

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.