

ALIEN REMOVALS UNDER OPERATION PREDATOR

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

March 4, 2004

Serial No. 73

Printed for the use of the Committee on the Judiciary



Available via the World Wide Web: <http://www.house.gov/judiciary>

U.S. GOVERNMENT PRINTING OFFICE

92-347 PDF

WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON THE JUDICIARY

F. JAMES SENSENBRENNER, JR., Wisconsin, *Chairman*

HENRY J. HYDE, Illinois	JOHN CONYERS, JR., Michigan
HOWARD COBLE, North Carolina	HOWARD L. BERMAN, California
LAMAR SMITH, Texas	RICK BOUCHER, Virginia
ELTON GALLEGLY, California	JERROLD NADLER, New York
BOB GOODLATTE, Virginia	ROBERT C. SCOTT, Virginia
STEVE CHABOT, Ohio	MELVIN L. WATT, North Carolina
WILLIAM L. JENKINS, Tennessee	ZOE LOFGREN, California
CHRIS CANNON, Utah	SHEILA JACKSON LEE, Texas
SPENCER BACHUS, Alabama	MAXINE WATERS, California
JOHN N. HOSTETTLER, Indiana	MARTIN T. MEEHAN, Massachusetts
MARK GREEN, Wisconsin	WILLIAM D. DELAHUNT, Massachusetts
RIC KELLER, Florida	ROBERT WEXLER, Florida
MELISSA A. HART, Pennsylvania	TAMMY BALDWIN, Wisconsin
JEFF FLAKE, Arizona	ANTHONY D. WEINER, New York
MIKE PENCE, Indiana	ADAM B. SCHIFF, California
J. RANDY FORBES, Virginia	LINDA T. SANCHEZ, California
STEVE KING, Iowa	
JOHN R. CARTER, Texas	
TOM FEENEY, Florida	
MARSHA BLACKBURN, Tennessee	

PHILIP G. KIKO, *Chief of Staff-General Counsel*

PERRY H. APELBAUM, *Minority Chief Counsel*

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

JOHN N. HOSTETTLER, Indiana, *Chairman*

JEFF FLAKE, Arizona	SHEILA JACKSON LEE, Texas
MARSHA BLACKBURN, Tennessee	LINDA T. SANCHEZ, California
LAMAR SMITH, Texas	ZOE LOFGREN, California
ELTON GALLEGLY, California	HOWARD L. BERMAN, California
CHRIS CANNON, Utah	JOHN CONYERS, JR., Michigan
STEVE KING, Iowa	
MELISSA A. HART, Pennsylvania	

GEORGE FISHMAN, *Chief Counsel*

ART ARTHUR, *Full Committee Counsel*

LUKE BELLOCCHI, *Counsel*

CINDY BLACKSTON, *Professional Staff*

NOLAN RAPPAPORT, *Minority Counsel*

CONTENTS

MARCH 4, 2004

OPENING STATEMENT

	Page
The Honorable John N. Hostettler, a Representative in Congress From the State of Indiana, and Chairman, Subcommittee on Immigration, Border Security, and Claims	1
The Honorable Sheila Jackson Lee, a Representative in Congress From the State of Texas, and Ranking Member, Subcommittee on Immigration, Border Security, and Claims	11

WITNESSES

The Honorable Michael J. Garcia, Assistant Secretary, U.S. Immigration and Customs Enforcement, Department of Homeland Security	
Oral Testimony	3
Prepared Statement	6
Mr. John Walsh, Chairman of the National Advisory Board of the National Center for Missing and Exploited Children; host of "America's Most Wanted: America Fights Back"	
Oral Testimony	14
Prepared Statement	19

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Prepared Statement of the Honorable Sheila Jackson Lee, a Representative in Congress From the State of Texas, and Ranking Member, Subcommittee on Immigration, Border Security, and Claims	13
--	----

ALIEN REMOVALS UNDER OPERATION PREDATOR

THURSDAY, MARCH 4, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:12 a.m., in Room 2141, Rayburn House Office Building, Hon. John N. Hostettler [Chairman of the Subcommittee] presiding.

Mr. HOSTETTLER. The Subcommittee will come to order. Today the Subcommittee on Immigration, Border Security, and Claims will examine "Operation Predator," the new U.S. Immigration and Customs Enforcement's effort to identify and remove alien child sexual predators. I congratulate Assistant Secretary Michael Garcia for instituting Operation Predator and making the removal of aliens who perpetrate these heinous crimes a priority of his agency.

According to a recent study funded in part by the Department of Justice, between 300,000 and 400,000 U.S. children are victims of some type of sexual exploitation every year. The National Center for Missing and Exploited Children has reported an increase of reported child abuse cases from 4,500 in 1998 to 82,000 in 2003.

Major news stories continually break about sexual predators who are guests, invited or uninvited, in our country. In December, a British national employed as a diving coach at North Carolina State University was arrested and pleaded guilty to sex crimes. Rafael Ruiz, a Dominican national, was sentenced by a Federal judge in September to 44 months in prison for operating a brothel in Plainsfield, New Jersey, and for his part in smuggling Mexican children into the U.S. to work as forced prostitutes.

In Baltimore, ICE agents arrested 50 convicted alien child sex predators in August. Fifty. All had avoided deportation. One of them was a summer camp employee who was convicted of molesting three pre-pubescent sisters.

In my home state of Indiana alone, ICE has arrested 26 child sexual predators. This includes the arrest of Mexican nationals Jose Delana Martinez, who was previously convicted of the sexual battery of a 13-year-old in Johnson County; and Adrian Herrera, convicted of sexual misconduct with his own 14-year-old daughter.

The children who are the victims of these criminals can be immigrants themselves, preyed upon in their own neighborhoods; or they can be native born. In either case, it should be the Depart-

ment of Homeland Security's goal to protect all of America's children.

In the past, the Judiciary Committee has worked to enact bills that assist in combatting child sexual predators, including Megan's Law, the Missing Children Act, the PROTECT Act, and even the Homeland Security Act. These pieces of legislation have all made Operator Predator possible.

Operation Predator is an initiative Mr. Garcia launched on July 9, 2003, to identify alien child predators and remove them from the United States. As part of this operation, ICE is working with State and local police to help arrest alien predators and apprehend smugglers of children. ICE is prioritizing for removal aliens already convicted of sex offenses, as well as identifying alien sex offenders in prisons around the country so that they can be removed upon release.

The bureau routinely notifies foreign governments of aliens with a history of sex offenses before their removal, and seeks information from foreign governments about sex offenders seeking entry into the United States. In less than 8 months, ICE has arrested over 2,000 child predators and sex offenders as part of Operation Predator. This project clearly demonstrates the effectiveness of the merger of various immigration and law enforcement components into the Department of Homeland Security. It also demonstrates the need to draw on cooperation from State, local, and non-governmental resources to combat the national tragedy of child sexual exploitation and abuse.

For example, the combination of the Customs Service's history of combatting pornography and former INS' role in removing aliens is utilized to hunt down alien child predators in this program. Now merged into the Immigration and Customs Enforcement, or "ICE," the intelligence capabilities and experience of its former components are utilized more effectively than previously possible.

ICE has created the Cyber Smuggling Center as the national base to hunt down illegal pornographers and alien child predators who use the Internet to lure minors. It has cross referenced their former databases to find alien absconders with child predator histories.

ICE has recently created a website, the National Child Victim Identification System, that combines State Megan's Law registries of sexual predators to create, in effect, an easily accessible national database of child sexual offenders.

ICE has recently signed a memorandum of understanding with the National Center for Missing and Exploited Children, or NCMEC, an organization made possible by the Missing Children Assistance Act. This allows NCMEC to provide ICE with information from their own reports with alien child predators, and creates the National Child Victim Identification System.

The Subcommittee will examine these components of Operation Predator in more detail to see how ICE has taken the lead in protecting our children from harm. We will also examine how this Subcommittee may further empower ICE in ridding the country of alien predators of child sex crimes.

The Chair now turns to the gentleman from Arizona for an opening statement if he has one.

Mr. FLAKE. Thank the gentleman.

Mr. HOSTETTLER. President George W. Bush appointed Mr. Michael Garcia to serve as the Assistant Secretary for U.S. Immigration and Customs Enforcement, or ICE, November 25, 2003, as part of the creation of the Department of Homeland Security. ICE focuses on an array of national security, financial, and smuggling violations, including human trafficking, commercial fraud, narcotics smuggling, child pornography and exploitation, and immigration fraud.

Just prior to this appointment, Mr. Garcia was Acting Commissioner of the Immigration and Naturalization Service. He also served as a career Federal prosecutor in New York City, working on high-profile terrorism cases such as the bombing of U.S. embassies in Nairobi and Dar es Salaam and the first attempted World Trade Center bombing in 1993.

Mr. Garcia is a graduate of the State University of New York at Binghamton. He received his master's degree from the College of William and Mary, in English; and his juris doctorate from the Albany Law School of Union University, where he was valedictorian.

During the transition to the Department of Homeland Security, Mr. Garcia integrated several law enforcement organizations to form ICE. Among them was the Customs Service, with a history of combatting pornography and exploitation of minors, and the enforcement wing of the former INS. A product of this unique combination has been his brainchild: Operation Predator.

Mr. Garcia, I invite you to tell the Subcommittee about your project's many accomplishments today.

STATEMENT OF THE HONORABLE MICHAEL J. GARCIA, ASSISTANT SECRETARY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY

Mr. GARCIA. Thank you very much, Mr. Chairman. Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss Operation Predator, one of the priority initiatives of the Department of Homeland Security's U.S. Immigration and Customs Enforcement, or ICE.

In July of last year, Secretary Ridge joined forces with John Walsh of "America's Most Wanted" and Ernie Allen, president of the National Center for Missing and Exploited Children, or NCMEC, to launch Operation Predator, a program to target some of the most heinous criminals on our streets: those who sexually abuse children.

Each year, as you mentioned Mr. Chairman, millions of children fall prey to sexual predators. Experts estimate that one in five girls and one in ten boys in the United States are sexually exploited before they reach adulthood. These young victims are left with permanent physical and emotional scars. That tragedy is compounded by the fact that child prostitution, human trafficking, child pornography, and international sex tourism now generate billions of dollars a year worldwide. The advent of the Internet, with its borderless and anonymous cyberspace, has created even greater opportunities for predators to profit by exploiting children. Operation Predator was established to combat these activities.

Operation Predator is a coordinated law enforcement and public awareness program that draws upon ICE's unique investigative authorities and resources, as well as ICE's evolving relationships with organizations like NCMEC. The program has two primary goals:

First, to identify, investigate, arrest and, where appropriate, deport these predators; and

Second, in partnership with NCMEC, to educate parents about the threats their children face, and what they can do to protect their families.

I am pleased to report that Operation Predator has resulted in an unprecedented success. In the 8 months since the program was first launched, more than 2,000 child sex predators and sex offenders have been taken off the streets of America. We have initiated the largest ever investigation into child pornography, and we have effected the first ever arrests of sex tourists under the new statutory authority provided by the recently enacted PROTECT Act.

We want to send a message loud and clear that international borders no longer shield child sex predators from the law. While Operation Predator is indeed a worldwide enforcement effort, it has a direct impact on the safety of the streets in your local communities, as evidenced in that nearly 1,300 of the predator arrests occurred in the nine States represented by the Members of this Subcommittee.

While illegal aliens, lawful permanent residents, and U.S. citizens are all potential targets of Operation Predator, the vast majority of the more than 2,000 arrests to date are illegal aliens or otherwise legal residents whose crimes make them subject to removal from this country.

Two thousand predators. Who are they? They include a pediatrician in Chicago who had child pornography in his home and date rape drugs hidden in his car; an illegal alien in Texas convicted of the sexual assault of a child, after having been deported from the United States on three previous occasions—he is now detailed and serving time in a Federal prison, awaiting deportation; and an American citizen from Seattle who thought he could avoid justice by flying to Cambodia to engage in sex with 7-year-old boys. These are just a few of the faces of Operation Predator. How they came into the custody of ICE is the subject of today's hearing.

As you know, a year ago this week, ICE was formed by combining the investigative and intelligence arms of the former Immigration and Naturalization Service and the U.S. Customs Service, as well as the Federal Protective Service and the Federal Air Marshals. By integrating these once fragmented resources, the Department of Homeland Security not only created the second-largest investigative agency in the Federal Government, but it also created a dynamic and innovative new law enforcement organization focused on homeland security—specifically, border security, air security, and economic security.

One of the issues ICE faced was a large alien absconder population, fugitives with outstanding final orders of removal. Applying a systematic approach to addressing the large number of alien absconders, ICE set about prioritizing the most dangerous offenders. We first developed a "Top Ten" list, with the worst of the worst. While this standard law enforcement tool was not regularly em-

ployed by the legacy INS, it proved to be a tremendous success for ICE. With the help of John Walsh and "America's Most Wanted," nine of the original "Top Ten" were located and apprehended within the first 2 weeks, and the tenth was soon confirmed to have already left the country.

This initiative revealed that among the most violent criminal subset of the alien absconder population, many have convictions for sexual offenses and, in particular, offenses against children. By law, any non-citizen who commits such a crime is to be deported back to his or her home country. Unfortunately, that wasn't always the case under the INS, as you well know. The Committee has heard too many times terrible stories about predators who should have been detained and deported, but were instead freed to prey upon our children again.

To address this problem, ICE began to examine Megan's Law directories, matching our immigration databases to those Megan's Law lists and taking into custody deportable aliens convicted of sexual crimes against children. Our success rate was astounding, Mr. Chairman, and we quickly came to recognize the awful dimension of the child predator problem.

In addition to the high number of alien predators, our investigators were unearthing remarkable numbers of child pornographers on the Internet, human smuggling organizations trafficking in children for sexual exploitation; as well as sex tourists, American citizens who travel to other countries to engage in sex with minors. ICE has made the first four arrests under that new statute.

In a way unforeseeable before the creation of the Department of Homeland Security, ICE is coordinating our powerful resources and authorities into a united campaign against those who prey upon our children; drawing upon the full range of intelligence, investigative, and detention and removal functions of ICE to target those who exploit children. Protecting children from these ruthless predators is undoubtedly paramount to our homeland security mission.

Operation Predator is truly an ICE team effort that employs almost every one of ICE's six operational divisions. ICE special agents are on the front lines of our investigative efforts, but other ICE components are critical to the success of this initiative.

For example, the ICE Law Enforcement Support Center, or the LESC, serves as a national enforcement operations and intelligence center by providing timely information on the status and identities of alien suspects arrested or convicted of criminal activity. The LESC has lodged over 180 administrative detainers on aliens who have been arrested for Operation Predator offenses. Further, leads are sent to the ICE field offices for action, and the LESC coordinates with local law enforcement when the call requires local intervention.

A prime example of the LESC's impact was demonstrated in the arrest of a particularly heinous child predator late last summer. In August 2003, the LESC received a call on the Predator Hotline. The call indicated that a 27-year-old Kenyan national, who was reportedly afflicted with AIDS, was having sex with female minors in the Boston area. The ICE LESC immediately provided the information to police in Lawrence, Massachusetts, who then arrested the individual the following day on charges of raping a 14-year-old

girl in a local apartment. An ICE detainer was also placed on the individual, because he will come into our custody when the criminal proceedings are concluded.

The case represents just a single example of how the public is one of our most valuable partners. Members of the public are encouraged to call our 800—866—DHS—2ICE line to report sex offenders to ICE. We have also created a dedicated e-mail address at “Operation.Predator at dhs.gov” to receive tips through e-mail.

As I mentioned before, we have an excellent working relationship with NCMEC. We have two agents assigned to review the hundreds of leads generated daily from NCMEC’s Hotline and CyberTipline. From these tips, our agents are able to generate a significant number of leads that are sent out to the ICE field offices around the country.

Just last month, the ICE office in Los Angeles conducted a search based on a NCMEC lead. During the search, a computer and narcotics paraphernalia were seized. And based upon what was found, Los Angeles Child Protective Services removed three children from that home.

On March 1st, 2004, we celebrated the 1-year anniversary of the Department of Homeland Security and ICE. Clearly, we have seen that the merging of the legacy missions and authorities in ICE allows a multi-disciplined approach to homeland security that is crucial to our efforts to safeguard America, especially our children.

Through Operation Predator, ICE is working diligently to implement the President’s goal of eradicating the special evil in the abuse and exploitation of the most innocent and vulnerable.

Thank you, Mr. Chairman and Members of the Committee, for the opportunity to testify today on this important topic. And I am eager to continue to work with Congress and to provide the American people with the level of security they demand and deserve. And I look forward to your questions. Thank you.

[The prepared statement of Mr. Garcia follows:]

PREPARED STATEMENT OF MICHAEL J. GARCIA

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for the opportunity to appear before you today to discuss Operation Predator, one of the priority initiatives of the Department of Homeland Security’s (DHS) U.S. Immigration and Customs Enforcement (ICE).

In July of last year, Secretary Ridge joined forces with John Walsh (“America’s Most Wanted”) and Ernie Allen, of the National Center for Missing and Exploited Children (NCMEC), to launch Operation Predator, a program to target some of the most heinous criminals on our streets—those who sexually abuse children.

Each year, millions of children fall prey to sexual predators.¹ Experts estimate that one-in-five girls and one-in-ten boys in the United States are sexually exploited before they reach adulthood.² These young victims are left with permanent psychological, physical, and emotional scars. That tragedy is compounded by the fact that child prostitution, human trafficking, child pornography, and international sex tourism now generate billions of dollars a year worldwide. The advent of the Internet, with its borderless and anonymous cyberspace, has created even greater opportunities for predators to profit by exploiting children. Operation Predator was established to combat these activities.

Operation Predator is a coordinated law enforcement and public awareness program that draws upon ICE’s unique investigative authorities and resources, as well

¹ Carol Bellamy, UNICEF Executive Director, “Child exploitation is one of UNICEF’s top five concerns for children in 2004”, January 1, 2004.

² D. Finkelhor. “Current Information on the Scope and Nature of Child Sexual Abuse.” The Future of Children: Sexual Abuse of Children, 1994.

as ICE's evolving relationships with organizations like NCMEC. The program has two primary goals:

- (1) To identify, investigate, arrest and, when appropriate, deport these predators; and
- (2) To educate parents about the threats their children face and what they can do to protect their families.

I am pleased to report that Operation Predator has resulted in unprecedented successes. In the eight months since the program was first launched, more than 2,000 child predators and sex offenders have been taken off the streets of America; we have initiated the largest-ever investigation into online child pornography; and we have affected the first-ever arrests of sex tourists under the new statutory authority provided by the recently enacted PROTECT Act.

Two thousand predators. Who are they? They include a pediatrician in Chicago who had child pornography in his home and date-rape drugs hidden in his car; an illegal alien in Texas, convicted of the sexual assault of a child *after* having been deported from the United States on three previous occasions and is now detained and serving time in a Federal prison awaiting deportation; and an American citizen from Seattle who thought he could avoid justice by flying to Cambodia to engage in sex with seven-year-old boys. These are just a few of the faces of Operation Predator. How they came into the custody of ICE is the subject of today's hearing.

First, Mr. Chairman, let me give this Subcommittee some context about ICE's strategic approach to border security and immigration enforcement, which are top mission priorities for the Department of Homeland Security. It was from this approach to border security that Operation Predator emerged.

A year ago this week, ICE was formed by combining the investigative and intelligence arms of the former Immigration and Naturalization Service (INS) and the U.S. Customs Service, as well as the Federal Protective Service and the Federal Air Marshal Service. By integrating these once-fragmented resources, the Department of Homeland Security not only created the second-largest investigative agency in the Federal government, but it also created a dynamic and innovative new law enforcement organization uniquely and exclusively focused on homeland security—specifically border security, air security, and economic security.

The primary mission of ICE and the Department of Homeland Security is to detect and address vulnerabilities in our national security—whether those vulnerabilities expose our financial systems to exploitation or our borders to infiltration. With its newfound ability to investigate immigration violations—as well as smuggling violations; with its ability to target human smuggling alongside of narcotics, weapons, and other forms of smuggling; and with its ability to follow the illicit money trail wherever it may lead, ICE is in a unique position to enforce border security in ways never before possible.

A good example of this approach was the case in Victoria, Texas, where 19 people, including children, were found dead in the back of a tractor-trailer. By combining our financial investigation with our immigration authorities, we were able to trace the money trail back to the members of the smuggling ring, including its leader, who had fled the country. ICE's investigation led to the arrest and indictment of the ringleader and thirteen other co-conspirators. Along the way, we rescued a three-year-old boy from this same band of smugglers in an undercover operation and arrested his captors. In the process, we created a new model for investigating border security crimes, a model that became the centerpiece of our national anti-smuggling strategy.

The Victoria, Texas, case shows how criminal organizations exploit vulnerabilities in our border security to smuggle aliens. The crime rings involved might simply be seeking profit, but they could just as easily be terrorist rings seeking to infiltrate this country. Similarly, the large number of criminal alien absconders, i.e., those aliens with unexecuted final orders of deportation who have been convicted of a criminal offense, in this nation not only signifies a vulnerability in the nation's immigration enforcement efforts, it also represents a significant threat in which individuals who entered or remained in the country illegally are freely walking the streets. Again, these individuals could be mere administrative fugitives. Or they may be something much worse, such as the child predators I have mentioned. And while sexual predators are dangerous threats in their own right, we must recognize that border vulnerabilities could be exploited for even graver purposes: terrorists can—and indeed have—enter the country on false premises, and then simply disappear into the interior. Like every other major initiative at ICE, Operation Predator emerged with these various types of threats in mind.

Applying a systemic approach to addressing the large number alien absconders, ICE set about prioritizing the most dangerous offenders. We first developed a “Top

Ten” list with “the worst of the worst.” While this standard law enforcement tool was not regularly employed by the legacy INS, it proved to be a tremendous success for ICE. Nine of the original “Top Ten” were located and apprehended within the first two weeks, and the tenth was soon confirmed to have left the country.

This initiative revealed that among the criminal subset of the alien absconder population, many have convictions for sexual offenses and, in particular, offenses against children. By law, any non-citizen who commits such a crime is to be deported back to his or her home country. Unfortunately, that wasn’t always the case under the INS, as you know. This committee has heard too many terrible stories about alien predators freed to prey upon children again and again.

To address this problem, ICE began to examine Megan’s Law directories, matching our immigration databases to Megan’s Law databases, and rounding up deportable aliens convicted of sexual crimes against children. Our success rate was astounding, Mr. Chairman, and we quickly came to recognize the awful dimension of the child predator problem. Besides the high number of alien predators, our investigators were unearthing remarkable numbers of child pornographers on the Internet, human smuggling organizations trafficking in children for sexual exploitation, and the relatively new phenomenon of “sex tourists,” American citizens who travel to other countries to engage in sex with minors. So we coordinated all, systematically.

As appropriate within ICE’s existing jurisdiction, Operation Predator has grown to include U.S. citizens and residents suspected of sex crimes against children. This new approach targets child predators by combining our immigration authorities and our child pornography authorities to merge efforts in a way that had never been done in the past. In a way unforeseeable before the creation of the Department of Homeland Security, ICE is coordinating once fragmented resources and underutilized authorities into a united campaign against those who prey upon our children—drawing on the full range of intelligence, investigative, and detention and removal functions of ICE to target those who exploit children. Protecting children from these ruthless predators is undoubtedly paramount to our homeland security mission.

The results of this initiative are unprecedented in law enforcement. The success of Operation Predator—as measured by the number of child predators ICE has taken off the streets—is a testimony to the tireless work of ICE agents who have embraced the integration of the legacy agencies’ legal authorities and used them in new and more effective ways. Since Operation Predator was launched in July 2003, ICE has arrested more than 2,000 child predators. While this is indeed a worldwide enforcement effort, it has a direct impact on the safety of the streets in your local communities, as evident in that nearly 1,300 of these arrests occurred in the nine states represented by the Members of this Subcommittee.

Recognizing the synergies realized through our own merger, we aggressively sought to incorporate and join forces with others in this important effort. ICE is currently working closely with a number of agencies and organizations under Operation Predator. Such cooperation is critical to the success of this initiative, since child predator investigations often cross jurisdictional boundaries and require specialized assistance to help victims overcome the trauma of their abuse. ICE Operation Predator partners include other DHS agencies such as U.S. Customs and Border Protection (CBP); state and local police departments, the U.S. Postal Inspection Service; the U.S. Department of State Office to Monitor & Combat Trafficking in Persons; NCMEC; Rape, Abuse & Incest National Network (RAINN); INTERPOL; the U.S. Department of Justice; and many others who also provide critical support to the program.

Let me give you a few examples of how our partnerships are working. In January 2004, ICE formalized a partnership with NCMEC aimed at helping both organizations track down child predators and save potential victims. The partnership allows us to coordinate national public campaigns that raise awareness of child exploitation crimes, help families learn to better protect their children, and educate the public on how to work with ICE to provide valuable tips and take predators off the streets.

Some of the concrete ways we are working with NCMEC include:

- *The National Child Victim Identification System:* ICE worked with other agencies to create a database to aid local, state, federal, and international law enforcement efforts in identifying victims of child exploitation.
- *The Amber Alert Program:* We have established procedures and the technical capability for NCMEC to alert the Federal Air Marshals when it receives an “Amber Alert” about a suspected kidnapping, endangerment, or abduction of children that might involve the commercial aviation system.

- *The Code Adam Alert Program:* The ICE Federal Protective Service is helping develop and implement a plan to quickly locate missing children within the 8,800 federal facilities that it secures.

ICE is also working with INTERPOL to enhance foreign government intelligence on criminal child predators. In conjunction with the U.S. National Central Bureau, we are developing a mechanism to issue INTERPOL notices to foreign law enforcement agencies whenever ICE deports a convicted sex offender.

Operation Predator is truly an ICE team effort that employs almost every one of ICE's six operational divisions. ICE Special Agents are on the front lines of our investigative efforts, but other ICE components are critical to the success of this initiative.

The ICE Law Enforcement Support Center (LESC) is a vital link to our state and local partners. The LESL serves as a national enforcement operations and intelligence center by providing timely information on the status and identities of aliens suspected, arrested or convicted of criminal activity. The LESL has lodged over 180 administrative detainees on aliens who have been arrested for Operation Predator offenses. Further, leads are sent to the ICE Field Offices for action and the LESL coordinates with local law enforcement when the call requires local intervention. A prime example of the LESL's impact was demonstrated in the arrest of a particularly heinous child predator late last summer. In August 2003, the LESL received a call on the Predator Hotline. The caller indicated that a 27-year-old Kenyan national, who reportedly is afflicted with AIDS, was having sex with female minors in the Boston area. The ICE LESL immediately provided the information to police in Lawrence, Massachusetts, who arrested the individual the following day on charges of raping a 14-year-old girl in a local apartment. This case represents just a single example of how the public can prove to be our most valuable partner. Members of the public are encouraged to call 1-866-DHS-2ICE to report sex offenses to ICE. We have also created a dedicated e-mail address at *Operation.Predator@dhs.gov* to receive tips through e-mail.

Another ICE asset being brought to bear in Operation Predator is the Cyber Crime Center (C3). The Center's child exploitation section focuses on child pornography and child sex tourism violations that occur on the Internet. C3's investigative specialists are trained to conduct forensic examinations of seized digital storage devices, such as computer hard drives, digital video devices, floppy disks, and backup tapes. Recently, C3 has played a crucial role in an investigation that closed down an American-owned beachside resort in Acapulco, Mexico, that catered to child sex predators. As a result of this case and others, the Mexican government created a task force to address crimes against children in its country.

The computer investigative expertise that we develop through C3 has played a key role in helping us track down Internet-based child predators. In January of this year, ICE agents from the Newark Office worked with their partners in the Internal Revenue Service, the U.S. Postal Service and the New Jersey U.S. Attorney's Office to bring about the first indictments in connection to what we believe to be the largest Internet child pornography investigation ever undertaken by the U.S. Government. Regpay, a Belarus-based child pornography enterprise, and a Florida credit card billing service were indicted in a global Internet pornography and money-laundering scheme involving thousands of paid memberships to some 50 pornography websites. Based on this investigation, there are hundreds, if not thousands, of potential targets around the globe that we are investigating.

A warrant served on the credit card processing server revealed approximately 70,622 domestic subscriber transactions, as well as 25,597 foreign subscriber transactions. The domestic U.S. transactions were all provided to ICE field offices as enforcement leads, and information on the foreign-based transaction has already been passed to law enforcement officials in a number of countries.

Given the large number of subscriber transactions, the first arrests were prioritized by targets we knew had contact with children. Through the investigation, ICE has arrested a campus minister at all all-girls school in New Jersey; a seventh-grade schoolteacher on Fresno, California; and a pediatrician in Chicago. The arrests will continue as more of these subscriber transactions are investigated. As this case clearly demonstrates, there is no safe haven for child sex predators; wherever you operate in the world, we are committed to tracking you down.

Another example of how we are going beyond our borders to protect children involves the investigation ICE has launched against sex tourism from the U.S. Last year, Congress gave law enforcement a powerful new tool by passing the "Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003", or the "PROTECT Act". Under the PROTECT Act, it is a crime for any person to enter the United States, or for a U.S. citizen of lawful permanent resident

to travel abroad, for the purpose of sex tourism involving children. Within a few months of President Bush signing the bill into law, ICE had arrested the very first offender under the new Act. On September 10, 2003, ICE agents in Seattle arrested Michael Clark, a U.S. citizen, on charges of traveling to Cambodia to engage in sex with minors. Clark was extradited from Cambodia, upon the request of the U.S., after he was arrested and charged by Cambodian police in June with "debauchery involving illicit sexual conduct" with boys approximately 10 and 13 years old. According to the criminal complaint filed with the court, Clark subsequently admitted to molesting 40 to 50 children.

ICE is proud to have not only made the first arrest, but also the second, the third and now the fourth Protect Act child sex tourism arrest. We have a number of additional ongoing investigations that are being worked by our foreign attachés in coordination with local police in places such as Thailand, Cambodia, and the Philippines. Based on these investigations, more arrests are expected. We want to send a message loud and clear that international borders no longer shield child sex predators from the law.

Additional international enforcement cases under the Operation Predator umbrella include cases of human trafficking. One such case involved the dismantling of a U.S. adoption agency in which those arrested pled guilty to conspiracy to commit visa fraud and conspiracy to launder money in relation to adoptions of Cambodian children who were not orphans. The object of the trafficking conspiracy was to expedite the adoption process for Cambodian children to the United States families. In order to enhance their profits, members of the conspiracy would falsely represent to the U.S. Department of State and DHS that the adopted children were orphans, and would falsely represent the identity of the adopted children. The adoptive parents were then fraudulently charged approximately \$11,000 for the Immigrant Visas for the adopted children.

While illegal aliens, lawful permanent residents, and U.S. citizens can all commit the type of crime that is the focus of Operation Predator, the vast majority of the over 2,000 arrests to date are illegal aliens or lawful permanent residents whose crimes make them subject to removal from the United States after being placed in immigration removal proceedings. Criminal aliens who have no immigration status, or who have been previously ordered deported, can be deported without an immigration court hearing. As part of our overall immigration enforcement strategy, we are refocusing our efforts on the Institutional Removal Program (IRP), which is designed to ensure that aliens convicted of crimes in the U.S. are identified, processed, and, when possible, removed upon their release from a correctional institution. The Fiscal Year (FY) 2005 budget request of an additional \$30 million for the IRP will further ICE's plans to expand the program nationally to all Federal, State, and local institutions that house criminal aliens.

Additionally, the FY 2005 budget proposal for ICE includes \$50 million to continue the implementation of the ICE National Fugitive Operations Program, established in 2002, which seeks to eliminate the existing backlog and growth of the fugitive alien population over the next six years. Currently, ICE has 18 Fugitive Operations Teams deployed throughout the country and can report that approximately 6,000 fugitives have been apprehended and nearly 700 additional criminal aliens have been apprehended in connection with fugitive operations teams. The FY 2005 budget request would fund an additional 30 teams to locate these potential threats to public safety. Overall, the President's Budget request includes increases of \$186 million for ICE to fund improvements in immigration enforcement that will prove critical to the continued and expanded ICE effort to combat the public safety threat posed by illegal aliens in our country.

On March 1, 2004, we celebrated the one-year anniversary of the Department of Homeland Security—and ICE. Clearly, we have seen that the merging of the legacy mission and authorities in ICE allows a multi-disciplined approach to homeland security that is crucial to our efforts to safeguard America—especially our children. Through Operation Predator, ICE is working diligently to implement the President's goal of eradicating the "special evil in the abuse and exploitation of the most innocent and vulnerable." Thank you for the opportunity to testify today on this important topic and I am eager to work with Congress to provide the American people with the level of security they demand and deserve. I look forward to your questions.

Mr. HOSTETTLER. Thank you, Secretary Garcia. At this time, I will turn to the Ranking Member, the gentlelady from Texas, Ms. Jackson Lee, for an opening statement.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. And thank you for calling this enormously important hearing. We know that Mr. Garcia has exhibited enormous commitment to this issue, and we thank him for his testimony.

I guess, if I had to give him a good day today, it would be the opportunity to sit next to John Walsh. People ask the question, "Why John Walsh, and why in the United States Congress?" Mr. Chairman, because John Walsh gets things done. And I'm very pleased to have both his—if I might say, his yesterdays and his tomorrows are part of our army, if you will, to fight against the heinousness of those who prey upon our children.

One thing that I've noted is that, as your testimony proceeded, Mr. Garcia, this is an international issue. And how horrific to find that any American would leave these shores to go elsewhere to prey upon children. That means that our reach is international, and the work of this Committee, Mr. Chairman—and I thank you for your leadership—is crucial.

I chair the Congressional Children's Caucus. And we have worked with many in our Congress, including Congressman Nick Lampson, who heads the Missing and Exploiting Children's Caucus. We try to work together and be noticeably in place on some of these tragedies.

On July 9, 2003, the Department of Homeland Security's Bureau of Immigration and Customs Enforcement announced the implementation of Operation Predator. Operation Predator is a comprehensive initiative designed to enhance our government's efforts to protect children from pornographers, child prostitution rings, Internet predators, alien smugglers, human traffickers, and other criminals. It has coordinated the department's once fragmented investigative and intelligence resources into a united campaign against child predators.

As a slight anecdotal story, in keeping with respect for the family, many of us can just see some of the images of a very young girl in Florida; the videotape that was shown when a despicable individual approached her, in her innocence. Any of us that have even a semblance of heart and mind felt that pain. So this program directly involves and engages itself with that kind of heinous act.

This is an extremely important program, and I agree with the statement that Assistant Secretary Michael Garcia made when Operation Predator was announced: There is nothing more important than protecting our children, the future of our nation.

I also agree with what John Walsh said that day, when he thanked Secretary Ridge and the Department of Homeland Security for its efforts to increase the protection of America's children. Mr. Walsh said, "Child predators are everywhere, and they are cunning."

It gives me tremendous hope that the future will be even brighter and safer for kids everywhere, thanks in part to Operation Predator. Since Operation Predator was implemented in July 2003, Federal agents have arrested more than 2,000 suspected child sex offenders in a nationwide undercover investigation that has targeted child pornography purveyors and other predatory criminals. It has taken child pornography suspects into custody in nearly every State and every major city. It has arrested U.S. citizens who are

accused of traveling overseas to meet with children for sex, others who are accused of molesting mentally impaired children, and people who are accused of smuggling foreign children into the United States to serve as prostitutes. Approximately 400 of the people taken into custody were charged with manufacturing or distributing child pornography on the Internet.

In addition to those arrests, agents have identified more than 250 children featured in child pornography digital images for State and local agencies; and responded to more than 140 calls on ICE's toll-free hotline, allowing the public to report information about suspected child sex offenders and other child predators.

Last month, Federal and local authorities rounded up almost 30 legal and illegal immigrants who've been convicted of sex crimes. All of those arrested have been convicted of a felony, sex crimes, and sentenced to probation. Twenty-five of them have been convicted of crimes involving child victims.

These included a man from Mexico with a conviction for abusing his 4- and 7-year-old nieces, a Guatemalan man convicted of molesting his girlfriend's 10-year-old daughter, a man from Peru convicted of raping a 14-year-old girl, and a Dominican man convicted of sodomizing a 13-year-old girl.

It has been known and stated in the continent of Africa that certain cultural attitudes are that if an old man has relationships with a very young girl, that provides him with longevity and good health. These are issues that impact on the United States of America. Children are part of the world family.

The depravity of some of the sex offenders is unbelievable. Several days ago, a 41-year-old man was arrested for distributing videotape footage of himself committing sex acts on a 2-month-old infant. Agents of Operation Predator had traced him through his e-mail. He faces a prison term of up to 50 years for making and sending child pornography.

We had a sting in Houston just about a year or two ago where a large network of sex offenders using the computer were arrested—people like your neighbors and friends. This gentleman is in jail without bond. Another man was arrested by Operation Predator agents last month for a similar offense. The case involves a 59-year-old man who was arrested for allegedly videotaping himself having sex with an 11-year-old girl who appears to have been drugged or intoxicated. Inside the man's house, the agents found what appeared to them to be a kiddy-porn studio. His bed was covered with stuffed animals and surrounded by cameras.

Nevertheless, I do have some concerns. Operation Predator must employ—must employ—not employ unfair immigration laws that sometimes produce harsh, unwanted results. We want the culprit. We want to make sure that we ensure that that is the case. The culprit we want; and we also want to make sure we're balanced.

The section that I'm concerned about defines sexual abuse of a minor as an aggravated felony, which is vague enough to encompass people who should not be treated as sexual predators. And that's why we're having this hearing: to ensure that we get our person, whoever it might be. We must be careful to ensure that people who are caught up in the national sweep to rid our country of pred-

atory criminal aliens are predators. I believe that as we have this hearing, we can do the right thing.

Let me close, Mr. Chairman, by first of all saying I'm gratified that we've had this opportunity for review. I look forward to us discussing an opportunity as well to hold an asylum hearing, or issues dealing with asylum, dealing with the Haitian crisis that's going on right now, and I look forward to that.

I believe that Congress can pass laws that will work. When I first came to Congress, I passed a date rape drug bill that was a direct result of adults preying upon children, teenagers, in a teenage club that had Kool-Aid. And the adults would put the date rape drug in it, and of course tragedy would occur. We've worked on the issue of child soldiers, and we've seen a difference in the number of young people taken across national lines and use of child soldiers. We can do something.

And so I'm grateful for this hearing, so that we can do more, and I'm grateful for the witnesses. And I thank you very much for your kindness. I yield back, Mr. Chairman.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

On July 9, 2003, the Department of Homeland Security's (DHS) Bureau of Immigration and Customs Enforcement (BICE) announced the implementation of Operation Predator. Operation Predator is a comprehensive initiative designed to enhance our government's efforts to protect children from pornographers, child prostitution rings, Internet predators, alien smugglers, human traffickers, and other criminals. It has coordinated the Department's once-fragmented investigative and intelligence resources into a united campaign against child predators.

This is an extremely important program. I agree with the statement that Assistant Secretary Michael Garcia made when Operation Predator was announced. "There is nothing more important than protecting our children—the future of our nation." I also agree with what John Walsh said that day when he thanked Secretary Ridge and the Department of Homeland Security for its efforts to increase the protection of America's children. Mr. Walsh said, "Child Predators are everywhere; and they are cunning. It gives me tremendous hope that the future will be even brighter and safer for kids everywhere thanks in part to Operation Predator."

Since Operation Predator was implemented in July of 2003, federal agents have arrested more than 2,000 suspected child-sex offenders in a nationwide undercover investigation that has targeted child-pornography purveyors and other predatory criminals. It has taken child pornography suspects into custody in nearly every state and every major city. It has arrested U.S. citizens who were accused of traveling overseas to meet with children for sex, others who were accused of molesting mentally impaired children, and people who were accused of smuggling foreign children into the United States to serve as prostitutes.

Approximately 400 of the people taken into custody were charged with manufacturing or distributing child pornography on the Internet. In addition to these arrests, agents have identified more than 250 children featured in child pornography digital images for state and local police agencies, and responded to more than 140 calls on ICE's toll-free hot line, allowing the public to report information about suspected child-sex offenders and other child predators.

Last month, federal and local authorities rounded up almost 30 legal and illegal immigrants who have been convicted of sex crimes. All of those arrested have been convicted of a felony sex crime and sentenced to probation. Twenty-five of them have been convicted of crimes involving child victims. These included a man from Mexico with a conviction for abusing his 4- and 7-year-old nieces; a Guatemalan man convicted of molesting his girlfriend's 10-year-old daughter; a man from Peru convicted of raping a 14-year-old girl; and a Dominican man convicted of sodomizing a 13-year-old girl.

The depravity of some of the sex offenders is unbelievable. Several days ago, a 41-year-old man was arrested for distributing videotaped footage of himself committing sex acts on a two-month-old infant. Agents of Operation Predator had traced

him through his email. He faces a prison term of up to 50 years for making and sending child pornography. He is in jail without bond.

Another man was arrested by Operation Predator agents last month for a similar offense. This case involves a 59-year-old man who was arrested for allegedly videotaping himself having sex with an 11-year-old girl who appears to have been drugged or intoxicated. Inside the man's house, the agents found what appeared to them to be a kiddie porn studio. His bed was covered with stuffed animals and surrounded by cameras.

Nevertheless, I do have some concerns. Unfortunately, Operation Predator must employ unfair immigration laws that sometimes produce harsh, unwarranted results. For instance, section 101(a)(43)(A) of the Immigration and Nationality Act defines "sexual abuse of a minor" as an aggravated felony, which is vague enough to encompass people who should not be treated as sexual predators. We must be careful to ensure that the people who are caught up in the national sweep to rid our country of predatory criminal aliens really are predators. Thank you.

Mr. HOSTETTLER. I thank the gentlelady.

In July 1981, Mr. John Walsh and his wife, Reve Walsh, lost their son Adam to an abductor. Adam was later found murdered. The story of Adam and the Walshes' tragedy was dramatized in the 1983 NBC made-for-television movie "Adam." The movie highlighted a number of missing children, leading to the eventual recovery of 65 children. Mr. Walsh then became the host of the country's prime crime-fighting show, "America's Most Wanted: America Fights Back."

The Walshes didn't leave it at that, however. They have crusaded on a number of occasions in Congress for legislation to combat child abduction, including the Missing Children Act of 1982 and the Missing Children's Assistance Act of 1984. This legislation helped create the National Center for Missing and Exploited Children, of which Mr. Walsh remains a board member.

As we have heard, NCMEC has signed an important memorandum of understanding with ICE to assist in identifying and arresting child predators. Mr. Walsh has been very supportive of Operation Predator and ICE. Last year, John Walsh was quoted as saying about ICE's program, "Operation Predator," "I think this sends a loud message to pedophiles, who know no borders, especially illegal aliens that come here that molest children, serve time in our prisons, and then are released: You cannot stay in the United States." Mr. Walsh is a graduate of the University of Buffalo.

Mr. Walsh, on a personal note, as a father, I cannot begin to comprehend the depth of loss that you and your wife Reve experienced in 1981. If it is some small comfort to you, I can say, however, without hesitation, that the moms and dads that serve in this body and all of us that serve in the United States Congress, as well as the rest of the country, believe that America's children and, as Mr. Garcia has pointed out, now we know, the world's children, are safer because you are on the job. Thank you very much. And the floor is yours, sir.

STATEMENT OF JOHN WALSH, CHAIRMAN OF THE NATIONAL ADVISORY BOARD OF THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN; HOST OF "AMERICA'S MOST WANTED: AMERICA FIGHTS BACK"

Mr. WALSH. Thank you so much for the introduction, Chairman Hostettler; very gracious, and I really appreciate it. I want to thank you and your Committee for, you know, allowing us to come

here today and tell the ICE story. I think good works need to be acknowledged, and people need to know that there are resources.

Before I start, I really wanted to thank Representative Sheila Jackson Lee for all her great work here in the United States Congress. She is a loud, loud voice for children, as the Chair of the Children's Caucus, and she has an outstanding record of speaking for those who can't speak. The silent majority here in the United States are children. And she's done a great job.

And I really support her piece of legislation to create a national DNA registry of sex offenders. This has been a problem for years, that we have identified predators; we know that they have many, many victims. Some States still don't allow us to take DNA. Why can't we, when someone is convicted of a felony, take their DNA, run it through her legislative piece of—the DNA bank—and find out if this person is wanted somewhere else, if they've committed crimes somewhere else? It's a great piece of legislation. And it would also free people that are innocent, people that have been charged of crimes. If the DNA doesn't match up or someone's in jail for something, we can run the DNA and find out if they're innocent.

But I didn't mean to get sidetracked. But I just want to commend you. You and I are on the same page, as it relates to children. We're on the same page, with sexual predators, in allowing law enforcement to access that DNA bank and to get these people off the street. I just had to put in my two cents about all your work, and I really appreciate it.

You know, I've been up here, coming up here, for 22 years. I've been before so many Committees and testified on both sides, the House and the Senate, on numerous occasions. And this is the first time that I'm here not asking for something or trying to get you to do something; because you have done it. And Congressman Flake, I'm glad you could come back here, and I want to thank you for taking your time today to be here, because this sends a loud message that we can change things.

And instead of being here and saying, you know, "This doesn't work," and "We need this piece of legislation," and "We need more money"—money is always, you know, a concern, and a legitimate concern; and I think homeland security probably does need more money—but I'm here today to say this Operation Predator and this ICE team, it works. It works. Two thousand predators off the street since July 9. It's incredible.

They have put together agencies, Mike Garcia and the people that work with him and Tom Ridge, that have been battling for years. When I first started "America's Most Wanted," the first show, I'll never forget, there were three law enforcement agencies in that studio, that were looking for the same fugitive, that wouldn't talk to each other. I had to introduce them to each other and say, "You're looking for the same guy. Who cares who gets the credit? Who cares who gets the picture in the paper or the 15 seconds on the news? You guys have to drop these turf wars and these egos, and go after this guy." That's what ICE does.

ICE has put together Immigrations, Customs, Border Patrol: all these agencies that I've been after for years, to hunt down sexual predators, and especially international predators. I'll never forget

begging the State Department to go after a dentist, a pedophile dentist, who was going to Costa Rica, sodomizing young boys, making videos of it, making pictures, and trading and selling them on the Internet. No one would listen to me. "Well, we can't do it. It's not in our jurisdiction."

We chased an international pedophile by the name of—oh, God, he was on the FBI's Top Ten—Eric Rosser. He used to play keyboards for John Mellencamp and run piano schools in Indiana. He would go to Thailand and molest little girls. He bought a 9-year-old girl and made a video of himself raping this girl, to bring back to the United States and sell.

For years, I couldn't get anyone interested; and finally appealed to the FBI Director, Louis Freeh, and said, "You have five sons. You can't tell me that this wouldn't affect you if this happened to your child." And by all that coercing and bringing it—why did I have to do that? Why did I have to get the FBI to put a predator on their Top Ten list, when this guy was traveling back and forth all over the world? And we finally caught him in Thailand, after he had plastic surgery and 40 pounds of liposuction, because of an American woman who was there and he tried to apply to her school to be a school teacher so he could prey upon little girls.

It has been so hard over these years to get these agencies to do their damn job. It has been near impossible to convince them to go outside of the United States to hunt down these creeps. To be in the United States is a privilege. This is a great country. This is a wonderful, powerful country. And I'm sure all of us sitting here come from some type of immigrant background. But if you come into the United States and you prey upon our children; and you're sent to a State, local, or Federal jail; and you do your time. And a condition of your parole—which is a privilege, parole and probation is a privilege—the condition of that is you leave this country; and you go like this [gestures], "The hell with America," and you stay here, you stay in this country and violate all our rules, violate the principles of this country: It's beyond arrogance, it's illegal. And until ICE came along, I couldn't get any Federal agency involved in hunting these people down.

I'll never forget when we caught a child predator. He had one ton of child pornography. He was arrested; he did his time; and that one ton of child pornography went into the sheriff's unit in southern California. It went into a storage unit. I asked the FBI, I asked all different agencies, "Why don't you look at that child pornography and see if any of those kids are missing kids? You could charge this guy with kidnapping. What if these kids were murdered?" "We don't have the time. We don't have the resources." He had the audacity 10 years ago to get a lawyer, an ACLU lawyer, who sued the sheriff to get that child pornography back. It sat in that storage unit for over 2 years, and he did get it back. No one looked at it. No one had the time; no one had the resources. And that predator got out on probation. God knows where he is now, because there was no Megan's Law.

These guys work with the National Center. The National Center last year looked at 600,000 images of child pornography. And who did they turn to? ICE. They turned to ICE and said, "Here, these are the children that are being preyed upon. These are the people

we think are the predators. We don't know who this predator is." ICE said, "We'll do it."

Mike Garcia came to me, and Tom Ridge. I didn't have to go to them and say, "Dammit, use these resources. Do your job. You're supposed to be in charge of homeland security and terrorists. A child predator, an international child predator, is a terrorist. He's preying upon our children. And if you're a 6-year-old child that's being sodomized and raped and being photographed, you're terrified. That person is a terrorist." They came to me.

They came to the National Center and said, "We can do this. We can do it. We have the resources. We're going to get over the turf battles. We're going to get over the turf wars. We're going to make these agencies work together. And you know what we're going to do? We're going to hunt these low-lives down. We're going to put them in jail, or we're going to take them across the border where they belong; send them back to their country of origin. And we're going to create a website. We're going to exchange information. We're going to access Megan's Law."

I went to a child murder in El Paso, Texas, where the two detectives, God bless them. This is a little girl that was kidnapped out of a Wal-Mart. You could see it on the video. It was as chilling as Carli Brucia, the little girl that was taken in Sarasota. I said to the two detectives, I said, "You see how he lured her out of the store, and he didn't hold her hand? He said—he had her walk behind him, in case someone came up to him. The video picked them up out in the parking lot." I said, "You know what? This guy is a predator. I'll bet he's a repeat offender, and I'll bet he's registered in Megan's Law. He's in your sex offender registry." And they both looked at me and said, "What's Megan's Law? What's a sex offender registry?" I said, "You should be looking at every convicted sex offender that lives within 10 miles of where this kidnapping occurred." They said, "Well, you know what, Mr. Walsh? We don't have much evidence. The 5-year-old girl was naked, her face was burned, and there's no DNA." And I said, "You know, let me tell you something. Why he burned her face was to destroy evidence. Whatever he did to her, he did in her face. You need a forensic team down here." I had to beg a forensic team to come from Dallas, from the FBI.

They took the charred first layer of skin off of her forehead, and there was a handprint. That handprint was of a predator who was registered in Megan's Law, a sex offender who was out on parole. He lived two miles from that little girl. I had to go down there and tell these two cops how to do their job. I had to tell them about Megan's Law. I had to tell them there was a sex offender registry, that there were resources available.

This group came to me. They came to us at "America's Most Wanted." They came to the National Center and said, "We'll hunt these low-lives down. We'll get them. We'll use the resources. We'll use the technology of the 21st century. We'll start a website."

They know what they're doing. I know the Congresswoman's concerns about how we treat our aliens, our immigrants. They have those same concerns. I've ridden with them. I've ridden on that border. I've sat there all night on horses with the Border Patrol, who sit there in that dangerous desert at night, all night, looking for

illegal smugglers of human bodies, of drugs, of weapons; al Qaeda terrorists who try to come into the country. I've ridden in their Black Hawk helicopters; I've gone on their ATVs; I've gone in their Hummers. They treat these people with dignity.

They save lives on the border. Illegal smugglers will bring poor, innocent Mexicans who've paid them \$1,500 and, the minute they think they're going to get caught, leave them to die in the desert. I've been with them when they've come up on women and children that are absolutely dehydrated, on the verge of death. They give them water, medical treatment and treat them with great dignity. I've seen it firsthand. Saved their lives.

Those concerns are legitimate, but I've watched it first-hand. I've watched how these agents handle these illegal immigrants, these aliens. They give them the respect that this country is known for. But they also send a loud, clear message: You want the privilege of coming here? Behave. Obey the law. If you molest a child or hurt a child in this country, we're going to hunt you down. And if you have the audacity and nerve to serve time in our prisons and come out, and not leave the country, ICE is going to hunt you down. You're going to do more time, and we're going to take you in chains back to that country where you came from.

They've done a hell of a job: Two thousand predators. Two thousand. It's taken me 16 years on "America's Most Wanted," with the help of millions of people, to catch 780 fugitives and bring back 34 missing children—one of them, Elizabeth Smart. Millions and zillions of dollars of Fox money, lots of effort, to hunt down these 780 fugitives worldwide, 15 off the FBI's Ten Most Wanted. They've caught 2,000—2,000 low-life dirtbags in 1 year. Should get a medal. I really mean that. They should get a medal.

If they need more money, give it to them. If they need more resources, give it to them. Because I spent 22 years begging these different agencies to do the damn job that they were initiated to do. I couldn't get them to go outside the borders. I couldn't get them to do it. It wasn't sexy enough. "Let's put John Gotti in jail. Let's put Michael Milliken and Ivan Boesky in jail." They don't get enough credit for that low-life pedophile that might be the school bus driver that sodomizes your daughter when she's the last one off the bus. They ought to down that guy.

Maybe it's not sexy; maybe it doesn't get a lot of publicity. But you know what? They're making streets a lot safer for all of our children. When you mention so many people on both sides of the aisle in both Houses up here that have children, these are the people that are out there day and night hunting these low-lives down.

I'd be willing to answer any of your questions. But what they have done with the Child PROTECT Act, what they have done with the legislation, they didn't wait for a Committee to say, "Go do it. Why the hell aren't you doing it? Why don't you do it?" They didn't come up with any excuses, "I can't. My hands are tied. It doesn't meet this. I can't do it. It's out of my jurisdiction." I never heard one of those complaints. They said, "We'll do it. We'll do it legally; we'll do it ethically; we'll do it morally; we'll do it to the letter of the law. But we'll do it. We'll go out and do it."

I'm honored to be here today. It's my first trip up here that I'm not saying, "Why the hell aren't you doing your job?" or "Give us

something.” I’m honored to be here today, and I’m honored that you take the time. And I wish all the Members were here. I hope they aren’t at some lobbyist’s lunch somewhere raising funds, because this is an important hearing.

I’m honored to be here; that you’re saying, “What can we do? What can we do to help you?” Do your job; we’ll monitor it. You’re the people that allow this guy and the people that he works with to operate, to make the streets safer. You allow him to go there, by your legislation. Your support of the Child PROTECT Act gave him the wherewithal to go out and round up, to saddle up and get these guys.

You do a good job, and this guy follows your mandate, he and all the men and women who work for him. And all those different agencies have now been sent one loud message: The turf battles, the ego, and the credit, it’s over. Let’s just go get ’em.

I’m honored to be here. Thanks for having me.

[The prepared statement of Mr. Walsh follows:]

PREPARED STATEMENT OF JOHN WALSH

Mr. Chairman and distinguished members of the Subcommittee:

Thank you for this opportunity to appear before your Subcommittee today to present the views of the National Center for Missing & Exploited Children concerning OPERATION PREDATOR. Mr. Chairman, you have long been a champion on behalf of children and I commend you and the members of this Subcommittee for your tireless efforts that continue to greatly enhance the safety and protection of America’s children. I thank you for your recognition of these critical issues that are targeted by the Department of Homeland Security through OPERATION PREDATOR and also for your continued and generous support of the Congressionally mandated role that the National Center for Missing and Exploited Children implements everyday on behalf of our children and families.

Mr. Chairman, let me also express my deep appreciation to Secretary Ridge, Assistant Secretary, Michael J. Garcia, and the Department of Homeland Security for targeting those individuals who sexually exploit our children. While we live in a country where there are more than 400,000 registered sex offenders, there are many thousands who have not registered. The majority of America’s victims of sexual offenses are children. One in five girls, one in ten boys, but only one in three will report their victimization. A recent article in Tass reported evidence that increasingly organized criminals and terrorist groups are using child pornography as a source of revenue—why? Because children are plentiful and easy to obtain, it is inexpensive to produce, the profits are high, and the risks are very low. In light of the Supreme Court’s 2002 decision on virtual child pornography, identifying who the children who are depicted in child pornography is of vital importance. The National Center for Missing and Exploited Children is pleased to work with the Bureau of Immigration and Customs Enforcement and other agencies to build a resource to address this vital concern.

Mr. Chairman, since the launch of OPERATION PREDATOR on July 9, 2003, the Bureau of Immigration and Customs Enforcement (hereinafter “ICE”) has arrested over 1,700 child predators and sex offenders. This comprehensive initiative by the Department of Homeland Security (hereinafter “DHS”) to protect children worldwide is to be applauded. The National Center for Missing and Exploited Children is honored to be a part of this coordinated, comprehensive effort to attack the problem and bring those who prey upon our children to justice. The National Center for Missing and Exploited Children has a long history of partnership with agencies now a part of DHS. We have worked hand-in-hand with the U.S. Customs Service on child pornography since 1987. We are proud of our decade-long partnership with the U.S. Secret Service since 1994. The Secret Service has provided forensic support and a wide array of other technical and human support in missing and exploited child cases.

This administration has made child protection a priority. In October of 2002, President Bush hosted the first-ever White House Conference on Missing and Exploited Children. Today, the federal government is doing more than at any other time in its history to make the sexual exploitation of children a priority throughout our federal criminal enforcement agencies. We are pleased to be a part of an unprecedented partnership with DHS, ICE, the FBI, the Postal Inspection Service, the Se-

cret Service, the Child Exploitation and Obscenity Section at the Department of Justice, and more than 40 Internet Crimes Against Children Task Forces across the country, working together to identify children in child pornography and keep every child safe from the horror of sexual exploitation.

In order to enhance our partnership and effectiveness in meeting the goals of OPERATION PREDATOR, on January 29 of this year, the National Center for Missing and Exploited Children and the Department of Homeland Security's U.S. Immigration and Customs Enforcement entered into a Cooperative Agreement outlining various protocols that will greatly enhance the cooperation and effectiveness in support of this important initiative. Signed by Homeland Assistant Secretary Michael J. Garcia and the National Center for Missing and Exploited Children's President, Ernie Allen, this memorandum of understanding will expand the ongoing cooperative efforts between the two organizations. As a part of that agreement, the National Center for Missing and Exploited Children will furnish ICE with evidence and leads it receives on child pornography and suspected child sex violators through its national CyberTipline {1-800-843-5678 or cybertipline.com}. In addition, ICE has agreed to provide the National Center for Missing and Exploited Children with access to child pornography images and identifying information contained in ICE's data systems to assist the National Center for Missing and Exploited Children with its efforts to locate missing and exploited children.

This agreement also calls for the National Center for Missing and Exploited Children to alert ICE's Federal Air Marshal Service (FAMS) when the organization receives an "Amber Alert" about the kidnapping, endangerment, or abduction of children that might involve the aviation domain. This action complements the new Code Adam Alert Program that requires all federal facilities to have a plan to quickly locate missing children.

This agreement marks an official collaboration and partnership that takes place at two levels:

1. The sharing of information to help track down child predators and possibly save victims.
2. A national public campaign to raise awareness about the facts behind child exploitation crimes, how families can protect their children, and how the public can work with ICE to provide tips and take predators off the streets.

To date, both U.S. citizens and non-U.S. citizens have been arrested, prosecuted, and/or sentenced under OPERATION PREDATOR, including the following;

- Non-citizen child sex offenders whose crimes made them subject to deportation
- U.S. residents who traveled abroad to engage in sex with minors
- Individuals who molested mentally-impaired minors
- Individuals who used the Internet to lure minors to engage in sex with them
- Individuals who smuggled foreign minors into this country to work as prostitutes
- Individuals who manufactured or distributed child pornography via the Internet

Mr. Chairman, the synergies realized from the partnerships created under OPERATION PREDATOR will save the lives of children, save children and families from the horror of sexual exploitation, and bring to justice those who would prey on our most vulnerable population. OPERATION PREDATOR through its partnership with the National Center for Missing and Exploited Children and other agencies has in a very short time:

- Established a single web portal to access all publicly available state Megan's Law databases
- Created a National Child Victim Identification System with the National Center for Missing and Exploited Children
- Agents that are stationed internationally that are working with foreign governments and their law enforcement counterparts to enhance coordination and cooperation on crimes that cross borders
- Working with INTERPOL to enhance foreign government intelligence on criminal child predators

Mr. Chairman, I very much appreciate the opportunity to appear before this Committee today and would be pleased to answer any questions the Committee might have on these matters.

Mr. HOSTETTLER. Thank you, Mr. Walsh, very much. And the questions I have to ask, Mr. Secretary, are less than redundant after that endorsement; but I will do my job, nonetheless. And all this Committee, this Subcommittee, and Congress, seconds Mr. Walsh's sentiment that in fact it is you and your employees, the men and women of ICE, that are making the streets safer, that are doing the job that we've asked you to do.

Your assistant, Mr. Dougherty, last week gave a very good rationale for the increase in funds that the President has asked for your department. I think it is a good first step, but it is just that. It is just a first step in giving you the resources, the increased resources, that you need to continue and expand on the good job that you've done.

Mr. Secretary, your testimony explained how local law enforcement officers have been cooperative in providing leads on alien child sex predators they have in custody, so they can be removed after serving their sentence. Are there certain localities that refuse to provide immigration status of sexual predators that they have in custody?

Mr. GARCIA. Thank you, Mr. Chairman. We have seen an issue in terms of cooperation or statements being made in terms of free zones or areas where the immigration laws wouldn't be enforced; statements by some local political leaders to that effect. That has not been the case in terms of child sex predators.

I think this is one area where we can all agree that it's necessary to work together to provide the information to get that to ICE, so that we could take the steps necessary to make sure those predators don't get out of that local facility and get back on the streets where they can harm a child.

Mr. HOSTETTLER. Very good. As you may be aware, Mr. Secretary, the CLEAR Act, introduced by our colleague, Charlie Norwood of Georgia, would provide further resources for cooperative local law enforcement agencies to enforce the country's immigration laws. In your opinion, would the CLEAR Act, if enacted, be useful in assisting ICE and Operation Predator with identifying and removing alien sexual predators or other alien criminals?

Mr. GARCIA. Again, Mr. Chairman, I've seen some of the CLEAR Act legislation, and I understand the need for further State and local cooperation. But I think particularly in this area where we're talking about violent criminals, what I've seen as the—where it slips through the cracks has been in the resource issue on the fact that we have so many local facilities across the United States, local penitentiaries, State and Federal, leveraging those assets in terms of providing a feed into ICE, making sure we can get the coverage out there.

In some cases, it'll take us 8 hours to get to a local facility to process an alien. And it's obviously very important work, but we need to be looking at how do we do that through a central facility; which we're doing through closed-circuit TV and other technology that can ensure our reach.

So really, in the case of predators and violent offenders, it's that mechanism we need to develop for linking those local enforcement officials, local prison folks, up with our people, so we can make sure that that hand-off takes place, that that connection takes

place; to ensure, again, that we don't see sexual predators, particularly predators who prey on children, slipping through the cracks of the system.

Mr. HOSTETTLER. Very good. One of the press releases mentioned that a foreign national was sentenced by a Federal judge in September for smuggling Mexican children into the U.S. to work as forced prostitutes. How widespread is this problem, in your perception?

Mr. GARCIA. Unfortunately, Mr. Chairman, we've been seeing this come up more frequently recently. You mentioned that case. We've had others involving the smuggling of Mexican children into the U.S. I think we're seeing a new focus in this area, new dedication to rescuing these children and making these cases.

And again, to get to your point, working with those local officials, who are in many cases the first responders to a house where children may be held; educating them on the other part of that puzzle, the fact that these people have brought those children across the border, that organized criminal enterprises are exploiting those children for profit and bringing them into the U.S. I do think it's a big problem, and I think the fact that we've been seeing more cases recently within the past few months is highlighting that fact.

Mr. HOSTETTLER. And then finally, Mr. Secretary, how many of those apprehended under Operation Predator have been deported, and how many are still currently in the process?

Mr. GARCIA. Mr. Chairman, unfortunately, that's a difficult number to provide. In terms of that statistic, we've almost been a victim of our own success in a way, because we've had so many people come into the system, and are now putting in place the technology to track that automatically and see where they are in terms of the deportation proceeding.

We have deported hundreds of sexual predators since July, since the time that this initiative was launched. Matching those to the dates and where we are in the process is somewhat difficult. And one of the things we're working very hard on now: to capture that data in meaningful ways so we have those statistics real-time, in terms of deportation, the categories, the Megan's List folks we're picking up off the street, so we can provide that data. But we'll have that on an ongoing basis, and I'll be happy to get that to the Committee as we develop it.

Mr. HOSTETTLER. Very good. Thank you.

Mr. Walsh, in your testimony, your written testimony, you refer to a Supreme Court decision in 2002—I believe it's the case *Ashcroft v. Free Speech Coalition*—that requires prosecutors to prove that someone has posted actual real, as opposed to digitally enhanced, pictures of a child, to prove a crime took place. What has that decision, that Supreme Court decision, done for the morale of your non-governmental organization? And what can be done to minimize this blow to combatting child sex abuse?

Mr. WALSH. Well, most of that revolves around the Supreme Court not dealing with the issue of virtual child pornography. Virtual child pornography is the creation of a fantasy, whatever you want to call it, that looks like a real man, looks like a real person, sodomizing or raping a 5- or 6-year-old child. Who is interested in that? I don't think anybody up there at that Committee is inter-

ested in downloading virtual child pornography. It looks so real. It looks like a real man sodomizing that little boy. It looks like a real man raping that little girl. It is virtual child pornography.

And the Supreme Court justices, in their wonderful way of trying to protect first amendment and freedom of press, somewhere got confused along the line and said, "You know, virtual child pornography is not child pornography." Well, the Child PROTECT Act took care of that. The Child PROTECT Act said virtual child pornography is child pornography. Any record—whether it's a cartoon, whether it's a drawing, whether it's a computer-generated man sodomizing a 5-year-old boy—is against the law. Child pornography is against the law.

So I'm glad to see that the Members of this Committee which supported the Child PROTECT Act—I mean, it was really the House of Representatives that carried the ball on the Child PROTECT Act. The version that you passed on the House side was so far superior to the Senate side that we had to have a 3-hour conference to work it out so that the Senate would come to the agreement that the House side, the one that many of you Members sitting right here, particularly Congresswoman Jackson Lee, supported, that was allowing background checks of everybody who works at Boys and Girls Clubs. The Boys and Girls Club wanted that. They wanted to know that nobody, no volunteer or anybody there working with children, was a convicted child molester. ICE has helped them with that, and the National Center.

We reversed that decision on virtual child pornography. I mean, come on. You look at a screen; it looks like a real man sodomizing a little girl. It gives you the creeps. It breaks your heart; makes you cry; makes you mad; makes you angry. That was taken care of.

The Child PROTECT Act that you supported so well mandated Code Adam in every Federal building. If a child is missing in a Federal building, Code Adam is activated immediately. The doors are shut, the security in that Federal building, that courthouse, whatever it is, looks for that child. Who's implemented that ogram? You passed that wonderful legislation, but you forgot to tell who to implement it and to teach the Federal officers—for example, the Capitol Hill cops. You know who does it? The ICE guys. The ICE guys said, "We'll take that responsibility. We'll go in every Federal building and tell them how to do a Code Adam." Code Adam's saved kids lives. It's caught people that were in the act of kidnapping children. It was started by Wal-Mart, and it was named after my son. What an honor.

But, you know, that's a long answer to your question. But you up here, through that Child PROTECT Act, took care of a lot of those concerns. It wasn't just the Amber Alert, that has already saved 107 kids' lives, that was mandated. It took us 6 years to get that piece of legislation passed. I don't want to remind the Members here about it. I'm talking to the SWAT team for kids right here. But I know it took 6 years to get the Amber Alert passed as a national piece of legislation. Broke my heart for 6 years.

But the Child PROTECT Act is a wonderful piece of legislation that the Members here participated in, and gave people, the men

and women at ICE, the wherewithal to do the things that should have been done for 20 years.

Mr. HOSTETTLER. Very good. The Chair now recognizes the gentlelady from Texas, Ms. Jackson Lee, for questions.

Ms. JACKSON LEE. Thank you very much. Mr. Walsh, let me just say that our schedules up here in Washington sometimes don't lend themselves to the graciousness that we should exhibit; and that is to be at every Committee hearing. As we speak, a Homeland Security Committee hearing is going on. And I happen to serve on that Committee, and I believe some of our Members have had to depart for that reason. But I'm going to be the school teacher, and assign everyone the responsibility of reading line by line the transcript that this fine gentleman is doing. So Mr. Chairman, I want you to hand that transcript out.

The reason why I'm saying that is the words that are in this room tonight—or this morning, excuse me—really need to be broadcast or to be pronounced around our esteemed body, but also nationally. And that is this emphasis on the importance of protecting our children. And I will say that, without any indictment of anyone, it's been a hard road to get that to be an interesting topic.

And as I have looked at human trafficking with young girls in Bangladesh; as I have indicated to you without any shame, because I'm not broad-brushing the continent of Africa, but when we've gone there to look at questions of HIV/AIDS, and we've heard the stories of older men taking young girls as young as under ten because of something about purification and virginity and issues of that kind that would probably give us chills, but it happens; it is imperative that we use this opportunity, or many opportunities, to speak to what is happening to our children.

We can go through a long list of poverty and not having breakfasts and lunches, but one thing about this kind of abuse: It ruins a child. If it doesn't take their life, it certainly can contribute to a drastic altering of their life into adulthood. And so I want to thank both Mr. Garcia and Mr. Walsh.

And let me just sort of explain, Mr. Garcia, two questions I want to pose to you, and let you understand where I'm going when John Walsh so aptly commented on my concern about the broad brush. And I'll just focus on one aspect of it, and you can share your thoughts with me and then let us see how we can help you.

The question of the definition of sexual abuse of a minor, the question I raise, and I think you're familiar with it, that some cultures marry early or have the need to—I had a situation in my community, and it was individuals from Mexico. And the gentleman, I guess, was about 19 and intending—in fact, they have married. Let me just say that they have married. And he was not a citizen, and so he was, if you will, arrested, or taken under criminal proceedings, for the relationship he had with a young person under 15.

My question would be to you, do you take into consideration any of those circumstances when it is a cultural acquiescence by family members; they're ultimately marrying? I think you are aware of some of the cultural ceremonies that go on when someone is 15, etcetera; and whether or not that comes to your attention.

Let me give you these other questions, so you can answer it. What might be helpful today as well—and I'm interested in how we can emphasize or improve the database, collecting of data—are your databases overloaded? Are you able to keep up with the increasing securing of data? And in the budget request for 2005, has Homeland Security provided extra requests for the ICE functions? And if not, let's see how we can help you to do that, if you don't have the necessary resources.

The other point that I wanted to ask of you is this whole question of our foreign governments. Again, that goes to the misunderstanding of how children can be used internationally. Are we getting the cooperation that we need amongst our foreign governments? And if not, give us advice and instruction how we can begin to press the State Department to not only look at human trafficking, but these enormous crises that we're dealing with the abuse of children.

Mr. Garcia, I'd appreciate it. And I'm going to pose some questions to Mr. Walsh, but I'd appreciate your response.

Mr. GARCIA. Thank you, Congresswoman. And I'll begin where you did, in the definition of sexual abuse of a minor under the immigration law. Our approach—

Ms. JACKSON LEE. And that particular incident was under local criminal law, so you were not involved. But you understand what I'm saying.

Mr. GARCIA. And I may have heard of that case, or I've heard of similar cases, certainly. What I can tell you is that we look at each case on a case-by-case basis. There were some cases that actually came to my attention early on in the Predator initiative, where looking at what the actual charges were or had been and the fact pattern, the status of the individual, say a legal permanent resident, we did look at those cases and make decisions in terms of detention, etcetera, and how we proceeded. And we continue to do that. And actually, we've sent out some guidance on that issue, because I do think it's important. Each case has to be treated separately.

By the same token, where we've seen heinous criminals who have managed to obtain bail and other relief in the immigration proceedings, we've appealed and we've been very aggressive in seeking remedy on that front, as well. So on a case-by-case basis, we look at what was the decision here and what's the proper way to proceed.

Ms. JACKSON LEE. And my question, if I might, is a one-on-one relationship where the people ultimately marry, but they were caught up in that kind of misunderstanding.

Mr. GARCIA. And certainly, again, that would be a factor we would look at. And we would also look at what's the status of the individual, what's the fact pattern involved in the underlying charge or course of conduct that led to whatever the charges were that we've based our action upon. And we'll take a look at that. And we have actually sent out guidance on that front.

Ms. JACKSON LEE. Thank you.

Mr. GARCIA. In terms of our data systems and the overload: Really, a department-wide issue, obviously. For us at ICE, we've taken at least four different legacy systems and tried to merge them into

one law enforcement agency. And as I've discussed with the Chairman, those types of IT and administrative issues are really the most serious challenges we face as an agency.

We have a short-term solution, in terms of a method to access all our systems so that the person sitting at the desk can get into every system we have and make sure the checks are run. And we have a long-term plan for a new law enforcement platform to be serviced across the department enforcement agencies.

We have asked for additional resources in the President's 2005 budget, \$186 million in enhancements, including money for an institutional removal program, fugitive operations, detention bed space, legal backlog elimination, things that will support the Predator and other priority programs.

Ms. JACKSON LEE. And the databases, as well?

Mr. GARCIA. And will support our work towards creating this database. And again, that's a long-term project, Congresswoman, as I know your work in the past—

Ms. JACKSON LEE. Yes.

Mr. GARCIA. You're well aware of the need for long-term planning on that front so we get it right.

In terms of foreign government cooperation: critical to the success of our mission. We recently were given operational control over former Customs and INS assets overseas. We have seen cooperation in foreign governments. The Chairman mentioned the case involving Mexico. We saw tremendous cooperation from the Mexican government. In fact, the initial lead for that case came from the Mexican authorities. We took enforcement action in the New York area; sent back leads we developed. They took enforcement action on the—in their jurisdiction.

We have partnership there. We need to move forward in many cases. And I'm sure you're aware, Congresswoman, it involves training and education, as Mr. Walsh pointed out, on the reach of our law. People don't understand. The pedophiles that go overseas don't understand, foreign governments don't understand, the incredibly powerful tools Mr. Walsh mentioned that you have given us to work with; the fact that we can get at these predators, these pedophiles, who think they can cross our borders, go overseas, pick on 7-year-olds in Thailand with impunity, with immunity. And they can't.

And we've sent that message in our four first cases under the PROTECT Act. We've worked very closely with authorities in Bangkok, Cambodia which has such a tremendous problem in this area. We're looking to sign some formal agreements on that front.

And I have found that the hurdle there is to make sure we get out—we get the message out about what we can do, what we can provide; and then educate and go step by step with those local authorities to help them work with us to remove those predators from their streets; and bring them back here, and that's the case of the PROTECT Act, and make sure they're prosecuted.

Ms. JACKSON LEE. I thank you very much. That is an excellent segue, if I might, to Mr. Walsh. You've certainly given me—let me just say two things. One, I'd like to help you with the database, to specifically look to see if the funding is finite enough to address

your needs there. So Mr. Chairman, I'd like to work with you as we look at the appropriations situation. I'd appreciate it very much.

The other thing I would ask, and if the Chairman would indulge me—I'm looking at the clock. If you would just indulge me for a moment to get a question in to Mr. Walsh.

Mr. HOSTETTLER. Without objection.

Ms. JACKSON LEE. I thank you very much. The other point that I would raise, Mr. Chairman, as I talk to the Committee as well, that I think we need to have a hearing with members of the State Department, the appropriate officials in the State Department. We might secure some of the international organizations, relief organizations, children's organizations, UNICEF. I believe that we've got to elevate this issue on an international level.

And then Mr. Garcia has been very kind by suggesting that he's getting cooperation, probably working with officials. I appreciate it. I'm not sure if it has reached the most appropriate high levels, and whether it's reached the levels of the State Department.

And with that in mind, that's why I'm leading to Mr. Walsh. And I do want to tell him, isn't it wonderful to be able to give, if you will, energy to an organization like the National Center that gets called—civilians call the National Center.

Mr. WALSH. Absolutely.

Ms. JACKSON LEE. I've called the National Center on issues of lost children and exploited children; "Can you help me?" And it's almost like the civil rights movement for children; that people feel their rights have been deprived, they get on the phone and call the agency that they think will do so. So let me just thank you very much for the leadership that generated that kind of entity.

But let me ask you this. How can we—one, what do you think of this idea of trying to establish more of a presence internationally, as we hear all these stories? And two, you gave a sort of frightening anecdotal story—and this is not a condemnation of law enforcement—of how busy they are, how small law enforcement is from the rural hamlets to big cities, how overloaded they are. And now they are now the homeland security first responders.

This whole idea of a national public campaign and how can Congress interface with that to put this—at least to say to them, "Here's what's available." We're up here passing laws, from the PROTECT Act, to Adam's Law, to Megan's Law, to many others that we've been able to do.

And thank you for your commentary on the DNA because in particular, not only for sexual offenders, but we're going to refine it to have it for child predators; so they could go quickly to it and know that these are individuals that prey right on it. And I'm looking out the side of my eye on my Chairman, and I'm going to be parroting him to go to the Chairman for us to have hearings on that along with the Crime Subcommittee.

But Mr. Walsh, tell me what you think about the fact that we need to do the international work; but also, what kind of campaign? Because, you know, we can provide funding to suggest that we have a national campaign. I mean, that can be an earmark, or it can be out of a particular department, if it is so crucial to have it. And your thoughts about that would be appreciated.

Mr. WALSH. Absolutely. And I love it when you said you're going to be the school teacher here. And I was only kidding about the lunches. I know they're doing their jobs. But for you to be the school teacher and make sure that they know what went on at this hearing today is wonderful. I really think so. Because, you know, they're just as over-burdened as everybody else is.

I love the analogy that it's almost a civil rights movement for children. I've seen more movement in this last year by Congress on both sides of the aisle for children, meaningful legislation and money, than I've seen in 20 years. It's really encouraging. But you know, I think Mike Garcia is pretty humble, and I think ICE is, when they come and say, "Well, our database is overloaded. We need \$186 million to get ICE up to snuff and exchange information," like your wonderful bill about the database.

I mean, we all like to see the pictures on the other side of Mars, okay? But I live in Florida, where NASA is headquartered. And when you write those checks for billions of dollars to send those stupid little things up to Mars, it's wonderful; it's great; but you know what? If we can't get \$186 million for these guys to exchange information to hunt down a guy that's got a rap sheet 27 pages long and should be out of the country or should be in jail, I mean, it's for you, it's tip money, or walking-around money.

International cooperation: I don't see it. I mean, Mike and ICE have tried to initiate it. During President Clinton's two terms, I met with him several times saying, "Why don't we have an extradition treaty with Mexico?" We've lent them billions of dollars, and saved them when the peso was devalued, and saved that country's economy. And they wouldn't sign an extradition treaty. I had nine "America's Most Wanted" fugitives and I knew exactly where they were in Mexico. A guy who raped and murdered a 9-year-old girl in front of her mother, an illegal Mexican national, and blinded the mother. And I knew exactly where he was. His father was the chief of police of a small town down in Mexico, and he was being protected by his father. And Mexico has only just started. I mean, here's a country we saved, that we saved their economy, and they won't sign an extradition treaty to send back our fugitives, particularly our child sexual predators.

We're just starting to make some leeway in Thailand. Where you talked about the cultural differences in Africa, you know, where it's a symbol of virility and long life to rob an 11-year-old, 10-year-old girl of her virginity, well, in Thailand, you can buy a little girl. Eric Rosser bought a 9-year-old girl from her immigrant peasant family, because they were broke and starving, and he made a video of himself sodomizing and raping her to sell on the Internet.

Costa Rica, you go down there tomorrow. I've sent crews down there four or five times. You want to have sex with a little boy? You don't have to talk to somebody. They're on the street. Their little prostitutes are out there hustling.

That dentist that I talked about, he went down there on pedophile tours. There are tours from Germany and from the United States, where pedophiles get together and go to Thailand and Costa Rica to have sex with kids, because they know it's not illegal in that country, that nobody's going to do it. It took us forever to get an indictment against this dentist down in Costa Rica.

It was the threat that I would put Costa Rica as a country allowing this on “America’s Most Wanted” every week for a year until they did something about it to get this guy arrested. And they let him bond out with a \$1,000 bond. He destroyed the lives, as you so aptly put—he destroyed the lives of these little people. They thought it was funny. But finally, we nailed him. Finally, when he came back here, the message sent by the Child PROTECT Act was, “So what, if you didn’t do it here? You did it in Costa Rica, and we know about it. And you’re going to pay. You’re going to pay under our laws.”

So I would like to see the State Department saddle up. I would like to see Congress say: Okay, we send relief and aid to many of these countries, and they deserve it. We are a wonderful, wonderful country. We reach out. Our generosity is worldwide. Why not put a little pressure on them? Why not say, “Hey, you’re harboring this. You’re harboring this behavior. You’re allowing this to go on. You’re not cooperating with us. You’re not sending these creeps back. You’re sending a loud message that anybody can run and hide, anybody can do what they want to an American child and then they can hide in this country, or an American can come here and exploit a child.”

So I love your analogy about, hey, we’re reaching out to protect children worldwide. Absolutely. So you know, Mike is being very nice about saying we’ve opened the door with Mexico, and all that type of stuff. You know, my attitude is, if we’re going to give them money, let them pony-up. Let them step up to the bar. Let’s ask them some hard questions. Let’s put some strings to that relief. Let’s put some strings attached to it and say, “Come on, this goes on in your country.”

Get Mexico to sign that extradition treaty. We saved that country. I have fugitives down there now. “Oh, we don’t believe in the death penalty. We can’t send them back. We don’t want to.” Come on. What the hell kind of message is this?

The hobo serial killer, perfect example: Ramirez. He was in and out of Immigration’s hands ten times. While he committed a murder and was put on the FBI’s Top Ten, he was in an immigration jail in Dallas, Texas, for crossing the border illegally; because none of those agencies even exchange information. The FBI is over-burdened. They do a great job. Their Innocent Images program is wonderful. They give us guys on “America’s Most Wanted”—I work closely with them.

But these people know how to beat the system. They know how to beat the system. Ramirez, every time it got close to catching him, he hopped back across that border. He’d been in and out of American jails 17 times, over 20 years. He’d been convicted of crimes against Americans. He knew how to beat the system by murdering someone close to a train. He jumped on that train. He didn’t take a bus; he didn’t take a plane. He hightailed it back to Mexico. Before the sheriff ever investigated the murder, he was across the border. We ignored that. We ignored that. That man killed eight Americans. Eight Americans.

He wasn’t in a system anywhere. There wasn’t any record of his crimes. It was only till the TV show started to focus in on him and put those murders together, did we realize that we had an illegal

alien, Mexican national, jumping back and forth at will, in custody and out of custody, while he was committing the murders. It was disgusting. He killed eight Americans.

Give him [Secretary Garcia] the money. He'll track them down. He'll find out what's going on when they get out of jail. Whoever tracked Resendez Ramirez? Nobody. We let him out of jail to kill eight Americans. What the hell is that? We can get a man on the moon; we can put these little lunar modules on Mars and send back these pictures; but we can't track a guy that's been in and out of 17 prisons, killed eight people? It's disgusting. Stupid. It's unacceptable. Especially if you're one of the surviving members of those families, of those victims' families, who ask the same question: What in the hell was this guy doing in the country? And what in the hell was he doing going back and forth across the border? And why, when Immigration had him, did they let him out of that jail after 4 days, when he was on the FBI's Ten Most Wanted? What kind of exchange of information is that?

He's [Secretary Garcia] trying to—he's trying to do something about that. Give him the ability. Give him the money. You guys give Homeland Security the money. I love to look at those pictures from Mars, but I hate to put guys like Resendez Ramirez on "America's Most Wanted."

And that's just like in the Carli Brucia case. I asked one thing about the murder of that little girl: Why was that guy out on the streets? It's my home State. He'd been arrested 13 times; he was convicted of 13 felonies. His probation officer went in to a judge in Sarasota and said, "This low-life needs to be back in jail. He's failed the drug test. I ordered a drug test. He's tested positive for heroin and cocaine. He's been a 'Peeping Tom.' He beat a woman near to death with a helmet. Put him back in, Your Honor." And the judge had the ability to arbitrarily say, "Our jails are too full. Let him out." Then what did he do 2 months later? He killed Carli Brucia. His butt should have been in jail.

Parole? He was on parole. Parole is a privilege. He revoked that privilege. What kind of message do we send, the State of Florida? Governor Bush and I, the Attorney General, and all kinds of people here in Washington are going to try to change that law in Florida and put those repeat offenders back. They shouldn't be on the streets. But don't tell Carli Brucia's mother that, or tell Carli Brucia's father. They'll be angry at the government for the rest of their lives in the State of Florida, for letting that guy walk around. They'd go in there and pound that judge today, if they could.

They ask good questions. That's what he wants to do: get that database, coordinate it. These guys walk out of jail; they go like this [gestures], "The hell with you, America. I'm going to get on a bus, I'm going to get on a train, and I'm going to go to another State. I'm going to continue preying upon children." Because nobody in the past has met them at the jailhouse door and said, "Your butt is out of here. You're going back. The condition of your parole and probation is for you to leave this country and never come back in. And we're going to make sure that if you ever try to get in again, you come across the borders through Immigration or Customs; it'll come right up when you show your illegal ID. Or if you come across those borders illegally, we're going to put you

in jail for the rest of your life.” It’s a nice message to send to these other countries.

Mr. HOSTETTLER. It sure is. The gentlelady’s time has expired.

Ms. JACKSON LEE. Thank you. Thank you very much for your indulgence. Thank you, Mr. Walsh.

Mr. WALSH. Oh, thank you for having these hearings. God bless you.

Mr. HOSTETTLER. The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Thank the Chairman, and thank the witnesses. It’s been extremely enlightening. I’ve had the pleasure of meeting Mr. Garcia several months ago when we launched ICE Storm in Phoenix. And we’ve already seen the effects of that. A couple of drop houses were recently raided, a few hundred people in a house. Some of them had been there for 3 days, some without food and water. Just a horrible, horrible situation. We have a lot of need, obviously, in Arizona for as many resources as we can muster. And I appreciate the work of Mr. Walsh; been a fan for a long time.

Mr. WALSH. Thank you.

Mr. FLAKE. And you’ve done a lot of good work.

Mr. Garcia, about 2 years ago, ABC Channel 15 ran a series of stories on sex tourists in Mexico. And I think it—I came back here with the tapes of those series and gave them to some colleagues. And it was just—I went into the studio and watched some of those tapes. It was basically Americans, Arizonans, going down to Acapulco and Mazatlan, and just basically going with one purpose in mind: sex tourism. And it was just unbelievable how callous they were, and how they just flouted it. And they had gone down there to investigate it with hidden cameras, and it was just unbelievable. It just shook everybody who watched it to the core.

And I think it provided a lot of fodder for those who are pushing for new laws and for new resources to actually go at this. And I just want to say publicly that they did a good job on this and they really helped spur some action.

But with operation—or you mentioned that with Mexico they now have a task force to deal with sex tourism. Mr. Garcia, can you expand on that? How are they cooperating? And has it been good cooperation? We could use a lot better cooperation in Mexico in a number of areas, like extradition. How have they been on this issue?

Mr. GARCIA. I agree, Congressman, and with Mr. Walsh. Obviously, there’s always a tremendous amount of work that needs to be done. We have seen—and I think Mr. Walsh pointed it out, as well—on the local level with the officers we work with, that work regularly with our agents overseas, tremendous cooperation in this area, in terms of providing us information that leads to these houses in the United States, or providing information on the sex tourists that you mentioned that think they can cross the border and commit these crimes without any repercussions.

There is work that needs to be done. And you can see, Congressman, I—my experience has been that sometimes in one jurisdiction and a locality, you’ll get very good cooperation. You may move 50 miles down the road and, for one reason or another, you’re not see-

ing the willingness to work with us, where people know that this activity is going on.

And we need to make sure we're doing everything we can, particularly now that since January we have operational control of the overseas offices investigating this activity; that we're doing everything we can to change that; to continue where we have the success, but to also start to look at the problems that you have highlighted here today in terms of the need to do more. And we recognize that.

Mr. FLAKE. Thank you. Mr. Walsh, we've seen in Arizona, and I think across the country, the kind of a shift from drug smuggling to human smuggling. The profits are just as great, or greater. The sentences are usually lesser. And that's part of the reason for that. Can you talk about that?

Are we seeing the shift that we need to focus on the human smuggling? Because with it comes the sex issues, and everything else. Can you comment on that? Do we need harsher sentences in that regard, to drive people out of that business, as well?

Mr. WALSH. Well, I absolutely agree. I went down into your State on the Tucson border there, and rode with ICE. That's what I was talking about. I rode with the Border Patrol on their pintos, on their horses, their paints. I rode in their Black Hawks. I worked with them down there. And the problem is human smuggling.

Drugs are coming across, yes. They always will, and Mexico will always be a conduit. And the Mexicans are right: As long as the appetite is here in the United States, they'll be in that business. They'll provide it. But much more lucrative has become the smuggling of humans. With no regard whatsoever, they'll charge someone \$1,500; pack them in a truck. You've all seen the pictures in the newspaper. They'll bail out of that truck, and leave ten or 12 or 15 or 20 people to suffocate to death, or die on the border.

And what they also do is, they'll know the name of that person. And when that person gets into the United States successfully and starts working as an illegal immigrant, maybe as a dishwasher or a migrant worker, they will kidnap a member of their family or a child in Mexico, and hold that child for ransom, and demand five, six, seven, ten, 15, 20 thousand dollars for that illegal alien that's working here at minimum wage. It's unbelievable, the level of extortion and exploitation in human smuggling.

And you're absolutely right: The penalties for a drug smuggler are twice, three, four times what they are for a human smuggler. And they know. They bail out. They run back. They bring them in, and they make the money; get the money whether the person gets across the border or not. They get their money up front. They don't care if they get them alive or dead.

And, yes, these guys are down there. They sit on those horses all night long. It's amazing. People are shooting, smugglers are shooting, guns are going off, trucks are going. It's chaos. I mean, I don't know how they do it. They should be getting about, you know, what an athlete gets, \$5 million a year, for sitting in there in the dark while guns are going off, etcetera.

And then, you see these people. And the smuggler, when they do catch them, he bonds out; he runs back to Mexico. It's like a slap on the wrist. It's a joke. You're damn right. Make it so difficult.

Send that message. When ICE arrests one of these guys on the border, let's keep him here. Let's put him in jail for 20 years. He's going to make that call back to Mexico and say, "Hey, hombre, don't do it any more. It's not worth it. I'm here in a Federal prison for 25 years. Don't do it any more."

Mr. FLAKE. Right.

Mr. WALSH. You're right. You hit it right on the nose. But all they can do is arrest them; can't keep them in jail. It's up to you guys. You pass that Federal law; make it stiff; make it tough for a human smuggler. Look at the misery. A drug smuggler is one thing; but a smuggler of humans, that's a disgusting, despicable person, who couldn't care whether they live or die.

And when they abandon them down on the border and they go back, and these people die, I think we should charge them with homicide. They brought these people, and left them there to freeze to death, or to die of dehydration or whatever. Get that extradition treaty. Bring them back; charge them with homicide and try them. Send a message. Send that message.

Mr. FLAKE. Thank you. Mr. Garcia, most of us have gone to the border. I rode with Secretary Ridge in December along the border. And the notion that we're going to stop all traffic coming over the border, to me, is just pretty far-fetched, unless we have some legal, orderly process for those who are simply coming for economic reasons to work to do so. Myself, Senator McCain, and Congressman Kolbe, as you know, have proffered a bill to do that.

Do you see the need for a comprehensive solution; be it this one or another one? Because even if you did seal the border, even if we could, 40 percent of those who are here illegally first entered the country legally. So we need to deal with the reality that there are people here that are going to stay here, that we're not going to deport, and that we need to deal with and realize—particularly children, who came here as children—that they consider themselves as American as American, and rightly so.

What is your feeling overall? I know this isn't the purpose of this hearing, but I just had a meeting outside with a number of people who have come and it's on my mind.

Mr. GARCIA. Certainly, Congressman. As you mentioned, the President has come out with his statement regarding the guest worker program. Congress—yourself—has proposed certain legislation or mechanisms for doing what you were suggesting.

What I feel should be our contribution at ICE to that process is to watch the proceedings and how Congress and the President structure that mechanism, and to input our enforcement expertise to ensure that the group that it is decided should have this relief—and you mentioned some of those people—that that's getting to the right group; that we don't see the fraud and abuse that we've seen in the past. I think that's very important. And I think we can bring some expertise to the table and some help in that area, to make sure that whatever path is chosen by those involved gets to the right folks.

I have been asked out to the border. We did meet out in Phoenix. Tremendous issues in the Arizona smuggling corridor. ICE went out primarily as a response to the incredible spike in violence in the Phoenix metropolitan area. Since we've been out there, I'm

happy to report that we saw a 30 percent reduction rate in murders in Phoenix in the last part of 2003, which the Phoenix PD, etcetera, are attributing to ICE Storm and our work. ICE Storm was obviously in cooperation with the local enforcement officials. So far that has been a tremendous success.

But as you point out, we're continuing to find drop houses, places where this human cargo, essentially, is being held in really incredibly horrific conditions. I have pointed out the threat to children. We saw a child die in the back of a tractor trailer in Victoria, Texas last year, suffocate. Those smugglers also had a 3-year-old boy that they wanted to ransom out, that ICE did as an undercover; rescued the boy, and arrested the kidnapper/smugglers.

We've seen children abandoned in the desert, and left to die. And it really is an issue of protecting these children that are brought over, exploited on the way over. And it's something, as you've pointed out, we really need to hit hard. And there are some terrific penalties in place where we've had victims who have been killed, like in the Victoria case; but we really need to do more in that area.

Mr. FLAKE. Thank you. And I thank the Chairman.

Mr. HOSTETTLER. Thank the gentleman. The Chair now recognizes the gentleman from Iowa, Mr. King.

Mr. KING. Thank you, Mr. Chairman. I'd point out initially I do represent Denison, Iowa, where in October 2002, the decomposed bodies of 11 suspected illegal aliens were discovered in a railroad car. The deceased had left Mexico in June. They were extremely overheated in the rail car, and dehydration led to their deaths. That's something that impacts our local community. It impacts the attitude and the political position, really, on immigration in my district, and all the way down to the border and back.

And you raised the issue, Mr. Walsh, of the extradition treaty. And I agree with you: Marketing in human beings and trafficking in human beings should be severely punished. But we're not able to extradite people when it exceeds the penalty level of the Mexicans. And I'm one of those people that believes that we ought to take a good look at all of our agreements with a country that would interfere with how we enforce our laws in this country. And so I appreciate that testimony, and both your testimony.

I'd direct my question to Mr. Garcia. And that is, Mr. Garcia, under Operation Predator, ICE must have arrested several aliens who were convicted of their offenses over the past, say, several years. What responses has the agency received from the immigration judges and the Board of Immigration Appeals when it attempts to detain and remove those aliens?

Mr. GARCIA. Thank you, Congressman. Very good question; and the answer is, really, you look case by case. Under certain legislation, there is mandatory detention for aggravated felons. Many of those we arrest, obviously, under Operation Predator fall within that mandatory detention provision.

Unfortunately, we have seen cases where heinous individuals convicted of really atrocious crimes have been bailed at a level. And we've been very aggressive in appealing those decisions, or staying those decisions, and asking for reconsideration in those cases.

Overall, I've said there has been adherence to the mandatory detention requirements, and a recognition of the seriousness of these crimes and the history of these individuals we bring before the IJs in immigration court. But we have had some instances where we've had—it's been necessary for us to take additional action to get a remedy that we believe should have been initially forwarded to us.

Mr. KING. So if I heard that correctly, we have judges who are ignoring the mandatory retention?

Mr. GARCIA. We have seen that. I will be honest. We have seen cases where those we believed were subject to mandatory detention provisions under the statute were bailed.

As I'm sure you're well aware, there was some question over the constitutionality of that particular legislation for some time. That was resolved last year in the *DeMar v. Kim* case that the Supreme Court decided. And it is now clear that that provision is constitutional. And we are being very aggressive in seeing that it's enforced.

Mr. KING. I think it's interesting that a judge can sit on an individual case and disregard a statute by their judgment on the constitutionality of that statute. And I'll be looking for those judges who do ignore the statute. Thank you, Mr. Garcia. And thank you, Mr. Walsh. Thank you, Mr. Chairman.

Mr. WALSH. Thank you. You make a good point, Congressman. Thank you. It's mind-boggling when a judge doesn't adhere to Federal law, and decides to arbitrarily let somebody bond out that he knows in his heart is going to run across that border and we're never going to see him again. But good point, great point.

Mr. HOSTETTLER. I thank the gentleman. And Mr. Walsh, your point is an excellent one that I will not prolong much further. But I will not speak for Mr. Garcia or any of his employees, but I can tell you on numerous occasions the Chair has heard from various law enforcement entities that they are really looking at what a judge will do. And they are asking themselves, "Is this worth my time, knowing what this judge, or knowing what judges in general will do in this particular case?"

Mr. WALSH. Absolutely.

Mr. HOSTETTLER. And so many times we may fault law enforcement with not getting their job done, when in fact they are trying in their best ability to get their job done. Only in that execution of their job, they're just taking into account reality of the judicial system as it is today.

Mr. WALSH. It's—you make such an important comment. I mean, again, in the *Carli Brucia* case, how do you think that probation officer and the detective who arrested that guy that killed *Carli Brucia* felt, when they went in and said, "Your Honor, he's violated parole. He's a dangerous individual. Put him back in jail." Now, probation officers have an average of 75 cases. They don't have time to go in and beg a judge to put somebody in. When you take the time to go in, and you show them the file, and you bring the cop that arrested him, and you bring everybody else, and you say, "Look, this scumbag belongs in jail," and the judge says, "Ah, he just—you know, maybe he'll get some help. He's a druggie," and they go, "No." How do you think they feel? They're going to go back and say, "This judge is killing me. I'm going to do something else."

I'm going to work on a different case. I'm not going to go in there. I'm not going to do it."

You're absolutely right. It's disheartening. You're trying to do your job. You're underpaid; you're overworked; you're stressed out. And you go in there, and a judge—pompous people that they can be, and wonderful that they can be—makes an arbitrary decision and goes out—that goes outside the law. Of course, yes, it's disheartening. I see cops that are saying all the time, "Not going to work that case. I can't stand that judge."

And you know, we've dealt with that in the Child PROTECT Act, about Federal judges going outside the guidelines, you know, the Federal mandates and the Federal guidelines. And you know, I don't know, where does this disrespect come from? You know, you pass a Federal law. I mean, I don't—I adhere to the guidelines that are set in my life by you on the Federal level: Pay your taxes; do this and that. I wouldn't dare go outside those. And I don't know how a judge gets off doing it.

So in a lot of child protection—I mean child exploitation cases in the past, we've seen judges go outside those guidelines. Thank God, the Child PROTECT Act made it mandatory life without possibility of parole for a two-time offender. But most of the cases of exploitation of children, about 90 percent of them, are tried on the State and local level. So it really is a State problem.

But it's really—it's really unnerving and really disappointing, especially for these guys that are out on those streets all night in the ICE, you know, risking their lives. You know, when a judge goes, "Ah, let the guy bond out," that judge knows, so does the cop that arrested him, so does that ICE agent, that that guy is going to walk across that border and say, "The hell with you. I'm going to go down and, you know, I'm going to party down in Cabo San Lucas"; make a mockery of the criminal justice system in America.

I still, I just can't—it's mind-boggling that we've lent Mexico—and they've been a great neighbor—billions of dollars to save their economy, and they won't sign an extradition treaty. I can't make them. If it was up to me, I'd go down there tomorrow and take care of it; but it's up to you. It's up to you guys, men and women here, sitting right up here. It's up to you to go—and the President can't do it, and Colin Powell can't do it. Nobody can do it except you guys. You can do it. You can say, "You want to keep the relationships? You want the free trade zones? You want to be our good neighbor? Well, send those dirtbags back, and let us go down and get your criminals, too, and try them under American law."

It's a joke. I've been in Mexico nine million times. They laugh at us. It's a joke. See guys walking around; they've got 15 warrants on them in the United States, and they're walking around in public. It's degrading and humiliating. It's stupid. Anyway, change it. Don't give them any more money until they sign that extradition treaty.

Lots of countries that we deal with that don't take our money, that we haven't bailed them out, we haven't saved their economy, readily sign the extradition treaties and work with us on all kinds of issues. We don't give them any money.

I mean, I don't know, President Clinton and I had 52 meetings about this. I said, "You know, this is a win-win-win for you. Force

them to sign that treaty when you give them that NAFTA money." He said, "I can't do it. It's got to be mandated by Congress." I don't know. Passed the buck.

But anyway, you bring up a good point. Congressman King, you're right there. And you know, Mr. Flake, he's sitting on the border. He knows these guys hop across. Look at that—I mean, Arizona is in big trouble. I've been to Tucson and Phoenix. Those used to be cities where retirees would go to play golf. They used to be nice places to live. It's cowboy land. It's the "wild west." It's the "wild west," because the guys know they can jump over and do all kinds of things and commit heinous, heinous crimes. These guys can arrest them. They can bond out, and they can go back, and you never see them again. It's really a joke.

But anyway, that's what we're here for today. God bless you. Do something about it.

Mr. HOSTETTLER. Thank you very much, Mr. Walsh. Secretary Garcia, thank you for your presence and your testimony, and especially for the work that you and your folks are doing to solve this problem.

Ms. JACKSON LEE. Mr. Chairman? Excuse me, Mr. Chairman. And isn't the world small? I have a delegation. Mr. Chairman, would you yield just for 1 second?

Mr. HOSTETTLER. The Chair recognizes the gentlelady.

Ms. JACKSON LEE. I'm sorry. I wasn't escaping. I have a delegation from Denmark, and they were listening, and so I had stepped away. I apologize. This is the ministry of homeland security. They were listening to you, Mr. Walsh, Mr. Garcia.

And they were inspired to say—they came specifically to find out how they can secure their homeland, and they were listening; and to also deal with immigration issues. And they were impressed by our international discussion about working on this question of predators.

So I just wanted you—you can—and I wanted the Chairman—you can walk out, sir. This is the minister of homeland security.

But in any event, they were impressed, Mr. Chairman, by your Committee, and impressed by the Members here. And I just wanted to let you know that I had stepped aside just for that.

Mr. WALSH. It's wonderful they're here and you recognize them. I think it's great that they're here. Because I've been to the Middle East; I've been to the Persian Gulf. It's a global community now. The terrorists know that. There aren't any borders any more. I've walked across the Afghanistan border back and forth a zillion times. You know, the terrorists that got into this country, that flew into the towers and into the Pentagon or in that plane that went down in Shanksville, that was so easy for them to get in this country. And they come all over the world. I've been all over the world chasing terrorists and fugitives. They know how to use the Internet. They know how to launder money. They know how to send money.

I'm glad to see them here. And Homeland Security has taken the initiative, yes. And they have the mandate to make it safer here. But I agree with you, the mandate should be to our partners, like in Denmark. Let's stop this territorial stuff, and let's start exchanging information.

One of the good things that Homeland Security and ICE do is they work with Interpol; which gives them a chance to hunt down fugitives worldwide. I've been for years before Committees saying, "Come on, let's use the resources of Interpol."

So it's great that these people are here from Denmark because, I'll tell you what: Terrorists, child predators, people who traffic in human beings and children, they know no borders. They don't respect any borders. They go to the places where they get treated the easiest, like Mexico and Costa Rica and Thailand. They know how to evade people. They know how to evade prosecution. They know how to evade penalties.

It's great. It's great to see these people here from Denmark, because members of Hamas, Hezbollah, al-Qaeda—I can name zillions of terrorists that I've been hunting for—they could be in Denmark tomorrow. They were in Germany, planning the attacks on the Trade Towers, in hotels in Germany. It doesn't matter where you live any more. It's a global community. And they're always one step ahead of us. They always know what the laws are. They know what they're doing. They're always one step ahead of us.

Ms. JACKSON LEE. And I thank you for indulging me. Let me just offer my appreciation to the Chairman; Mr. Garcia; Mr. Walsh, who comes from his sunny Florida. Whenever we call, he comes.

And Mr. Walsh, you have provoked, I think, an action item. I don't want to misspeak on what the Chairman and myself have agreed on, but I think you have prodded us to move on this as it relates internationally, and maybe involve some other Committees. And maybe we would advise that this would happen and you would grace us again with coming to appear on that hearing.

Mr. WALSH. I'd be honored to. I'd be honored to. Your statement of saying that this is a civil rights issue for children, and getting the State Department off their butt: You're right on target, Congresswoman.

Ms. JACKSON LEE. Thank you.

Mr. WALSH. You're right on target.

Ms. JACKSON LEE. I thank you so very much, and our respect for you and your loss.

Mr. Garcia, thank you. You have apparently extended yourself. You've gone the extra mile in wanting to make sure this works.

And I thank you, Mr. Chairman, for indulging me. I think this has been more than productive for our Committee. Thank you.

Mr. HOSTETTLER. Thank the gentlelady. We welcome our guests from Denmark. And all Committee Members are advised that they have seven legislative days to revise and extend their remarks for the record.

Once again, thank you, gentlemen, for your appearance here. Mr. Garcia?

Mr. GARCIA. Thank you, Mr. Chairman. If I might, particularly timely, I think, the appearance of our colleagues in the Danish delegation. We did work a tremendously important child pornography case with the Danish authorities over the past several years, one that was recognized by NCMEC; a tremendous cooperative law enforcement effort on the front of protecting children.

I would also just add my appreciation to you, Mr. Chairman, Congresswoman Jackson Lee, for having this hearing; being able to sit next to John Walsh, the most articulate spokesperson for the protection of children; and to hear words of support, words of real support, from Mr. Walsh, from this Committee.

And that means so much to the men and women of ICE, who are out there every day doing this job, to the morale of those folks making the arrests, putting these predators behind bars, who realize that they are getting the recognition for the important public safety work that they do every day. So I thank you very much for that.

Mr. HOSTETTLER. Hear, hear. Very good. Thank you. The business of this Subcommittee being completed, we are adjourned.

Ms. JACKSON LEE. Thank you very much.

[Whereupon, at 11:49 a.m., the Subcommittee was adjourned.]

