

**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Not for publication until released by the committees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.