they are not.

So I believe there are mechanisms in place that the people and the titles of the people to do certain types of things are there. It is adding this now to their training, because these people are already out there validating delivery, validating quality. Now they would be validating certain types of TIP provisions in the contracts.

If that answers your question, sir.

Mr. SMITH. I appreciate that. And I would hope that you wouldn't be shy about using the penalty phase to get the attention of those others as well as the offending contracts.

Colonel BOYLES. I can tell you in Iraq, sir, there is no one shy on this topic, on contractors.

Mr. SMITH. I appreciate that and respect that.

Are you aware if Daoud and Partners and Bisharat and Partners, the two Jordanian subcontractors involved in the episode described in the *Chicago Tribune*, are still working under a low gap or are receiving U.S. funding, directly or indirectly, or in any other capacity? Obviously, one of those was involved with the Nepalese men, the 12 of them.

Colonel BOYLES. Sir, I don't have information on that. I imagine it is something we could take for the record with the name and talk to the——

Mr. SMITH. Would you get back and find out——

Colonel BOYLES. Sure.

Mr. SMITH [continuing]. And get back to the subcommittee and whether or not you plan any action?

And I mentioned it before, maybe you answered and I am sorry if I missed it, but in terms of obviously we provide protections for commodities as they are sent; you don't want commodities being stolen. But the people, the laborer, what do we tell our contractors or subs as to what measures should be taken to ensure that their transit is safer?

Obviously, Iraq, as we know from everyday news accounts, is an extremely unsafe place, but obviously there are routes and there are ways that could be taken to mitigate at least some of that danger. Is that something that is on our agenda?

Colonel BOYLES. I would say that the answer to the question is better focused on our force protection people. What I know from my experience that I was quite surprised from the article when it talked about a couple guys jumping into some SUVs and they kind of traipse along the way on the Baghdad to Ahman road.

Because the conversations I have with contractors deal with issues of border crossings and visas and trying to get these types of people in with badging and MNF-I badges and there are issues to work, which leads me to believe they are part and parcel of a convoy coming in or they are on a C130 or they are flying up in

a Blackhawk or something. Certainly, it happens, I am hearing that, but I wouldn't want you to think that all TCNs are coming in unprotected.

Mr. SMITH. Could you describe the investigation or investigations done following the publication of the *Chicago Tribune* article? I mean, I think you have done that, I think, to some extent, but the real question is, was there any knowledge that American contractors or members of the military had knowledge of the trafficking that was taking place by the subcontractors?

Because it seemed to me those articles really had a major impact triggering many of the corrective actions that are being taken, not unlike what Tom Merriman did when he broke the news to us about what was going on in South Korea.

Colonel BOYLES. I know that in the course of the investigation, and I have not been privy to the final full report, I have dialogue with the inspector general, and I take action based on those pieces of information he gives me. But I do understand that they have gone out and they had talked to about 850 TCNs as their population for their investigation. Before the investigation was complete, I explained that the IG told me of two that they definitely found out. I called them in and so took action even before the final report was published. Because what we found out, we reacted.

So by inference, too, you can say that if we have an investigation and we went out and had to tell everybody that most of them probably did know because they are probably doing it, and a lot of contractors turned passports back to TCNs.

Mr. SMITH. Let me just ask, again, one final question. Currently, no one person at DOD has the overall responsibility for coordinating DOD's response to trafficking. Is that something—I mean, earlier we had suggested that an assistant secretary be established, the purpose of which would be to take this to a new level. Obviously, there are other modes or methods or approaches that could achieve the same aim.

It was argued back to us that combatant commanders might even be more effective.

My question to you is, is there a need, and this could be done administratively, it doesn't take legislation, to designate an office or a person or persons in addition to the work you are doing to really honcho this, especially since we are on such a learning curve. I mean, there is so much that is not known. Very often until I met some trafficking victims in the mid-1990's after the break of the Soviet Union, I was unaware of it, and it has been around, I am sure, for a long, long time, certainly not to the degree that it is today.

Ms. MCGINN. Well, the way we manage it now within the Department of Defense, and I am pretty impressed, actually, by the way our response is matrixed, we have an individual who works for us, Mr. John Autry, who is the honcho for it. He has colleagues with the IG, with Acquisition, Technology and Logistics for the contracting piece of this and with the Readiness and Training Division, and they all work very hard on this topic together. And of course their overall effort is coordinated under our under secretary for Personnel and Readiness, Dr. David Chu.

I don't know if the question so much is a formalized structure. We have been thinking that there might be a need to augment the resources that we have toward this program so we can get some of these things done more quickly, get the data system out there and the like, and that is something that we will be looking at.

Mr. SMITH. I would hope that whatever the resources are necessary that you would, and if you need more, certainly let the Congress know and we will fight for them.

I do have one final question, Madam Chair, and you have been most gracious with the time.

The 2005 act, Ambassador Miller, as you know, requires the study of best practices in a report, including proposed recommendations, which would be due in July of 2006. For those who are in vulnerable populations, whether it be because of disaster or war, I wonder if that is well along and will be available, I should say, at the appropriate time, because obviously DOD has to be a part of that.

Ambassador MILLER. Well, thank you for the reminder. I understand that the United States Agency for International Development (USAID) is taking the lead on this, but I will check further.

Mr. SMITH. Okay. Thank you.

And I want to thank our very distinguished witnesses, all four of you, for your work on this extremely vital human rights issue, for your service to the country, and it is a privilege to have you here. Thank you.

Mrs. DRAKE. Mrs. Davis does have a few additional questions.

Ms. DAVIS OF CALIFORNIA. Thank you very much.

And just very quickly, I know, Colonel Boyles, you have certainly spoken strongly about the importance of prosecution as it relates to contract termination. What relationship, though, I guess what authority, really, does DOD have in relationship to some of those issues, and how closely do you work with the State Department to do that?

We, actually, on our services have been talking a lot about inter-agency coordination, and I am wondering in this particular regard how would you characterize that as it relates to trafficking?

Colonel BOYLES. I have never dealt with the State Department, not that I wouldn't, but as a contracting officer dealing with my contracts, there is some interpretation and there is some reaching, to some degree. If something is a little bit cloudy, you have to kind of make a call. If I was taking an issue here—well, I will be quite straightforward, this is a big topic and I might reach a little bit or I might bring someone in and kind of call them to task and say, "Here is what I am going to do." Some of the legal guys might go, "Okay, we are kind of on the edge," but, you know what, you have got to work on the edge.

And so there is always—it may be tenuous but there is a link between performance, contract performance, and not everything is the delivery of a product or the delivery of a service. It is adherence to the United States laws and even if you are a contractor that is not a U.S. contractor, we are paying the bill and we flow those requirements down and we expect you to adhere to that. And if I have to take, and I have, a strong approach that is a little bit tenuous, you take it.

Now, I don't work with the State Department, because these are my contracts that we had written and everything, but there was really no need to. I don't know if that helps you or answers your question.

Ms. DAVIS OF CALIFORNIA. Did you want to respond, Mr. Ambassador? No?

Ambassador MILLER. Well, we are working together right now. [Laughter.]

But the main way that Defense and State work together is through two vehicles. In your legislation, you established a Presidential task force on trafficking where the cabinet officers get together. That met earlier this week.

And then you established a senior policy operating group that I chair that has all the major agencies represented, including Defense. And that meets several times a year and we discuss inter-agency issues and how we can better cooperate. We are not involved in, obviously, as the colonel said, in reviewing contracts, nor should we be, but we do try to cooperate on trafficking here.

I think we recognize that both the Congress and the President has made this a top priority, and in your legislation you have called on us to cooperate, to plan together, to coordinate, and of course this is all, in a way, relatively new. This has all happened in the last several years with this growing awareness, and so I am sure we can improve cooperation and coordination.

Ms. DAVIS OF CALIFORNIA. Thank you very much. Appreciate you all being here.

Mrs. DRAKE. To follow up on that for a moment, Mrs. McGinn, can you tell us, once DOD identifies, say, it is a contractor or whoever it is, how does that work with turning it over to Department of Justice or to State Department? What is the process there? I mean, he has done his job, he has found them. Then what?

Ms. MCGINN. And if it is a case that is going to be prosecuted perhaps under the MEJA provision, then combatant command having done the investigation and substantiated it, we will notify our general counsel. Our general counsel notifies the Department of Justice and the Department of Justice notifies the U.S. attorney in the area which would have purview over the case. Could be the residence of the individual or something like that. And then the U.S. attorney makes the decision whether or not to prosecute.

We do have an area of partnership we are just embarking on, the State Department, concerning the provisions of MEJA, which our joint briefing team, State Department and our combatant commands, are going to go out to the host countries and explain the provisions of MEJA and how that might operate in their countries so that it will be transparent to them when we want to send someone to the United States, for example. And I think that is about to kick off here shortly.

Mrs. DRAKE. So that is just getting started if it is a foreign national or foreign company.

Ms. MCGINN. Yes.

Mrs. DRAKE. On the other side of that question, and this will be my last one, we really do appreciate your time and your information, what happens to the victim? You have been successful, you have broken up a trafficking ring, what about the victims that you

identify? Does the U.S. take them back to their original country? Are they turned over to the country that they are in, just to make sure that they are handled properly and they get back home.

Can anyone address that? What happens to the victim or victims?

Ms. MCGINN. It is my understanding that there are victim support organizations, and I look to Ambassador Miller. I thought they were located throughout the world that can help the victims.

Ambassador MILLER. I don't know what happens specifically in Iraq if a case is discovered, but I will tell you, as you know, Congressman Drake, as you have traveled and talked with many victims, there are very few countries in the world today that don't have NGOs providing services. And we encourage—our policy is to encourage governments and all the elements in our industry, whether military or Justice or whatever, to try to use those services and help see that victims are directed to those services.

Mrs. DRAKE. Thank you, Ambassador, and I know we will be talking more again. Thank you. It is encouraging to hear what you are doing, because it was something I didn't know.

I just would like to add that, without objection, we will submit the three letters—one from Mr. Wolfowitz, one from Secretary Rumsfeld and one from Secretary Chu—into the record.

So thank you again, and we look forward to talking to you more. Thank you.

[The information referred can be found in the Appendix on pages 97, 98, 99.]

Ambassador MILLER. Thank you.

Mrs. DRAKE. Thank you, Ambassador.

[Whereupon, at 4:55 p.m., the subcommittees were adjourned.]

A P P E N D I X

JUNE 21, 2006

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JUNE 21, 2006

HONORABLE VIC SNYDER

**JOINT HEARING OF THE
HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON MILITARY PERSONNEL
AND THE
HOUSE INTERNATIONAL RELATIONS COMMITTEE
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS, AND INTERNATIONAL OPERATIONS**

TRAFFICKING IN PERSONS

June 21, 2006

Thank you, Mr. Chairman.

I join you in welcoming our colleagues from the House International Relations Subcommittee on Africa, Global Human Rights, and International Operations. And, welcome our witnesses—Ambassador Miller, Ms. McGinn, Mr. Gimble and Colonel Boyles—welcome, we look forward to hearing from you on the issue of trafficking in persons and the Department of Defense's efforts to help combat the trafficking of persons.

Mr. Chairman, I am pleased that the subcommittee is holding this joint hearing with our colleagues from the International

Relations Committee on this important topic. While I appreciate the chairman's agreement to hold a hearing next month on the Montgomery GI bill program, I hope that we could hold similar joint hearings with our colleagues on the Veterans Affairs Committee, to discuss issues of mutual concern., such as the Montgomery GI, seamless transition, and other important issues that are facing our men and women in uniform.

But, today, we are here to discuss the Department of Defense overall efforts to combat trafficking in persons. Recently, a number of policies and directives have been issued from the Secretary of Defense to the Under Secretary of Defense for Personnel and Readiness to address trafficking in persons and the role individuals within the Department of Defense can and should take to end this appalling crime.

In 2003, the Department of Defense Inspector General conducted investigations into allegations of US troops patronizing bars and other establishments where women from the Philippines and former Soviet states were trafficked and forced into

prostitution in South Korea. Since then the commander of US forces in Korea, as well as the South Korean government, have taken a number of steps to address trafficking of persons. I am interested in hearing from the Inspector General's office on whether subsequent investigations have shown a reduction in trafficking of persons as a result of these actions taken by the commanders and the local government. And, whether there are lessons learned that can be shared with other regional commanders.

I am also looking forward to hearing from Colonel Boyles on the actions that he took as the Principal Assistant Responsible for Contracting Forces, Joint Contracting Command-Iraq and Afghanistan to combat trafficking of persons in Iraq. I am particularly interested in hearing what recommendations he would offer to address this issue in future and ongoing areas of conflict in which trafficking of persons can occur, particularly with respect to contractors. One of the concerns raised with contractors with respect to sexual assault is that there is limited jurisdiction over these individuals. If a contract employee is alleged to have

committee a sexual assault, they often are put on a plane and sent back to the States or their country of origin and nothing more is done. Is that the same case for individuals alleged to engage in trafficking of persons? Given that trafficking in person often leads to sexual exploitation of these individuals, these are questions that we hope the witnesses will be able to address today.

Thank you for being here and I look forward to your testimony. Thank you, Mr. Chairman.

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Prepared Statement

of

Ambassador John R. Miller

Director
Office to Monitor and Combat Trafficking in Persons
Department of State

Before the

House Armed Services Committee's Military Personnel Subcommittee

and

House International Relations Committee's Subcommittee on
Africa, Global Human Rights and International Operations

June 21, 2006

Chairman McHugh, Chairman Smith, and Members of the Committees: It is a pleasure to be here today and provide you with an overview on government action to combat human trafficking.

I would like to acknowledge and greatly thank the Congress for making human trafficking, or modern-day slavery a high priority. Because of Congressional support, the 2000 TVPA and subsequent reauthorizations to the law produced tremendous action around the world. Having just released our sixth annual *Trafficking in Persons Report*, we are combating human trafficking around the world by punishing traffickers, protecting victims and mobilizing U.S. government agencies to wage a global anti-trafficking campaign. Thanks to your pro-active efforts and advocacy for anti-trafficking measures, modern-day slavery is finally receiving world-wide attention with quantifiable results.

In addition to my role as director of the Office to Monitor and Combat Trafficking in Persons at the State Department, I serve as chairman of the Senior Policy Operating Group, which implements the policies set forth by the President's Interagency Task Force on Trafficking in Persons headed by Secretary Rice. Each of our 11 government agencies involved in anti-TIP

efforts, including the Department of Defense, has a strategic plan to guide its actions to end modern-day slavery. This is good for accountability and for maximizing our success against human trafficking here and abroad. As Secretary Rice said earlier this month, “protecting the non-negotiable demands of human dignity is the equal calling of every country... including the United States.”

Historically speaking, the trafficking of human beings has followed market demand. In times of conflict, this has often translated to an increase of sex trafficking victims to meet a demand where a multitude of military personnel and international workers operate. While stories persist about some peacekeepers violating the human rights of those people they are entrusted to protect, I am pleased to report that the U.S. Defense Department has taken proactive steps to combat human trafficking through preventive approaches and policy measures. When compared with militaries around the world, the U.S. military stands at the forefront of armed forces that are instituting serious change to ensure their personnel standards and contracting policies are aligned to combat modern-day slavery.

While DoD will discuss their multi-pronged approach in greater detail, I would like to highlight an example of swift and comprehensive action that the Defense Department recently enacted to ensure their standards are aligned with the President's "zero tolerance" policy on human trafficking.

After late 2005 allegations of labor trafficking in Iraq, DoD launched an investigation and found that a number of abuses were committed by Defense contractors or subcontractors of third country workers. Some of those abuses were indicative of human trafficking and included illegal confiscation of worker passports and deceptive hiring practices.

In April 2006, General George Casey, commander of the Multi National Force-Iraq, issued specific labor guidelines to all Defense contractors including a mandate that all employees have full control of their passports. In addition, once the pending Defense Federal Acquisition Regulation (DFAR) clause becomes effective, DoD will have the authority to terminate those U.S. contractors and subcontractors that don't comply with Trafficking in Persons guidelines. These measures will work to ensure that the U.S. employs a "zero tolerance" policy against human trafficking abroad.

Such swift responses combined with Service-oriented training to ensure that military personnel, DoD civilians and contractors are educated on human trafficking, are vital to carrying out a real and comprehensive anti human-trafficking program.

We are encouraged by the progressive action taken within the past two years by Secretary Rumsfeld and stand ready to assist him and his agency achieve the President's and your mandate of abolishing modern-day slavery.

Prepared Statement

of

Gail H. McGinn

**Performing the Duties as
Principal Deputy Under Secretary of Defense**

(Personnel and Readiness)

Before the

**House Armed Services Committee's Military Personnel
Subcommittee**

And

**House International Relations Committee's Subcommittee on
Africa, Global Human Rights and International Operations**

June 21, 2006

Not for publication until released by the committees

Chairman McHugh, Chairman Smith, and Members of the Committees, thank you for this opportunity to address you concerning the Department of Defense's continued role in combating trafficking in persons.

We continue to build on the policy established by the Secretary of Defense and Deputy Secretary of Defense in 2004. From that policy we are committed to continuing to strengthen our response to combating trafficking.

Our approach to combating trafficking in persons is within the framework of the U.S. Government's anti trafficking in persons efforts of prevention, protection and prosecution. While our authorities and responsibilities fall primarily within prevention, we remain engaged in the policies and practices of U.S. Government Agencies, allies and multinational organizations committed to fighting trafficking.

Our efforts are focused on two primary concerns. The first concern continues to be the sex exploitation industry overseas in and near our areas of operations. The second concern is with the employment practices by civilian contractors supporting DoD operations overseas. Our ongoing actions are aimed at addressing these two major areas of concern.

The Department's major effort has been in trafficking in persons awareness training. We have deployed an awareness training module required to be taken by all military and Department of Defense (DoD) civilian personnel deploying overseas. This module educates DoD members on the nature of trafficking, trafficking indicators, DoD's policy on trafficking, and the legal provisions

available to DoD in dealing with members of the Department connected to trafficking. The emphasis of the training is to educate individuals to not support trafficking, even indirectly, by frequenting businesses or enterprises that could involve trafficking in persons. The training is established electronically on the Joint Knowledge Development and Distribution Capability System. It has been further installed by the Military Departments on their respective knowledge online systems (e.g., Navy Knowledge Online) to ensure ease of use and total coverage of the target population.

The online training is backed up by a compact disc (CD) version for those areas that do not have internet connectivity. Also, for those situations, areas, or groups of individuals where automated services are neither available nor practical, the awareness training is being conducted through classroom presentation. The classroom version is also in use by overseas commands, augmented with local information, as part of personnel in-processing to that command [Note - individuals deploying to Iraq and Afghanistan are receiving the trafficking in persons training at the CONUS Replacement Center at Fort Benning, prior to overseas movement].

We have two other training products to support our anti trafficking program. Our commander's training module is targeted for completion and expected to be fielded. It will provide instruction specifically aimed at a commander's responsibilities within DoD's anti trafficking program. Also, a law enforcement/criminal investigators module is under development. It is based on

the Bureau of Justice Assistance's law enforcement course on human trafficking and will provide our law enforcement community the knowledge they need to play their part in DoD's program.

Our overseas operations also highlight our second major concern, labor trafficking. As recently seen in the actions taken by the Commander of the Multi National Force – Iraq against labor practices of supporting contractors, this concern is well founded. Our Defense Federal Acquisition Regulation (DFAR) trafficking in persons rule will give the overseas commander the contract management tools necessary to hold contractors accountable for their labor practices and their employees' actions. We are currently working to align our DFAR rule to the broader FAR rule and plan to resubmit it for OMB clearance.

We have modified our rule to include those labor areas that we feel are vulnerable to trafficking practices outside the United States, which are not covered by the published FAR rule – supply, construction, and commercial service contracts. We will return our rule to OMB this month, with a publication targeted for August 2006.

The Uniform Code of Military Justice (UCMJ) is central to enforcing the Department's anti trafficking in persons program. On October 18, 2005, the President signed Executive Order 13387-2005, Amendments to the Manual for Courts-Martial, United States. The Executive Order added the specific offense of "patronizing a prostitute" to the Manual for Courts-Martial. Early this year, we conducted a targeted media program to specifically 'get the word out' on the new

offense and generally promote our anti trafficking in persons policy and program.

In the broader scope of the UCMJ, we have reviewed the code in its ability to proscribe trafficking in persons. We determined that the UCMJ is fully adequate to the task of addressing the crime of trafficking in persons, and any of its associated wrongful acts, should the jurisdiction fall to the Department to do so.

Evaluation continues to be a key component of our trafficking policy implementation. The DoD Inspector General is in the process of completing their first Department wide evaluation of DoD trafficking in persons policy implementation. We will use their evaluation as an ongoing guide to improve our program.

Finally, to reinforce our ongoing program implementation, our office and that of the DoD Inspector General share best practices across the department. From the early successes of U.S. Forces Korea's anti trafficking in persons programs, to the actions just taken by the Commander, Multi-National Forces – Iraq, we distribute local policies, regulations, programs, and practices throughout our network of Combatant Command points of contact.

The steps we are taking reflect our strong commitment to address combating trafficking in persons within the scope of DoD's responsibilities.

Thank you again for scheduling this hearing and I look forward to answering your questions.

June 21, 2006



Hold for Release
Expected 2:00 p.m.

Statement
of
Mr. Thomas F. Gimble
Principal Deputy Inspector General
Department of Defense

before the
House Armed Services Subcommittee on Military Personnel

and

House International Relations Subcommittee on Africa,
Global Human Rights and International Operations

on

Trafficking in Persons

Chairmen and Members of the Subcommittee on Military Personnel and the Subcommittee on Africa, Global Human Rights and International Operations:

Thank you for this opportunity to discuss past and ongoing efforts by the Office of Inspector General (OIG) in the area of combating Trafficking in Persons (TIP). Previously, on September 21, 2004, the OIG presented testimony regarding TIP in a joint hearing before Chairman Hunter of the full committee and the Commission on Security and Cooperation in Europe.

OIG initiatives into the area of human trafficking were triggered when thirteen Members of Congress wrote to the Secretary of Defense on May 31, 2002, to request a “thorough, global and extensive” investigation into the publicized allegation that U.S. military leadership in Korea had been implicitly condoning sex slavery. In response to those concerns the OIG initiated a Human Trafficking Assessment Project. The first phase of the project focused on United States Forces-Korea (USFK). The second phase focused on the European theater, specifically Bosnia-Herzegovina and Kosovo. The results of the assessment project indicated that awareness training, along with leader focus, were important tools in the effort to combat human trafficking.

DoD IG inspection teams visited Korea in December of 2002 and March of 2003, and the Balkans in June 2003 to conduct an assessment of trafficking issues and concerns. In Korea, we visited the following locations and conducted inquiries with the leaders and personnel of the host commands:

- Yongson, Seoul and the Itaewon District USFK

- Camp Casey and TongDuChon (2nd Infantry Division)
- Camp Red Cloud (HQ, 2nd Infantry Division)
- Osan Air Base (51st Fighter Wing)

For the assessment in the Balkans, we visited:

- Stuttgart, Germany (U.S. European Command)
- Sarajevo, Bosnia-Herzegovina (Stabilization Forces)
- Tuzla (Multinational Brigade North at Eagle Base)
- Kosovo, Serbia & Montenegro(Kosovo Forces), and
- Camp Bondsteel (Multinational Brigade East)

We published our findings in the Phase I report in July 2003. During our assessment, we identified a number of opportunities for expanded efforts on the part of USFK leadership to combat human trafficking, particularly efforts that focused on reducing the number of off-post installations that were engaged in prostitution or human trafficking. Further, we found that the USFK expressed a desire to work with other agencies to address human trafficking issues. At the conclusion of our March 2003 visit to Korea, we made several recommendations to the Commander, USFK, to increase the effectiveness of his TIP program. The Commander, USFK, incorporated our recommendations into his effort to combat TIP throughout the Korean peninsula.

Specifically, USFK:

- Bolstered human trafficking situational awareness with emphasis on “Core Values” and “The Noncommissioned Officer Creed.”

- Provided an official “tool kit” to Service members that included copies of:
 - The Presidential Directive on Human Trafficking, “National Security Presidential Directive 22 (NSPD 22)”
 - Public Law 106-386, Division A, 114 Stat.1464, “Trafficking Victim’s Protection Act of 2000”
- Developed and deployed a “Human Trafficking Indicators” guide to sensitize Military Police, Courtesy Patrols (CP), and each Service member. The guide included:
 - Formal briefings on force protection measures
 - Written instructions on duties and responsibilities of CPs
 - Lists of off-limit establishments

The results of our inspection team visit to the Balkans were published in the Phase II report on TIP in December 2003. During our assessment we identified opportunities for improvement, on the part EUCOM leadership, through reviewing service members compliance with TIP related restrictions, amending General Order No. 1, prohibiting TIP associated establishments, and incorporating anti-TIP clauses into service contracts. The Commander, European Command (EUCOM), subsequently took action to implement our recommendations. In a March 2004 response to the recommendations contained in the report USAREUR stated that:

- Inspections of the “Fighter Management Pass Program” and rest and relaxation locations found minimal incidences of pandering. In addition, USAEUR tasked Task Force Falcon to conduct quarterly inspections of their rest and relaxation locations.
- On February 9, 2004, General Order No. 1 was amended to include a provisions prohibiting engagement in TIP prostitution and indentured servitude, patronage of establishments suspected of TIP violations, and other activities related to human trafficking. Subsequently, in October 2005, the “Manual for Courts Martial” was amended to include the specific offense of “Patronizing a Prostitute” under Article 134.
- Steps had been taken to implement training programs and education to reduce or prevent TIP.
- Reviews of contracts showed that many, but not all, specifically prohibited employees and subcontractors from engaging in human trafficking and tasked their Joint Contracting Command to ensure that all future contracts have similar language.
- USARUER would direct Balkans Task Forces to implement policies to which provide for regular communication between U.S. military authorities, local judicial authorities, local law enforcement authorities, and the Trafficking and Prostitution Investigative Unit.

Ongoing Evaluation

On November 18, 2005, my office announced our current TIP evaluation project, “Evaluation of the Department of Defense (DoD) Efforts to Combat Trafficking in Persons.” To date, we have completed the field work and are now coordinating the draft report. This evaluation is examining TIP policies, programs, and actions at the OSD-level and analyzing program execution at the Combatant Command and installation levels. The objectives of our evaluation are:

- Determine if DoD directives, implementing instructions, organization, metrics, and resources are adequate for the DoD components to develop implementing programs and objectives.
- Determine if current TIP training is effective in promoting awareness of applicable laws and restrictions and fostering behavioral changes among all DoD employees—Service members, civilians, and contractor personnel.
- Determine if current laws and international agreements are sufficient to give commanders the requisite authority “outside the gate.”

During the preliminary phases of this project, the team reviewed relevant OSD, Joint Staff, Services, and Combatant Commanders policies and programs regarding trafficking in persons. Interviews were conducted with senior OSD and Military Department officials, command representatives, and various non-government organizations members.

In January 2006, the evaluation team initiated the field work phase and visited U.S. Pacific Command (PACOM) and EUCOM installations and numerous CONUS-based combatant command headquarters and installations.

Specific sites visited included:

- PACOM: Hawaii, Japan, and Korea
- EUCOM: Germany, Bosnia, Kosovo, and Italy
- U.S. Northern Command Headquarters, Colorado Springs, CO
- U.S. Central Command Headquarters, Tampa, FL
- U. S. Special Operation Command Headquarters, Tampa, FL
- U.S. Army Mobilization Station and Power Projection Platform, Fort Bliss, TX

During the visits, the team interviewed a cross section of officers and enlisted personnel and conducted group sensing sessions. So far, the team has collected information from over 900 individuals. Furthermore, a survey questionnaire was posted at the DoD IG Web site and was available from January 2006 through April 2006. Over 10,000 respondents completed the online survey. Suggestions, feedback, and recommendations have been reviewed and analyzed and will be included in the final report, as appropriate.

Other Activities

In addition to our ongoing evaluation, our DoD IG inspectors and evaluators continue to collaborate with the various TIP stakeholders across the Department of Defense. Examples include:

- Efforts to finalize the inclusion of TIP related clauses in the Defense Federal Acquisition Regulation Supplement (DFARS). On April 19, 2006, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Counsel published an interim rule, Combating Trafficking in Persons, which amended the Federal Acquisition Regulation (FAR). The interim rule implements the Trafficking Victims Protection Reauthorization Act of 2003, as amended in 2005. The rule applies to contractors awarded service contracts (other than commercial service contracts under FAR Part 12), and prohibits severe forms of trafficking in persons, procurement of commercial sex acts, and the use of forced labor. The proposed DFARS interim rule extends the FAR clause prohibitions to all DoD service and construction contracts performed outside the United States.
- On April 14, 2006 the OIG responded to a request from the Undersecretary of Defense for Personnel and Readiness (USD P&R), into alleged TIP practices by DoD contractors and subcontractors in Iraq as reported in a series of Chicago Tribune articles regarding the circumstances leading to the death of 12 Nepalese workers inside Iraq on August 31, 2004. The allegations concerned involuntary servitude occurring under the auspices of DoD contractors in Iraq. The DoD IG made the following recommendations to the USD P&R, which were provided to Ambassador Miller by Under Secretary Chu on May 18, 2006:

- DoD continue to prosecute military members who become involved in TIP or TIP-related activities, in accordance with the Uniform Code of Military Justice.
- DoD ensure that all new contracts incorporate the language of the anti-TIP DFAR clause, once it is approved.
- DoD evaluate rewriting existing contracts to incorporate the language of the anti-TIP DFAR clause, once it is approved.
- Military Department and Combatant Command Inspectors General continue their involvement in DoD efforts to combat TIP, within the limits of their authority to do so.
- We have also worked with the U.S. Central Command (CENTCOM) IG and the in-theater IGs on issues related to labor or debt bondage in the CENTCOM area of operations. In April 2006, the Commanding General, Multi-National Force-Iraq, published Fragmentary Order 06-188 [Trafficking in Persons], “Prevention of Trafficking in Persons in Multi National Forces Iraq.”

Conclusion

In conclusion, we remain committed to support DoD’s “zero tolerance” policy against trafficking in persons and will continue to evaluate programs and compliance. I will be happy to provide an update upon completion of our current evaluation report. Enclosed at the Appendix are some of the key events and activities in which the OIG

has participated regarding combating trafficking in persons. Thank you again for this opportunity to update you on our efforts to combat TIP.

Appendix

OIG TIP Initiatives

Reports:

Procedures for Selecting Contract Personnel to Perform Maintenance on Army Aircraft in Bosnia, September 2002.

Assessment of DOD Efforts to Combat Trafficking In Persons Phase I United States Forces Korea, July 2003

Assessment of DOD Efforts to Combat Trafficking in Persons Phase II Bosnia-Herzegovina and Kosovo December 2003

Evaluation of Department of Defense's efforts to combat Trafficking in Persons *(ongoing)*

Speeches and Testimony:

Remarks by the Deputy Inspector General for Inspections and Policy, Department of Defense: "Mobilizing Our Forces for a Coordinated Attack on Human Trafficking: U.S. Department of Defense Plans for Combating Trafficking in Persons" (Marshall Center Conference on Human Trafficking, Mar 8, 2005)

Remarks of the Inspector General of the Department of Defense: "Military Chaplains as Moral Leaders: a Central Role in Suppressing 21st Century Human Slavery" (International Military Chaplains Conference, Feb 9, 2005)

Remarks of the Inspector General of the Department of Defense: "Suppressing Slavery in the 21st Century: from Legislation to Enforcement" (Organization for Security and Cooperation in Europe Forum for Security Cooperation Nov 17, 2004)

Statement of Inspector General of the Department of Defense, before the House Committee on Armed Services and the Commission on Security and Cooperation in Europe on Implementing the Department of Defense "Zero Tolerance" Policy with regard to Trafficking in Humans, Sep 21, 2004.

Conferences/Workshops:

United States Mission to the North Atlantic Treaty Organization (NATO) Seminar "Toward a NATO Policy on Trafficking in Persons" March 4-5, 2004

Workshop for Curriculum Development on Combating Trafficking in Human Beings, Geneva Center for Security Police, September 30-October 1, 2004

Organization for Security and Cooperation in Europe Forum for Security Cooperation November 17 2004

European Command International Military Chaplains' Conference February 9, 2005

Seminar On "Avoiding Military Involvement in Trafficking in Human Beings: Best Practices From the Field" National Defense College, Helsinki, Finland March 3-4 2005

Conference on Human Trafficking: Security Implications, Marshall Center March 8, 2005.

Statement by

Colonel Robert K. Boyles, USAF
Former Principal Assistant responsible for contracting
Forces Joint Contracting Command – Iraq/Afghanistan

Chairman McHugh, Representative Snyder, Chairman Smith, Representative Payne and Members of the Committee, thank you for the opportunity to discuss my role in Multi-National Force Iraq's efforts to Combat Trafficking in Persons. During my five month deployment to Iraq, from January to June '06, I served as the Principal Assistant Responsible for Contracting (PARC) for Forces for Iraq and Afghanistan. The importance MNF-I placed on the quality of life for third country nationals quickly became apparent upon my initial office call with the MNF-I Chief of Staff, who asked that I become involved in this issue during my deployment. The Chief mentioned an investigation that was on-going and was specific that I should consider it a top priority to ensure all personnel working for MNF-I enjoyed a quality of life acceptable to the US public. In February of this year, the Inspector General, during the course of the ongoing investigation, provided the names of contractors known at that time to be withholding passports to prevent employees "jumping" to competitors. In keeping with the importance of this issue, both contractors were called in, informed that this practice was offensive to the US government and were directed to return all passports to their employees. Both contractors stated their willingness to cooperate but also identified some concerns; costs to bring employees into theater; company liability once TCNs terminate employment; installation security. To address concerns of interest to MNF-I, although continuing to require the return of passports, the IG hosted talks with the contractors and other interested MNF-I personnel, particularly in the area of installation security.

In early April '06 MNF-I published a fragmentary order (FRAGO) entitled Prevention of Trafficking in Persons. In this order MNF-I formally tasked the following: the return of all passports by 1 May '06; ensure all contracts include a "termination without penalty" clause; require prime and subcontracts to provide employees with a signed copy of their employment contract that defines the terms of their employment/compensation; prohibits the use of unlicensed recruiting firms or firms that charge illegal fees; fifty square feet as the minimum acceptable standard for living space; and the requirement for all contractors

to comply with host nation entry and exit requirements. To execute this FRAGO I signed a 19 Apr 06 letter to all contractors titled "Withholding of Passports, Trafficking in Persons". This letter directed the return of all passports by 1 May 06, notified that the IG would begin compliance inspections in 90 days and informed contractors of contract language to be included in future solicitations and contracts. The (PARC) for Reconstruction published a similar letter shortly thereafter. Additionally, PARC regional contracting centers were instructed to modify all existing contracts with the new contract language. At the time of my departure approximately 90% of the contracts had been modified.

The need for contractual language however, goes beyond the Iraq area of responsibility. Many DoD agencies write stateside contracts with performance in-theater; performance could be in any number of locations; Iraq, Afghanistan, Horn of Africa, etc... The DoD has published contract language, to be included in all contracts, to ensure trafficking in persons is addressed irrespective of where work is being performed. Combined with effective enforcement measures, this language is a step in the right direction to providing a better quality of life for individuals providing services to our men and women in uniform.

This concludes my remarks and I look forward to answering any questions the committee may have.

DOCUMENTS SUBMITTED FOR THE RECORD

JUNE 21, 2006

Chicago Tribune
— ONLINE EDITION —

<http://www.chicagotribune.com/news/specials/chi-nepal-1-story,0,5497142.story?page=2>

TRIBUNE INVESTIGATION: PIPELINE TO PERIL

Desperate for work, lured into danger

The journey of a dozen impoverished men from Nepal to Iraq reveals the exploitation underpinning the American war effort

By Cam Simpson
Tribune correspondent

October 9, 2005

KATMANDU, Nepal -- The jolting news out of Iraq came to the woman from a neighbor boy.

"What's your son's name?" the child cried out, his voice ringing through their village in the Himalayan foothills, almost 4,000 miles from the American theater of war.

"Bishnu Hari Thapa," the woman called back.

"Turn on your television," the boy shouted.

Peering at the small screen in her family's apartment, Bishnu Maya Thapa saw the solemn face of her firstborn son. Worried for three weeks, ever since he'd left an alarming phone message, she now saw him posed before a black banner emblazoned with Arabic, holding his passport open with his right hand, just below his chin.

Someone beyond the frame's edge held a rifle's muzzle over Bishnu Hari's head. Alongside him stood 11 other Nepalis, as if gathered for some kind of class photo. The 12 men had been seized by terrorists in Iraq, the announcer said, the words robbing the mother of her breath.

It had been only seven weeks since she sent her 18-year-old son off to earn a paycheck that would bring their family a better life. But that paycheck was supposed to come from the safety of a five-star hotel in Jordan, not the combat zone of Iraq.

Whether Bishnu Hari and most of the other 11 Nepalis even knew before leaving home that they were headed to Iraq remains a mystery.

At least three did, but they were deceived about key details. Most of the rest, including Bishnu Hari,



<http://www.chicagotribune.com/news/specials/chi-nepal-1-story,0,4654594.print.story>

9/9/2006

appear to have been lured with fraudulent paperwork promising jobs at the luxury hotel in Amman.

They learned Iraq was their real destination only after their families went deeply into debt to pay huge sums demanded by the brokers who sent these sons and brothers to the Middle East.

The stench of grease, scorched cumin and sweat coats the brown thatch walls of the New Bamboo Cottage, a Tiki-hut restaurant on the edge of Katmandu, Nepal's sprawling capital.

In the early summer of 2004, Bishnu Hari worked odd jobs around the restaurant. At night, he would sleep on the pale linoleum tables shoved together, side-by-side and end-to-end, after the restaurant's final customer had gone home.

He was 5 feet tall and wore bluejeans and sandals. His face often sported fuzz that wouldn't trouble a razor. But in Nepalese society he was already a man, expected to help his family. That was why his mother, like so many here, had prayed for a son.

For Bishnu Hari, sleeping on the restaurant's tables was about finding a chance to improve the lot of a mother who earlier in her life had crushed stones at a quarry for pennies a day. It was about helping a father shouldering the burdens of rent, food and clothing for a family of five.

In Bishnu Hari's hometown of Siudibar, a rural village named for a wildflower, there are few opportunities beyond subsistence farming. But he was trained as a welder and electrician, giving him the skill to fix the wiring rigged all around the New Bamboo Cottage. In return, the owner let him stay there for free.

Being close to Katmandu was his real reward: Bishnu Hari dreamed of getting a job in another country with help from one of the city's more than 400 manpower agencies.

For a fee, often 10 times more than Nepal's per capita income of \$270 a year, those agencies send men to labor in the Persian Gulf region, Malaysia and beyond. While onerous, the fee is a gamble that any job in the Middle East might yield a salary of \$200 a month, an unimaginable sum in Nepal.

Tourism, once buoyed by Westerners in search of Shangri-La, was an early casualty of Nepal's 9-year-old civil war with Maoist rebels. Almost 40 percent of the country's nearly 28 million people live on less than \$1 a day.

So the estimated \$1 billion wired home each year by overseas Nepalis outpaces tourism, all exports and foreign aid combined.

Many from Bishnu Hari's remote village, in a district ravaged by the Maoist war, had made the five-hour bus ride to Katmandu before him, following the same dream.

Meeting the middleman

Kumar Thapa, a former neighbor from Bishnu Hari's village, was living in Katmandu. During a visit back home, he had offered to help the young man.

Thapa is what Nepalis call a dalal, which is a Hindi-derived word once used to identify a pimp. Now it's synonymous with "middleman" or "agent." Dalals are vital to the overseas labor system. They don't have licenses. They only take cash. There are no receipts. Nothing is written down.

Thapa was an amateur in this world, but he earned the dalal's reward. He pocketed a fee for each man he sent to the labor agents. And he hoped for another commission, helping get Bishnu Hari into the New Bamboo Cottage and close to the action.

After sleeping on the restaurant's dining tables for three weeks, Bishnu Hari found an advertisement in the June 13, 2004, edition of the Kantipur Daily, the leading Nepalese-language newspaper.

In the bottom corner of Page 16, it read: "Vacancies in Amman, Jordan."

More than 100 jobs were waiting for Nepalese men, the ad promised. They would fetch \$200 to \$500 per month. Just one month's salary would be enough to cover rent for Bishnu Hari's family for more than half the year. Enough for him to send his little brother to college.

Help wanted

With the American presence in Iraq making Amman a boom town, the city needed cleaners, laborers and laundry workers. Butchers, bus drivers and mechanics too. There were even four openings for a "salad man."

But there was a price to be paid to secure such a job, as there always is here. The agency's cut of the fee ranged from the equivalent of \$1,000 to \$1,285, a huge sum for a Nepalese boy.

"Preference will be given to candidates who have already worked in hotels," the ad stated. "Probable flight for selected candidates within two months."

Near the bottom of the ad was a logo, a crescent moon and six stars slung low over two mountain peaks. Arching over the stars and the mountains like a rainbow were the words "Moon Light Consultant Pvt. Ltd."

Moon Light also stated in the ad that a "demand letter" for the hotel jobs in Amman from its Jordanian counterpart--called Morning Star for Recruitment and Manpower Supply--was on file with the government, as required by Nepalese law. Job interviews were scheduled for the next day.

In less than three months, Moon Light's logo would become the focal point of rage for thousands of Nepalis wielding torches, tire irons and Molotov cocktails in their own streets. They would burn and loot Moon Light's office, along with scores of others.

But on June 13, it was still a symbol of hope for men such as Bishnu Hari.

He could have gone straight to the job agent himself. But instead, like many other inexperienced young men from rural villages, he entrusted his future to an older, more experienced man, the dalal who understood the world of overseas work. So he took the newspaper to Thapa.

Moon Light listed its Labor Ministry registration number in the ad, so Thapa figured it was aboveboard. He knew the office, so he took the young man from his village there.

If Bishnu Hari or any of the other men responding to the ad that day had questions about Moon Light, the firm's full-color brochure would have offered answers.

Printed on 42 glossy pages, it was more like a soft-cover book or the special edition of a top-selling magazine. "Our motto is 'Right workers for the right job' so that all of our clients are happy with us," it

announced on its first page.

Inside were copies of 32 demand letters from Moon Light's broker-counterparts in the Middle East, including Morning Star.

A smile and promises

The brochure also carried a picture of the smiling Prahlad Giri, Moon Light's general manager.

At 6 feet tall, Giri would have towered over most of the men who responded to the Moon Light ad. Although just 24, Giri ran Moon Light, his family's business. Dressed in a three-button suit, shirt collar open, he would poke the air with his slender fingers when he spoke or touch the tips of all 10 together and prop his hands below his sharp chin, like a man saying something profound.

Would-be workers swarm the offices of such brokers after job ads appear. Lines stream outside the doors, into hallways and even streets and alleys unprotected from the hot sun of Katmandu summers.

Among the job seekers, Bishnu Hari was a standout. Unlike many young Nepalese men, he had graduated from high school. He was experienced in wiring and welding. And he was ready to pay the fee.

Giri said in an interview that he didn't mention anything about Iraq to the applicants that day. Because of the danger, the Nepalese government had prohibited job agents from sending men there.

But Giri said he did offer Bishnu Hari and the others who interviewed a warning: Jordan's Morning Star is a multinational company, and it might send you somewhere else.

Bishnu Hari's dalal, though, said Iraq wasn't mentioned, only Jordan. In any case, at the end of the day, Bishnu Hari got the one piece of news he really wanted to hear: He had passed the interview. He was told to have his money ready.

Within days, Giri's office filed paperwork with the Nepalese Labor Ministry for Bishnu Hari and 34 others to head to Jordan for Morning Star. He and at least eight other men, the paperwork said, had contracts to work at Amman's five-star Le Royal Hotel.

In the days ahead, Bishnu Hari couldn't wait to get out of the New Bamboo Cottage--for good. He excitedly asked Thapa, the neighbor who recruited him, "When will I go?"

In late June, Bishnu Hari spoke by phone with his mother. It was time to pay the fee for the job, he told her, so please arrange to get the money.

She borrowed more than \$2,100, about \$400 of which came from the local development bank, a sort of savings and loan. The rest came from lenders in the village who charged 36 percent interest a month, she said.

Bishnu Hari made the five-hour bus ride back to Siudibar the next day to collect the cash.

If his mother had known what awaited her son, "I would have kept him by my side even if I had to do backbreaking work," she said. "For me, he was still like a newborn babe, just like a chicken that hatches from an egg."

The promise he made before leaving still echoes in her mind:

"Life is hard for us, Mummy. I will earn and send money home. We will buy land and build a small house to live in."

She handed him the cash, sending him out of their small apartment and back to Katmandu.

Into the unknown

Bishnu Hari was among many young men following a route that would take them to Katmandu and then to the Middle East. The 11 others who eventually would be kidnapped with him in Iraq also came from rural areas, stretching from the hills of northwestern Nepal to the nation's low-lying plains in the southeast.

They ranged in age from 18 to 27. Their lack of opportunity at home was evident in the professions written in their passports--"farming," "helper," "labor."

One of them, 19-year-old Ramesh Khadka, began his journey from a mud-and-brick home with a blue tin roof in a village where he helped farm his family's fields near the nexus of two majestic river valleys, the Nalu and Lele.

In another Nepalese village hundreds of miles away, three best friends who would later meet Bishnu Hari boarded a bus. Budhan Kumar Shah, Manuj Kumar Thakur and Lalan Singh Koiri were inseparable in their hometown of Mahendranagar, in Nepal's lower plains.

Just weeks before, a recruiter had trolled their village, promising that any willing young man could earn \$700 a month serving food to U.S. soldiers in Iraq.

The three best friends had listened together intently. They and their families knew little of Iraq, the American war, its dangers or the nation's daily atrocities. "Don't worry," family members recalled the recruiter telling them. "You are working for American soldiers. The plane will take you to the camp, and in the camp there is no danger."

The oldest, Shah, marveled at the idea that just one-month's salary was more than four times what he earned all year as a ticket-taker at the local movie house. His two friends, Thakur, a 23-year-old college student, and Koiri, a 21-year-old farmer, were equally dazzled.

Together, they persuaded their families to borrow money to pay the broker, who had demanded \$3,500 per head. And together they boarded a bus, which rolled down a road where oxen pull carts filled with dung and straw before passing under a canopy of mango trees and reaching Nepal's only east-west highway.

It would take them all night to reach the Nepalese capital.

Ominous call back home

Bishnu Hari flagged a taxi in early July outside the restaurant where he'd been working, and waiting, for weeks.

The cab took him to Katmandu's Tribhuvan International Airport, which fills nearly every day with young men headed to the Middle East. The volume is so great that Gulf Air even reconfigured its

Boeing 767s to accommodate more workers.

Destinations roll across the airport's flight boards: Doha, Dubai, Manama, each a hub for the network that sends South Asians to labor in the Middle East.

Bishnu Hari and several of the other men took a night flight, landing at Queen Alia International Airport on the Fourth of July.

About three weeks later, he phoned Nepal. Bishnu Hari called the New Bamboo Cottage and spoke briefly with his younger brother, Krishna, who had taken his place at the restaurant in the hope of landing a job overseas as well.

Bishnu Hari started to ask his brother how things were, but the line went dead.

He called back later, and the fractured message he left haunts his mother to this day.

Go to [Part 2](#)

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TRIBUNE INVESTIGATION: PIPELINE TO PERIL

Into a war zone, on a deadly road

Worker's chilling call home: 'I am done for'

By Cam Simpson
Tribune correspondent

Advertisement

October 10, 2005

AMMAN, Jordan -- The long-distance line into the Katmandu restaurant carried a familiar voice.

It was Bishnu Hari Thapa, the young man who only weeks earlier was working at the restaurant in Nepal, sleeping at night on its dining tables while awaiting a chance to land a foreign job.

He told the restaurant owner that he wanted to speak to his younger brother, who was now sleeping on the same tables, hoping for a similar opportunity.

"Where are you?" asked Gana Magar, owner of the restaurant, the New Bamboo Cottage.

"In Jordan," replied Bishnu Hari, whose family had been desperate to hear from him.

"I am done for."

Before he could explain, before his brother could come to the phone, the line went dead. It was the last message he left for his family.

They had no way to know, but Bishnu Hari would soon be on his way to a war zone--not the job he had been promised at a luxury hotel in Jordan.

After leaving Nepal, Bishnu Hari would become entangled in the illicit system delivering cheap labor from impoverished countries to U.S. military bases throughout Iraq.

On Aug. 19, 2004, about three weeks after he tried to phone his brother, Bishnu Hari would be among 12 Nepalis kidnapped from an unprotected caravan in Iraq. They were on their way to work for a major subcontractor of KBR, the Halliburton subsidiary that runs military support operations in Iraq.

KBR relies on more than 200 such subcontractors, many based in the Middle East, that employ thousands of men like Bishnu Hari imported into the region from some of the world's poorest corners. The company leaves every aspect of the workers' recruitment and deployment in the hands of those firms, which tap the pipeline that has long pumped laborers from South and Southeast Asia into the Middle East.

<http://www.chicagotribune.com/news/specials/chi-0510100110oct10,0,6929.print.story>

9/9/2006

In retracing the trail of Bishnu Hari and the 11 other men kidnapped with him, the Tribune found a chain of brokers, middlemen and subcontractors along the way, all of whom stood to profit from the trade.

The journey of each of the Nepalis began with a village agent. The agents took the men to a broker on the edge of Katmandu, Moon Light Consultant, which had placed the job ad that attracted Bishnu Hari. Moon Light sent them to middlemen in Amman. From there, they were to be delivered to a KBR subcontractor at an American air base northwest of Baghdad.

They never arrived.

'They accept low salaries'

Carved into the side of one of the seven hills that Amman is built on, Malfouf Street seems far from the bustling byways lined with white stone buildings that typify the newly booming Jordanian capital.

There is little traffic, only a couple of shops, and laundry drying in the wind on the balconies of apartments.

It was here, at No. 58 on Malfouf Street, where Bishnu Hari briefly lived, along with at least seven other Nepalis who later would be kidnapped with him, according to Jordanian police records. It is one of the few places in Amman where the towering Le Royal Hotel, where paperwork filed in Nepal said he'd be working, is beyond sight.

But there was no such job. And Bishnu Hari's future was in the hands of labor brokers his family back home knew nothing about.

One such man was Eyad Mansour, a stout Jordanian who was the general manager of Amman's Morning Star for Recruitment and Manpower Supply.

Mansour was working with firms in Nepal that were on the supply-side of his business, exporting foreign workers to the Middle East. One of the firms was Moon Light, the company that sent Bishnu Hari and at least 11 others to Jordan.

Jordanian firms especially liked Nepalis because, in Mansour's words, "they are good, they are honest and they accept low salaries."

To Mansour, juggling two cell phones and two land lines from the swivel chair behind his desk, life as a middleman is straightforward. He describes it in an interview like this: The "factories" are places such as Nepal, which feed him "the goods," then he passes them on.

For years, those goods were mostly menial laborers, low-skilled assembly workers or maids from South and Southeast Asia employed by Jordanian factories or in households of the wealthy.

But with the onset of the Iraq war, workers from Nepal and other impoverished countries were in greater demand. Mansour was a very busy man. Because of the war, "Jordan has a big booming in recruiting," he said.

Self-sufficient cities

Thousands of workers are needed to meet the demands of the unprecedented privatization of military support operations unfolding under the watch of the U.S. Army and KBR, its prime contractor in Iraq.

The U.S. bases there are like self-sufficient cities, and almost all logistical support is outsourced to KBR--from electricity generation, ditch digging and mail delivery to the operation of dining halls, latrines and movie theaters.

KBR, in turn, outsources much of the work. Mansour said his take of this action was from \$300 to \$500 per worker, paid by other brokers and subcontractors in Amman who send the laborers directly to the bases in Iraq.

Typically, he said, he would receive e-mails from Moon Light and other Nepali brokers containing the names and flight data of arriving workers. He would send someone to pick them up at the airport, before placing them in Amman homes or apartments, where they waited before going to Iraq.

Paperwork filed in Nepal said Bishnu Hari and the 11 other Nepalis kidnapped last summer all came to Jordan under Morning Star's authority, along with about two-dozen others from the South Asian country.

Mansour would first admit, then deny, that Bishnu Hari and the others came to Jordan through his company, despite the paperwork in Nepal and the fact that he kept photocopies of all 12 of their passports, stamped with Jordanian entries.

In addition, a man who worked for Morning Star at the time owned the house at No. 58 Malfouf St. where Bishnu Hari and some of the others stayed.

That man, Amin Mansour, who is no relation to Eyad, took the Nepalis to Amman's Zaharan police station. Amin Mansour registered them as tenants of his home, records show, listing himself as their landlord. (Under Jordanian law, foreign visitors must register at the local police station if they stay in the country for more than two weeks.)

Among his new tenants were three best friends from the Nepalese village of Mahendranagar. Not long after their arrival in Amman, they called their families in a panic.

Unlike Bishnu Hari, the three friends always knew their ultimate destination was an American base in Iraq. But their Jordanian brokers were now demanding they surrender two months' pay as a fee and accept less than half the salaries promised them in Nepal, according to their families.

The men were desperate to go home. But their families told them they must continue into Iraq, solely to cover the loans used to pay a Nepalese broker \$3,500 for each man--more than a decade of earnings.

By mid-August, their fate was settled. The plan was for Bishnu Hari and dozens of other Nepalis to load into a caravan of cars and make the trip into Iraq along the Amman-to-Baghdad highway, where insurgents and bandits routinely attack, kidnap or kill travelers.

The caravan's journey was to end north of Ramadi and Fallajuh at Al Asad Air Base, which is near the banks of the Euphrates River. They were to depart from Amman on Aug. 19.

Deploying personnel into Iraq is expensive. Flying one-way from Amman to Baghdad can cost about \$600 per person. Armored vehicles from Amman are no cheaper. And professional security contractors charge big dollars to organize and escort roadway caravans.

But under its Iraq subcontracts, KBR left such details for menial workers in the hands of the Middle

Eastern firms hiring them.

Dry cleaner turned broker

Before the U.S.-led invasion of Iraq transformed the Jordanian capital with war and reconstruction money, Ali Kamel al-Nadi was a dry cleaner. By last summer, he was responsible for sending men into what had become one of the world's most dangerous places.

His firm, Bisharat & Partners, had arranged to transport 65 Nepalese men into Iraq, al-Nadi said. This included Bishnu Hari and the other 11 sent to Jordan by Moon Light, according to another broker involved with the caravan.

Bisharat & Partners has a contract to supply workers to a company called Daoud & Partners, al-Nadi said. In turn, Daoud & Partners, also based in Amman, is a major KBR subcontractor on the American bases in Iraq.

Officials with Daoud & Partners did not return repeated calls or respond to a formal interview request at their office in Amman.

Al-Nadi didn't have enough cars to deliver the 65 Nepalis, according to Eyad Mansour, the other broker involved in the caravan, so al-Nadi called him for help.

Mansour phoned his own driver to see if the man was available, but he said the driver refused, explaining that it was far too dangerous and the caravan would be an obvious target for insurgents. Two drivers from Daoud & Partners had been kidnapped in Iraq just weeks earlier. In exchange for their release, the company had issued a public statement saying it would cease operations in Iraq, though it did not.

Mansour's driver wasn't alone in his concern. Because of attacks and kidnappings, many Western contract personnel had avoided the Amman-to-Baghdad highway since late 2003.

Concerns about driving through Iraq's Anbar province grew deeper after the deadly March 2004 attack in Fallujah on four American security contractors, whose bodies were burned and dragged through the streets as insurgent video cameras captured it all.

Such dangers were catalogued in repeated and specific warnings issued publicly by the American and British government in the weeks leading up to Aug. 19 departure date of the Nepali caravan.

The British cited the threat of kidnappings in the same areas the convoy would be headed. The Americans said travel by road should be undertaken only if absolutely necessary, and only then with proper security.

According to Eyad Mansour and Prakash Mahat, who was then Nepal's foreign minister, there was no security for the caravan that was eventually assembled. There were no escorts. There was no armor. And there were no professional security contractors along for the ride.

Bishnu Hari and his 11 compatriots rode in the two lead cars.

Because of clearance delays at the Jordan-Iraq border crossing, those two cars got well ahead of the others in the caravan at the very start, according to an account from Mansour. As such, the drivers violated the most basic rule for convoys in dangerous places: Stick together.

About 40 miles south of Al Asad, a handful of men dressed in the uniforms of Iraqi security forces stopped the two cars at a checkpoint, according to Mansour's account.

The Iraqis told the drivers they had to leave the workers at the checkpoint, that Americans would come from the base to pick them up. The drivers complied and dropped off the Nepalis.

The drivers may not have known it, but the men at the checkpoint were insurgents or Iraqi soldiers working with them.

When Mansour found out about the kidnappings, he phoned Bisharat & Partners. The firm checked with a Daoud foreman working at Al Asad base and called Mansour back.

The convoy had arrived, he recalled being told, but it was 12 men short.

An insurgent group in Iraq, the Ansar al-Sunna Army, posted a statement on the Internet on Aug. 20, listing the names of the 12 Nepalese workers it had kidnapped and branding them "infidels."

They were captured the day before, the group said, because they were in Iraq to help America's "crusader forces."

The statement also said it took the men from a convoy sent by Bisharat & Partners, al-Nadi's firm. Al-Nadi admitted to the Tribune that he likely got the 12 Nepalis from Morning Star. He said they likely were among the Nepalis that Bisharat cleared to leave for Iraq last August. In the end, he claimed not to know what became of them.

But on Aug. 22, the Ansar al-Sunna Army made that clear: The group uploaded pictures of the men on the Internet so the Nepalis would serve as "a lesson" to others.

'Trapped by Moon Light'

In the Nepalese village of Siudibar, the mother of Bishnu Hari Thapa saw the images on her tiny TV after a boy told her to watch the news.

The last she had heard of her firstborn son was the fractured message he'd left at the New Bamboo Cottage--"I am done for."

But now here he was, staring from the small screen, the familiar baggy shirt untucked from his bluejeans.

"It's imprinted in my memory," Bishnu Maya Thapa said.

She recalled that she quickly descended into a state of shock. Two days later, she went to Katmandu with her husband, hoping to learn something about the fate of their son.

The couple brought with them the parents of Kumar Thapa, the village dalal, or middleman, who had brokered their son's journey from the New Bamboo Cottage.

"Everybody reassured me that he would be released and return safely," Bishnu Maya Thapa said. "I lived on that hope."

They pressed Kumar Thapa, demanding to know why their son wound up in Iraq. He checked with Moon Light and told the family he'd learned there had been no immediate work in Jordan. So their son and the others were sent to Iraq temporarily and had been scheduled to return soon to Amman--an explanation that was untrue.

Bishnu Maya recalled Thapa saying: "Don't panic, brother has done nothing. He will be released. He will return. Don't worry."

Nepalese authorities scrambled for answers, looking for someone, anyone, to negotiate with.

Instead, the Foreign Ministry received video footage on Aug. 24 featuring 10 of the 12 men. They were speaking in Nepali and into the camera. Some were so terrified they broke down, their words making little sense.

All but two blamed Prahlad Giri, the Moon Light general manager.

"My name is Bishnu Hari Thapa," said the 18-year-old from Siudibar. "The Nepali agency, Prahlad Giri, had said that we had been offered employment in Amman. But today he sent us to Iraq."

Another hostage lashed out at the brokers who had deceived them. "Trapped by Moon Light," his statement ended, " ... in Jordan, Jordan."

A third hostage made the stakes clear: "I do not know when I will die, today or tomorrow."

Despite the terrifying words, some hope remained. On Aug. 29, the government-controlled newspaper, The Rising Nepal, even carried a front-page story under the headline, "Release of hostages likely in a week."

But two days later, in images released by the kidnappers and beamed across the world, the families learned what some in Iraq and the West already knew: The Ansar al-Sunna Army wasn't interested in negotiating or money, only blood.

The terrorists sliced one Nepali's throat, holding him down as he wheezed through the gash for air. After beheading him, they shot the other 11, one by one, as they lay face down in a ditch.

The carnage was captured in a grainy video. Judging by the blurred image of a young man in bluejeans and long-sleeved shirt, it appears Bishnu Hari was the fifth man shot.

Although it was barely noticed at the time, and largely forgotten by the outside world since, it remains perhaps the worst massacre of foreign workers since the outbreak of the Iraq war.

'I want to die myself'

Within hours of the executions, Nepalis took to the streets across their nation, erupting in rage.

Rioters attacked the offices of Qatar Airways, Gulf Air and other airlines that transport workers overseas. At Moon Light's headquarters, looters took computers, phones, desks and chairs before the place was torched. About 350 other agencies also were attacked.

In the wake of the riots, the slain men's families each received about \$14,000 from the Nepalese government. But they had to use much of that money to cover the loans taken out to pay the job brokers.

The 10 families interviewed said they had never heard about a mandatory U.S. insurance program that is supposed to compensate survivors of wartime workers.

No amount of money, though, would keep Bishnu Maya Thapa from seeing her dead son in the faces of boys wearing bluejeans or sandals, or in the flicker of a light bulb connected by the wires he used to fiddle with.

"My child is dead, my son who I brought up in the midst of hardship and difficulties, crushing rocks, carrying sand," she said. "I want to die myself."

Nine days after their own son's death, the parents of 19-year-old Ramesh Khadka returned to the sacred temple at the confluence of the Lele and Nalu rivers where they'd said goodbye to him eight weeks earlier. Into the water, they floated a small effigy of Ramesh fashioned from sacred grasses by Hindu holy men--a funeral rite for dead men whose bodies are lost.

Five days after they burned an effigy of their own lost son, the parents of another executed Nepali worker, Prakash Adhikari, received a letter. It was posted in Jordan a month earlier, the address, "Topgachhi 7 Jhapa," scribbled in Adhikari's familiar hand.

"I have realized that life is like a flowing stream," he wrote. "Until yesterday I was in Nepal. I am now in a foreign land. Why? Who knows? Maybe it's the times, or the situation, or maybe I had no choice."

The letter mentioned only in a matter-of-fact way that he was heading to Iraq after being "in Jordan for a month without work," raising questions about when he might have learned Iraq was his ultimate destination.

The bodies of Adhikari and the other victims were never reported found.

The slaughter left three widows. Kamala Thapa Magar, now 20, is raising her 2-year-old daughter at a home for widows and destitute women on the outskirts of Katmandu, where she is learning to spin yarn and sew. She plans to return to her remote village, though she may not be so welcome. In traditional Hindu villages, widows often are considered alachin, a Nepali word for someone who brings bad fortune.

All of the victims' families in Nepal curse the brokers behind the journey of their sons, brothers and husbands, including the businessmen in Jordan whose names they never knew.

Of the men who sent her son through this pipeline, Bishnu Maya Thapa cries to the heavens for vengeance: "I say, 'God, you gave breath to my son. Now let my tears drown.'" them.

Pipeline keeps pumping

Many Nepalis assumed that the main local broker involved in recruiting the victims had gone into hiding, perhaps in India, perhaps beyond. But Prahlad Giri is still in Katmandu.

These days he works out of an office atop a three-story building in a strip-mall just off the main road ringing the city.

With Moon Light's license gone, Giri has moved to another agency, Sea Link Overseas. Only the firm's owner needs a government license, so Giri can work as its general manager.

He runs the agency from behind a high desk, sheer curtains darkening the rooftop office. An oscillating fan on a pedestal recycles the warm air in the small room.

One floor below, Nepalese men linger in Sea Link's main office, hoping for one of the jobs in Qatar, Saudi Arabia or the United Arab Emirates trumpeted in "Urgent Demand" notices hanging from a bulletin board on the veranda.

Giri contended he had no idea the 12 men were bound for Iraq, even though one of his dalals made that clear to families of the three best friends from Mahendranagar. Giri blamed Eyad Mansour, the general manager of Jordan's Morning Star firm. But Mansour and other brokers in Jordan said Giri was aggressively and willingly feeding them workers for Iraq under false papers all along.

"I am just the one guy who was unlucky, who faced the problem," Giri said.

In Amman, Mansour said his business is booming again, handling about 4,000 foreign workers a year. Noting that Morning Star was temporarily shut after the executions, he insisted he doesn't like to send men to Iraq anymore.

Amin Mansour, the Morning Star employee who registered eight of the Nepalis as residents of his home on Malfouf Street, left the firm at about the time the men were kidnapped. He's now al-Nadi's partner at Bisharat & Partners.

Earlier this year, on the open-air porch of Amin Mansour's home, 21 foam sleeping mats lay stacked next to the front door. A few feet away, there was a separate room attached to the house with its own outside door--secured by a thick, rusty chain.

Amin Mansour and al-Nadi sat in the lobby bar of an Amman hotel, chain-smoking American cigarettes and discussing the fate of the 12 doomed men, whom they claimed to know nothing about.

"If they were my workers," al-Nadi said with a smile, "maybe I should be compensated for losing them."

Back in Nepal, Bishnu Hari's mother clings to her last living son, Krishna, 17. She has moved with him to the edge of Katmandu, where he attends school and she watches over him and makes sure he doesn't seek work overseas.

Even if it means they live in poverty, she won't consider letting him go.

"I've tried to persuade her, but she says no," Krishna said, sitting on the edge of a bed stuffed into their two-room apartment.

At that, his mother, squatting on the floor beside him, reached for his leg, her face contorting, and wept.

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TRIBUNE INVESTIGATION: PIPELINE TO PERIL

Rescue spares some workers

'They told us that we had to go to Iraq'

By Cam Simpson
 Tribune correspondent

Advertisement

October 10, 2005

The four-dozen Nepalese workers were waiting for jobs on American military bases in Iraq, but then a horrifying video on TV changed everything.

Footage of 12 of their countrymen executed at the hands of insurgents in Iraq last year set off a panic in the Kuwaiti compound where the workers waited. The Nepalis didn't want to risk the same fate.

But a manager for First Kuwaiti General Trading and Contracting Co., the contractor sending them to Iraq, gathered them together and issued an ultimatum: Agree to travel to Iraq and they would get more food and water. Refuse, and they would get nothing and be put out on the streets of Kuwait City to find their way home.

"The company was forcing them to go to Iraq," said Lok Bahadur Thapa, the former acting Nepalese ambassador to Saudi Arabia.

A First Kuwaiti executive, Wadih al-Absi, acknowledged that Thapa helped Nepalis at the firm's compound return to their homeland. But he denied anyone from First Kuwaiti tried to coerce them into Iraq. "It's nonsense," he said.

Thapa traveled to Kuwait after Nepalese families began urging their government to rescue relatives bound for Iraq.

He visited the compound and other locations throughout Kuwait on his mission. His diplomacy helped pave the way for the Nepalese men to return to their homeland, prodding contractors to release the workers from their obligations. He also persuaded the Kuwaiti government, albeit briefly, to ban the traffic of Nepalis across the border into Iraq.

What Thapa found shows that the questionable practices uncovered by the Tribune are far from isolated to the case of the 12 Nepalis killed in Iraq.

Indra Tamang, a 24-year-old from a Nepalese village without electricity, was among those Thapa found in First Kuwaiti's compound. Unlike many of his compatriots, Tamang had intended to work in Iraq because he could earn good money there.

<http://www.chicagotribune.com/news/specials/chi-0510100109oct10,0,5708569.print.story> 9/9/2006

He already had a badge from First Kuwaiti identifying his job: plumber at an American military base in Tikrit, Saddam Hussein's hometown. The name of First Kuwaiti is emblazoned on the badge. At the bottom are three, bright red letters, "KBR," the Halliburton subsidiary that is the Pentagon's largest contractor in Iraq.

Tamang recalled the panic in the compound as word spread of the executions. But the First Kuwaiti supervisors watching over them--and holding all of their passports--were not sympathetic.

"They told us that we could not return to Nepal, we had to go to Iraq," Tamang said. "We could not go back because we did not have the ticket and passport, or any money."

Thapa confirmed Tamang's version of events inside the First Kuwaiti compound. He also found the scene repeated elsewhere throughout the country.

"Other companies also were trying to force men to go into Iraq," Thapa said during an interview in his office inside Nepal's Embassy in Riyadh, Saudi Arabia, where he is now the first secretary.

While some workers, including Tamang, knew their ultimate destination was Iraq, Thapa said, others had paid huge sums to brokers who had promised them jobs in safer places. "They'd been told by the manpower agents they were bound for Kuwait only--not Iraq," he said.

Many of the Nepalese workers were desperate to return home. But some, like Tamang, were equally eager to continue into Iraq despite their fears.

His motivation was simple: Tamang had paid a Nepalese job broker more than \$1,000, the equivalent of almost four years of wages for the average Nepali.

"I had invested so much to go to Iraq, I had no other choice," Tamang said.

Another Nepali working for First Kuwaiti, Prabin Bhetwal, was already in Iraq when his 12 countrymen were killed.

He had first been told his job would be in Kuwait. But after mortgaging the family farm to pay \$1,500 to the broker arranging the job, Bhetwal said, he was told he would work in Iraq. At night, he said he was told, he would be returned to the safety of Kuwait.

Papers he signed with First Kuwaiti appear to confirm that. Under the heading "Job Site," the contract dated July 6, 2004, reads: "Kuwait/Iraq (Mainly Iraq)."

Instead, First Kuwaiti shipped him to Camp Anaconda, which is about 400 miles from Kuwait and is one of the most frequently attacked U.S. bases in Iraq. Bhetwal grew scared as mortars inched ever closer. After a month he demanded that he be returned to Kuwait.

The company sent him back, he said, but did not pay him for a single day of work.

He arrived in Nepal with the help of his government, but at a heavy price. He lost the family farm he'd put up for collateral.

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DEPUTY SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1010

JAN 30 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
DIRECTORS OF DEFENSE AGENCIES

SUBJECT: Combating Trafficking in Persons in the Department of Defense

As set forth in National Security Presidential Directive/NSPD-22, "The policy of the United States is to attack vigorously the worldwide problem of trafficking in persons, using law enforcement efforts, diplomacy, and all other appropriate tools." The Commander in Chief has decreed that all departments of the United States Government will take a "zero tolerance" approach to trafficking in persons.

It is the policy of the Department of Defense that trafficking in persons will not be facilitated in any way by the activities of our Service members, civilian employees, indirect hires, or DoD contract personnel. Following the policy set by the Commander in Chief, DoD opposes prostitution and any related activities that may contribute to the phenomenon of trafficking in persons as inherently harmful and dehumanizing. Trafficking in persons is a violation of human rights; it is cruel and demeaning; it is linked to organized crime; it undermines our peacekeeping efforts; and it is incompatible with military core values.

The responsibilities of commanders and supervisors at all levels are clear, as codified by Congress under Title 10. Those statutory provisions require commanders and others in authority "to be vigilant inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct . . . all persons who are guilty of them." Efforts to combat trafficking in persons in DoD begin with the recognition that all commanding officers and other DoD officers and employees in positions of authority are expected to conduct themselves in a manner that is consistent with statutory requirements for exemplary conduct.

I expect those in authority at all levels to examine opportunities for combating trafficking in persons and consider the attached objectives as part of that effort.

Attachment:
As stated



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THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

SEP 16 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF DEFENSE AGENCIES

SUBJECT: Combating Trafficking in Persons

I want to offer my view on this important matter to augment the January 30, 2004 memo on this subject.

Trafficking in Persons is the third largest criminal activity in the world, after illegal arms and drugs sales. It enslaves thousands of people. I am especially concerned with commercial sex exploitation and labor trafficking practices in areas near our overseas locations.

I want commanders at all levels to ensure their units are trained to understand and recognize indicators of this serious crime. I also want commanders to work with host nation law enforcement to identify businesses and establishments that are involved in trafficking for sexual exploitation. Once violators are identified, commanders then should take appropriate steps to put those establishments off limits to DoD members--military, civilian and contract civilian. No leader in this department should turn a blind eye to this issue.

Commanders need to be vigilant to the terms and conditions of employment for individuals employed by DoD contractors in their Areas of Operations. Trafficking includes involuntary servitude and debt bondage. These trafficking practices will not be tolerated in DoD contractor organizations or their subcontractors in supporting DoD operations.

Further, commanders should make full use of all tools available, including DoD Inspectors General and criminal investigative organizations, to combat these prohibited activities.

I am committed to taking every step possible to combat Trafficking in Persons.



OSD 11599-04

PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

NOV 17 2004



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF DEFENSE AGENCIES

SUBJECT: Awareness Training for Combating Trafficking in Persons

The Secretary of Defense directed commanders, at all levels, to ensure their units are trained to understand and recognize indicators of the serious crime of Trafficking in Persons in the attached September 16, 2004 memorandum.

To support this direction, we developed an awareness training program on Trafficking in Persons. The program: (1) reviews U.S. Government policy on Trafficking in Persons; (2) examines the phenomenon of trafficking; (3) describes ways to identify persons who are trafficked; and (4) describes the legal provisions and their consequences for involvement with trafficking.

Combatant Commanders should supplement this basic instruction for unique cultural and legal considerations within their Areas of Operations. We are developing an Advanced Distributed Learning on-line version for global distribution in January 2005. DoD Component suggestions on improvements to the basic training package are invited.

Trafficking in Persons Awareness Training is mandatory for all DoD military and civilian personnel, and for DoD contract personnel, deploying overseas. The attached training package can be downloaded from <http://www.jkddcjmo.org>.

Should you have questions or need additional information my point-of-contact is Mr. John F. Awtrey at john.awtrey@osd.pentagon.mil or (703) 696-0846.

David S. C. Chu

Attachments:
As stated



**QUESTIONS AND ANSWERS SUBMITTED FOR THE
RECORD**

JUNE 21, 2006

QUESTIONS SUBMITTED BY MR. MCHUGH

Mr. MCHUGH. It would seem to me, and I would ask the ambassador as well, my understanding is that there is some \$600 million being let for the new embassy. About 1,000 foreign nationals are working on that project, and I could be off on that number, and correct me if I am wrong. And I am wondering, you know, I remember when we went through the debacle in our Soviet embassy, it had to do with a different threat and that was the bugging of the embassy. It seems to me that if we don't properly vet who it is that is in and around U.S. military and Foreign Service officers and the like, we put them at risk. I mean, this is a deep concern of mine, and I think many of my colleagues, that they be properly vetted.

Ambassador MILLER. In October 2004, the United States and Iraqi Ministry of Foreign Affairs signed an agreement related to diplomatic and consular property. The accord included transfer to the United States of title to a site for the new American Embassy compound.

At that time, the Department's Overseas Buildings Operations (OBO) identified 104-acres adjacent to the Tigris River in the Green Zone for location and construction of the new U.S. embassy compound.

In the month that followed, Congress authorized \$592 million (P.L. 109-13) for construction of the new embassy compound, later appropriating this amount in the FY2005 emergency supplemental funding request (P.L. 109-13). Completion of the embassy is expected by the end of the 2007 summer, according to OBO.

Most of the funding is supporting the contract of a Kuwait builder, First Kuwaiti Trading & Contracting (FKTC)—the largest of seven contractors working on the 21-building project. FKTC, which bills itself as the "Prime Contractor for the US Department of State, pre-qualified for the design and construction of the US Embassy in Baghdad, Iraq," houses and employs approximately 900 non-Iraqi foreign workers on site.

However, a recent article has come to our attention, containing allegations of human trafficking related to FKTC's portion of the construction project. Because of the gravity of this issue, I have directed my office to follow up with the former employees who made the allegations. I have also forwarded all information concerning these allegations to General Charles Williams, Director of OBO, the State Department Inspector General, and other relevant Department Officials.

Mr. MCHUGH. It would seem to me, and I would ask the ambassador as well, my understanding is that there is some \$600 million being let for the new embassy. About 1,000 foreign nationals are working on that project, and I could be off on that number, and correct me if I am wrong.

And I am wondering, you know, I remember when we went through the debacle in our Soviet embassy, it had to do with a different threat and that was the bugging of the embassy. It seems to me that if we don't properly vet who it is that is in and around U.S. military and Foreign Service officers and the like, we put them at risk. I mean, this is a deep concern of mine, and I think many of my colleagues, that they be properly vetted.

And, you know, there are contractors, I know that Bisharat and Partners Group, which didn't provide any significant security for the overland trip, according to Mr. Gimble's statement, and they, as we all know, lost their lives.

And I would ask you, in addition to those questions, what your take would be on this and also on the fact that any shipment of goods that are brought in get significant protection. The other side of that, labor capital, people, apparently don't get protection, and I am wondering what we are doing to try to rectify that very serious problem. One is a trafficking problem, another is that, even if somebody is voluntarily or involuntarily en route.

And if one of you could tell us, if you would, how many foreign nationals are working in Iraq.

Ms. MCGINN. Mr. Chairman, on the subject of vetting the security of the third country nationals working on Department of Defense contracts in Iraq, the following information is provided from Headquarters Multi-National Force—Iraq on the locally employed person screening program.

In December 2004, a suicide bomber at the Marez dining facility killed 22 and injured 60. In response to the bombing, the Secretary of Defense directed the establishment of locally employed person screening cells on Multi-National Force—Iraq installations. Based on a contract, 12 locally employed person cells are currently screening on Coalition Forward Operating Bases throughout the Iraqi theater of operations. From January to December 2006: locally employed person cells granted forward operating base access to 66,111 individuals, 1,137 individuals were denied access, and 2,259 individuals were referred to counter intelligence teams.

The locally employed person screening program consists of a network of geographically based screening cells, which provide force protection support to Multi-National Force - Iraq forward operating bases. The purpose of the locally employed person screening program is to mitigate the risk associated with the employment of local nationals and third country nationals, and to maintain an accurate and current biometrics database of all local nationals and third country nationals. The locally employed person cells also collect perishable force protection information and identify possible leads for exploitation by counter intelligence teams.

The locally employed person screening process consists of two parts: enrollment in the Biometric Automated Toolset or the Biometric Identification System for Access and screening. Biometric Automated Toolset and Biometric Identification System for Access enrollment consists of biographic textual data entry, a fingerprint scan, an iris scan, and a photograph. The screening process consists of a one-hour biographical interview and a one-hour screening interview.

The mandatory minimum standard for the issuance of a badge is enrollment in the Biometric Identification System Access and/or the Biometric Automated Toolset, and a check of the applicants Biometric Identification System Access or Biometric Automated Toolset dossier to ensure no prior derogatory information exists. The following high-threat categories required screening prior to badge issuance: Category 1 linguists, local nationals with unescorted access to the base, any local national that works at an installation Entry Control Point, third country nationals from countries that are on the Department of State list for State Sponsors of Terrorism and third country nationals residing off base.

QUESTIONS SUBMITTED BY MS. DAVIS OF CALIFORNIA

Ms. DAVIS. This means that in terms of tracking data on trafficking in persons, we will have to key on certain offenses and then analyze those cases to determine if the individual was involved in trafficking.

Hypothetical Trafficking In Persons Scenario

"A soldier lives off base. He is married to a foreign national. Relations of the wife are involved in several criminal enterprises, to include trafficking in persons. Through his wife, and her relations, he becomes involved in trafficking in persons.

Under the guise of "his wife's relations staying with him and his wife, while they get settled into the community," the soldier buys women and holds them in house. Through his wife's family, he rents the women to local prostitution rings where they are forced or coerced into committing various sexual acts. The women are held by force, to include physical intimidation (beatings and rape), threats of violence to their families, and threats of deportation. As a part of the criminal enterprise cycle, he then sells the women to other traffickers, buying new women to take their place.

His wife's family human trafficking operation is busted by local law enforcement. He is caught by local authorities in the round up. The local authorities hand him back to his military command for prosecution."

What Uniform Code of Military Justice (UCMJ) offenses would we use to charge him?

Ms. MCGINN. Under the UCMJ, each act can be charged as a separate count (UCMJ charge and specification) and the maximum punishment is the sum of all the maximum punishments of the convicted charges and specifications. Under the UCMJ, unlike civilian jurisdictions, the accused are not sentenced by individual or specific count and, therefore, there is no authority to have separate sentences to confinement in a court-martial that would be served concurrently. Also, court-martials do not have authority to issue a suspended sentence.

The soldier's acts, being in concert with the family members, who hold and rent the women to prostitution rings, will subject the soldier to UCMJ charges of being a Principal (Article 77, UCMJ) in the family members' crimes by "aiding and abetting" them, and being part of a conspiracy to commit the assortment of crimes the co-conspirator family members commit, as well as the crimes committed by the co-conspirator persons engaged in the prosecution rings. Conspiracy is a crime under

Article 134, UCMJ, and the soldier is subject to whatever crimes his co-conspirators engage in and the same punishment his co-conspirators would face.

In addition, he would be subject to any crimes he commits himself as perpetrator.

In addition to any of the following offenses personally committed as a perpetrator, as a Principal or Conspirator, the soldier could be subject to charges under Article 77, or Article 88, UCMJ, for the each "count" of the offenses committed by the family members and prostitution ring members (even though they are not persons subject to the UCMJ):

Conspiracy [to commit any of the following offenses]

(Article 81, UCMJ)	Same Punishment as Following Offenses
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Kidnapping

(Article 134, UCMJ)	Dishonorable Discharge, Confinement for Life without eligibility for parole, Forfeiture of all pay and allowances, Reduction in grade to E-1
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Rape

(Article 120, UCMJ)	Dishonorable Discharge, Confinement for Life without eligibility for parole, Forfeiture of all pay and allowances, Reduction in grade to E-1
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Pandering

(Article 134, UCMJ)	Dishonorable Discharge, Confinement for 5 years, Forfeiture of all pay and allowances, Reduction in grade to E-1
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Sex crimes the women may have been forced to engage in:

Forcible Sodomy

(Article 125, UCMJ)	Dishonorable Discharge, Confinement for Life without eligibility for parole, Forfeiture of all pay and allowances, Reduction in grade to E-1
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Indecent Acts

(Article 134, UCMJ)	Dishonorable Discharge, Confinement for 5 years, Forfeiture of all pay and allowances, Reduction in grade to E-1
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Extortion

(Article 127, UCMJ)	Dishonorable Discharge, Confinement for 3 years, Forfeiture of all pay and allowances, Reduction in grade to E-1
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Assault

(Article 128, UCMJ) Bad Conduct Discharge,
 Confinement for 6
 months,
 Forfeiture of all pay and
 allowances,
 Reduction in grade to E-1

Aggravated Assault (Possibly)

(Article 128, UCMJ) Dishonorable Discharge,
 Confinement for 3 years,
 Forfeiture of all pay and
 allowances,
 Reduction in grade to E-1

Communicating a Threat

(Article 134, UCMJ) Dishonorable Discharge,
 Confinement for 3 years,
 Forfeiture of all pay and
 allowances,
 Reduction in grade to E-1

Solicitation of Another to Commit an Offense

(Article 134, UCMJ) Dishonorable Discharge,
 Confinement for 5 years,
 Forfeiture of all pay and
 allowances,
 Reduction in grade to E-1

Misprison of Serious Offense

..... Dishonorable Discharge,
 Confinement for 3 years,
 Forfeiture of all pay and
 allowances,
 Reduction in grade to E-1

Violation or Order or General Regulation (Possibly)

(Article 92, UCMJ) Dishonorable Discharge,
 Confinement for 2 years,
 Forfeiture of all pay and
 allowances,
 Reduction in grade to E-1

Conduct Prejudicial to Good Order and Discipline, or Service-Discrediting Conduct

[whether or not specifically enumerated in UCMJ]

(Article 134, UCMJ) Dishonorable Discharge,
 Confinement for 1 year,
 Forfeiture of all pay and
 allowances,
 Reduction in grade to E-1

Federal Assimilated Crimes

(Article 134, UCMJ) Dishonorable Discharge,
 Federal Statute's Maximum Confinement,
 Forfeiture of all pay and
 allowances,
 Reduction in grade to E-1

QUESTIONS SUBMITTED BY MRS. DRAKE

Mrs. DRAKE. Since Mexico is on the tier two watch list, I would assume our Border Patrol are also trained. I mean, you are from DOD. All of you are really referencing DOD questions. So is that a fair assumption or something that we need to work on right away about Border Patrol?

Ms. MCGINN. The Department of Justice's Bureau of Justice Assistance has an ongoing program of training on human trafficking for federal, tribal, state, and local law enforcement. I would have to defer to the Customs and Border Patrol's parent organization, the Department of Homeland Security, as to whether or not they have participated in this training or any other in-house training provided by Department of Homeland Security.

QUESTIONS SUBMITTED BY MR. SMITH OF NEW JERSEY

Mr. SMITH. Let me just ask with regards to the language that was contained in the 2007 act, the report language, and you might recall, and I will just reiterate it, report language directed the Secretary of Defense to ensure that combatant commanders designate a person on their respective staffs to carry out anti-trafficking programs and oversee implementation of OSD anti-trafficking directives.

It also directed training for military criminal investigators and prosecutors regarding trafficking in persons, and I wonder if you can give us an update where you are in terms of implementing both the spirit and letter of that language, and how high of an officer are we talking about? I mean, it would seem to me that just like personnel has policy and if you don't have a sufficient number of people dedicated to a task, it speaks volumes about your interest or lack thereof with regards to that issue, and same goes in terms of rank.

How high of a rank will that person be, he or she?

Ms. MCGINN. The Combatant Commands have all designated representatives for trafficking in persons within their headquarters. The trafficking in persons representatives are generally located in the Personnel or Plans staff, depending on the Combatant Commander's preference. The designated individuals are all military field grade officers (Colonel or Lieutenant Colonel) or the civilian equivalent, where a civilian performs that function. In addition, the Inspector General of each Combatant Command has trafficking in persons as a special interest item for evaluations and inspections, within the command.

Mr. SMITH. So my question is—and I would just parenthetically, the Trafficking Victims Protection Act of 2005 contained a brand new initiative on domestic trafficking. We know that upwards of 17,500 people are trafficked into the U.S. from abroad every year, but we also know that many of our own girls and young women, many of them runaways, are being trafficked. We don't know the number. We call for analysis to get a better prevalence number.

But we know that anecdotally there are many women that are being trafficked domestically, being picked up at malls, being picked up on day or two that they have run away from home. They are drugged, they are carted to different places, including military bases, again, being a magnet for that kind of activity.

And I am wondering what kind of training has been initiated to ensure that at our new joint base in New Jersey or Camp Lejeune or any other military installation so that those soldiers in like manner are adequately trained, know what to look for. Because, again, there is a duty to protect that we all have. The military has it, civilians have it, and these women are vulnerable as the day is long.

And as Ambassador Miller will tell you, from our work we have discovered and from our hearings, from just meeting women, young girls and young women who are seemingly voluntary prostitutes, you find out that very often almost in every case they have been raped, they have been the victim of incest as a young girl. These are not the happy hooker myths. These are women who are dysfunctional and then they are exploited secondarily by these pimps and others.

So the training domestically, is that there?

Ms. MCGINN. We expect to publish our Department of Defense Instruction on trafficking in persons by the end of the calendar year (2006). The Instruction will make trafficking in persons awareness training mandatory for all Department of Defense personnel. Currently, the Department of the Navy has begun the transition and is requiring the awareness training of all Navy Department members. Once the Instruction is published, the other two departments will follow suit.