

**Prepared Statement**

**of**

**The Honorable Charles S. Abell**  
**Principal Deputy Under Secretary of Defense**  
**(Personnel and Readiness)**

**Before the**

**House Armed Services Committee**

**And**

**Commission on Security and Cooperation in Europe**

**September 21, 2004**

Chairman Hunter, Chairman Smith, and Members of the Committees, thank you for this opportunity to address you concerning the Department of Defense's role in combating trafficking in persons. In January of this year, the Deputy Secretary of Defense issued a memorandum on Trafficking in Persons that laid out our policy on combating trafficking and objectives to implement that policy. From the policy established in that memorandum, we are committed to strengthening our response to combating trafficking.

Our approach to combating trafficking in persons is within the framework of the U.S. Government's efforts. We participate in the efforts of the Senior Policy Operating Group [DOD is not on the President's Interagency Task Force, and is thus not on the Senior Policy Operating Group. *See* 22 USC 7102(b) & (f)(2)(A) and Executive Order 13257 of February 13, 2002], led by Ambassador Miller in the Department of State, and we work on a daily basis with his Office to Monitor and Combat Trafficking in Persons. We have also been deeply involved in the development, coordination and interagency work on NATO's policy on trafficking. As we develop and implement actions to combat trafficking in persons, we will continue to draw on the policies and practices of U.S. Government Agencies, allies and multinational organizations committed to fighting trafficking.

At the heart of our efforts are two primary concerns. The first concern is with 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 current and future actions are aimed at addressing these two major areas of concern.

Based on the “Objectives of DoD Efforts to Combat Trafficking in Persons” spelled out in the Deputy Secretary’s January memorandum, we are in the midst of a number of actions to both meet those objectives and address our primary concerns. We have developed a core training module for all military, Department of Defense (DoD) civilian, and DoD civilian contract personnel deploying overseas. This module will educate 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 general module will be supplemented by a section specific to the theater to which individuals will be deploying, maintained by that theater’s commander. The training will be established electronically on the Joint Knowledge Development and Distribution Capability System to ensure ease of use and total coverage of the target population. The module should be ready for initial distribution and use by early November.

At the same time, we are in the initial stages of developing a training module for senior leaders. This module will focus on the commander’s role in leading the fight against trafficking in persons. Additionally, we are working with Department of Justice law enforcement agencies, allied law enforcement and INTERPOL to tailor a training module for the law enforcement agencies within the Department of Defense.

To buttress the work on training and law enforcement we are taking action in regard to the Uniform Code of Military Justice (UCMJ). We are confident that the various offenses currently within the UCMJ are sufficient to address misconduct that constitutes, or is associated with, human trafficking activities. However, the Department has taken several steps to strengthen its resolve in combating such misconduct. The Military Departments have been tasked to examine their regulations and procedures for placing off-limits those places that may contribute to conditions that support such activities, and has made clear that violations are offenses punishable under the UCMJ. Through the auspices of the Joint Service Committee on Military Justice, the Department has drafted a clearly-stated Article 134, UCMJ, offense that prohibits military members from patronizing prostitutes. The draft offense will be submitted as part of the 2004 Annual Review proposed amendments to the Manual for Courts-Martial.

The Department of Defense, in full cooperation and consultation with the Departments of Justice and State, drafted proposed regulations implementing Military Extraterritorial Jurisdiction Act (MEJA). The regulations proposed would be a new Part 153 to title 32, Code of Federal Regulations, with a corresponding new DoD Instruction. On June 29, 2004, the Deputy Secretary of Defense forwarded the proposed regulations to the Chairmen and Ranking Members of the Senate and House Judiciary Committees for their statutory 90-day review opportunity before they can be implemented.

In addition, DoD and DoJ have been, and continue to be, actively consulting with one another and sharing information regarding possible contractor misconduct. Contractor notices of MEJA jurisdiction and DoD policies prohibiting trafficking in persons activities, and subjecting contractors to penalties for failing to monitor employee conduct, are currently under review to be included as standardized Defense Federal Acquisition Regulation provisions.

Evaluation is also a key component of our trafficking policy implementation. The current focus is on evaluating activities to combat trafficking in persons and to show zero tolerance within DoD. Once criteria and instructions have been distributed throughout DoD the focus will be more toward inspecting the activities established.

The steps we have taken and the steps we plan to take 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.