

# PUSHING THE BORDER OUT ON ALIEN SMUG- GLING: NEW TOOLS AND INTELLIGENCE INITIA- TIVES

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## 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

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## **PUSHING THE BORDER OUT ON ALIEN SMUGGLING: NEW TOOLS AND INTELLIGENCE INITIATIVES**

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**TUESDAY, MAY 18, 2004**

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

The Subcommittee met, pursuant to notice, at 2:08 p.m., in Room 2141, Rayburn House Office Building, Hon. John N. Hostettler (Chair of the Subcommittee) presiding.

Mr. HOSTETTLER. The Subcommittee will come to order.

Today, the Subcommittee on Immigration, Border Security, and Claims will examine the operations of the Department of Homeland Security and the State Department in deterring and preventing alien smuggling into the United States.

The discovery last month of 110 immigrants from Ecuador, Guatemala, and El Salvador imprisoned in a Los Angeles bungalow made national news. The large number demonstrates the increasing size of alien-smuggling operations reaching the United States.

According to neighbors, the house had operated for 2 years with chains and bars around each opening. Evidence indicates it had been guarded by pit bulls and smugglers armed with pistols and machetes. The smugglers were holding their captive for up to \$10,000 ransom each from their families.

This is yet another reminder of the increasingly violent and organized operations profiting in this business.

Prior testimony has revealed that these organizations, large and small scale, have regularly used torture, murder, kidnapping, rape, extortion, and other criminal acts to guard and expand their profits.

It is a wonder then that some alien smugglers receive so little time in prison for their crimes. Currently, Federal sentencing guidelines provide a base level sentence of 10 to 16 months, but even that base can be lowered to 4 to 10 months in certain situations.

One case that stands out is that of Viveros-Flores, a foreman for Vasquez fruit harvesting business. Viveros wired smuggling fees paid by Vasquez to Mexico so that Mexican nationals could illegally enter the U.S. and work for him to pay off their smuggling debts. Of the 26 who were smuggled in the group, 14 died from severe de-

hydration in the Arizona desert. Most of the others were found in various areas of the uninhabited area.

Viveros-Flores was convicted, as was his boss, of conspiracy to smuggle aliens into the United States for the purpose of commercial advantage that resulted in the death of one or more persons. He was only sentenced to 18 months' incarceration. For any heinous crime involving the deaths of others, it raises the question of whether sentencing guidelines should be reviewed.

Although stringent sentencing guidelines may help deter alien smuggling, attention should be given to stopping alien smugglers before they enter the U.S. How many officers has the U.S. Government devoted full-time to uncovering alien-smuggling networks shipping aliens from South America, Eastern Europe, or Southeast Asia?

Is there a way to disrupt the alien-smuggling rings in source and transit countries? Have we been able to cooperate with foreign law enforcement in stopping their transit, blocking their profits, and providing the U.S. with information to stop the smugglers at the border? What more can we do to obtain information about the networks?

The hearing, this hearing, will examine these questions and will also examine new initiatives and proposals that might help "push the border out" in combating alien smuggling on all levels, such as: strengthening the sentencing guidelines for alien smugglers; devoting more resources and officers to uncover and disrupt alien-smuggling networks at source and transit countries; working with foreign law enforcement to do the same; creating a rewards program for informants to provide valuable information to law enforcement about alien-smuggling operations; creating another "S" visa category for alien-smuggling informants; and providing more outreach to the public, informing them of the penalties for assisting in the smuggling of aliens.

Our guests here today include top law enforcement officials from the Department of Homeland Security and the State Department who will discuss their anti-smuggling operations and the tools needed to push out the border on combating alien smuggling.

At this time the Chair recognizes the Ranking Member from Texas, Ms. Jackson Lee, for an opening statement.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and thank you for this hearing.

Last week, I had the opportunity and the duty to join with members of my community in mourning the loss of some 19 lives, individuals, family members, in the Victoria tragedy. Living in Houston, Texas, many of us have had to confront these issues not only from the larger question that our witnesses will discuss, but we've had to embrace it and look at it from the human loss and pain.

At the Mass in which we commemorated and honored those lives that were lost, to a one coming to this country for economic enhancement and opportunity, to a one victimized by a tragic set of circumstances, most uninformed about the ultimate end, if you will, the abuse that they were going to undertake, maybe even the illegalities of what they were doing.

In the course of that memorial, I was embraced by one survivor who explained that the only thing they desired to do was to come

to this country for an opportunity. And I embraced one wife who lost her husband, who simply wanted to be reunited with his family.

All of them, Mr. Chairman, even with the backdrop of the method in which they attempted to enter this country, were individuals who were seeking only an opportunity, and all of them—all of them—were large and ongoing victims that are continuously victimized not only at the Southern border but at our airports and our ports of entry, our Northern border, all over this Nation.

Combined with the desire of individuals to come for freedom and to come for economic opportunity is, of course, the responsibility of this Nation to protect the homeland. To the witnesses that are here this morning, you are very much a part of that process. And our efforts here in Congress is, I believe, best suited or best used if we do no harm, if we try to enhance the procedures and provide for the betterment of the utilization of the laws that we have or that we improve the laws that we have.

Mr. Chairman, I could not begin this hearing without at least establishing the fact that people have died, many of them innocently attempting to come to this country on the basis only of seeking a better life and opportunity for them and their families.

Last year, 340 people died trying to cross the border. As of May 1, 2004, 82 more people have died, and that number will soar during the “death season,” which is from May to September, when the number of crossings is the highest. Many have described the horror of the Arizona desert, beautiful in its naturalness but deadly for those who seek to cross. This must stop. The most effective way to stop large-scale illegal immigration would be to establish a sensible immigration program. It certainly is not to ignore it. And I believe this Committee is committed to not ignoring it.

Several bills have been introduced recently that would make the necessary changes in our immigration laws, such as the Comprehensive Immigration Fairness Reform Act of 2004, H.R. 3918, that would provide access to legalization and a pathway to citizenship and a response—and a responsible response to the illegal aliens already in this country. But we cannot wait for major immigration reform to address certain problems.

Our Border Patrol agents, both in the North and the South and other ports of entry, are constantly having to address this question. We must enable them to effectively handle their responsibilities.

I for one have been a strong supporter of increasing the resources for our Border Patrol agency, in addition to providing enhanced professional development, elevating the GS levels to provide commensurate payment with other law enforcement agencies, to establish strong recruiting outreach, to provide more resources for our Border Patrol to recruit good, strong, and committed officers. The Border Patrol is the Nation’s—is at the Nation’s front line of defense in homeland security. We need them strong and able.

And I’ve had the opportunity to visit and walk along the Southern border, and I see the challenges that they are facing. We need not only to provide them with the skills training but also with the laws that could help enhance their work.

We must act now to reduce the deaths, and I have introduced a bill that would help in achieving that objective, the Commercial

Alien Smuggling Elimination Act of 2003, CASE Act, H.R. 2630. It would do this by establishing a three-point program which has been designed to facilitate the investigation and prosecution, or disruption, of reckless commercial smuggling operations.

The first point in this program would be to provide incentives to encourage informants to step forward and assist the Federal authorities to investigate alien-smuggling operations, Mr. Chairman, even in front of the actual action. Let's stop the kind of tragedy that occurred in Victoria where, as the defendant now alleges, he didn't know what he was carrying, he didn't know what he was supposed to be doing, as he left these human beings, this human cargo, to suffocate in the desert and in an area where they could not be found.

The Immigration and Nationality Act, the INA, presently provides a non-immigration classification for aliens who assist the United States Government with the investigations and prosecution of a criminal organization or terrorist organization. My bill would establish a new third category for aliens who assist the United States Government with the investigation, disruption, or prosecution of alien-smuggling operations. Let's stop them in their tracks.

"S" visas are not controversial. Senator Edward Kennedy introduced legislation to establish permanent authority for the "S" visa program on September 13, 2001, 2 days after the 9/11 terrorist attacks. The Senate passed S. 1424 by unanimous consent that same day, Republicans and Democrats. The House passed S. 1424 by unanimous consent on September 15, 2001. On October 1, 2001, President Bush signed the bill into law.

The "S" visa is a useful tool when it is needed, but it is not needed frequently. In FY 2004, only 42 "S" visas were issued to informants and 37 to their family members. In 2003, only 30 "S" visas were issued to informants and 28 to their family members. In FY 2004, through May 13th, only 30 "S" visas have been issued to informants and 22 to their family members. This is not an immigration visa. This is not an immigration program. It is an accommodation to make it possible for the Government to get its information from informants and stop them in their tracks and to save lives.

The new "S" visa classification in my bill would be offered to potential informants by the State Department and the Justice Department, in addition to the Homeland Security Department. Alien smuggling operates across international lines. No single Federal agency can deal with it.

The bill also would establish a rewards program to assist in the elimination or disruption of commercial alien-smuggling operations in which aliens are transporting—transported in groups of 10 or more and where either the aliens are transported in a manner that endangers their lives or the smuggled aliens present a life-threatening health risk to people in the United States.

This is not a controversial provision either. The rewards program in my bill is virtually the same as the one the State Department presently uses to obtain informants in cases involving terrorists. The State Department rewards program has been very successful. Perhaps the most famous example is the case last year in which a \$30 million reward was given to individuals who had provided critical information which led to the location of Uday and Qusay



Hussein. I believe there was a great deal of celebration when those two were brought to justice.

I'm concerned about the safety of people who become informants, so my bill also would establish a protection program that would be available to investigators and prosecutors using informants in connection with investigating, disrupting, or prosecuting alien-smuggling operations.

The second point in the program would be a penalty enhancement provision. In the case of a person who has been convicted of smuggling aliens into the United States, the sentencing judge would be able to increase the sentence by up to 10 years. This only would apply to cases in which the offense was part of ongoing commercial smuggling operations, the operations involving the transportation of aliens in groups of 10 or more, and either the aliens were transported in a manner that endangered their lives or the smuggled aliens presented a life-threatening health risk to people in the United States.

The third point would be an outreach program. This defendant is now facing in the Victoria case any number of counts that result in the death penalty. He alleges and others allege their lack of information. Those who come across in many instances allege a lack of information. The third point, it would require the Secretary of Homeland Security to develop and implement a program to educate the public here and abroad about the penalties of smuggling aliens. The program also would distribute information about the financial rewards and the immigration benefits that would be available for assisting in the investigation, disruption, or prosecution of commercial alien-smuggling operations.

Truckers, beware. This is not an innocent business. Lives are at stake, even yours. I believe the outreach program is long overdue. And I believe this can be a bipartisan bill and that the three-point program it would establish would reduce the number of deaths from reckless alien-smuggling operations, and certainly it would cause and provide for an enhanced homeland security, of which all of us are committed to. Terrorists are also able to come to the border. We've got to find a way to get in front of them and to present solutions that can prevent this deadly and terrible challenge on our society.

With that, I yield back.

Mr. HOSTETTLER. I thank the gentlelady.

The Chair now recognizes the gentlelady from California, Ms. Sánchez, for an opening statement.

Ms. SÁNCHEZ. I want to thank the Chairman and Ranking Member for convening the Subcommittee hearing today about the issue of alien smuggling, and I will try to be brief in my remarks.

The abuse, mistreatment, and danger of alien smuggling recently hit home very near to my district in California. Just a few weeks ago, I was shocked and saddened when I learned about treatment that immigrants in an alien-smuggling ring that were located two blocks from my district suffered. Agents from the Bureau of Immigration and Customs Enforcement raided a small house in Watts where a bungalow was being used as a drop house by alien smugglers, and when Federal agents went inside, they found over 100 immigrants, mainly from Ecuador, Guatemala, and El Salvador.

These men, women, and, yes, even children, were mercilessly crammed into a—into a single 1,100-square-foot house, and they were living in the most inhuman of conditions.

The house was in a state of squalor. There were no lights. And the aliens were literally stacked one on top of each other. The doors of the house were chained so that the immigrants had no way to get out, and inside, Federal agents found pistols, pellet guns, and machetes that were used to threaten, intimidate, and coerce these immigrants into doing whatever the smugglers told them to.

To make matters worse, the only way the alien smugglers would release the immigrants from these deplorable and abusive conditions was for their families to pay ransoms that ranged from \$1,500 to \$9,000 apiece.

Now that this smuggling house has been raided, the immigrants are the ones who are left in nearly helpless circumstances. Their smugglers have abandoned them, they are in an unfamiliar country, and they likely have no means of contacting their families.

Sadly, stories like what happened in Watts are not uncommon in the Los Angeles area, which has been a hub of illegal alien smuggling for years. But as the Watts house illustrates, alien smuggling has now become a lucrative business for violent criminal organizations that will do anything to make a profit, including endangering the lives of the immigrants that they are sneaking into the United States.

More immigrants will suffer abuse or die if we do not get tough on alien-smuggling rings and improve law enforcement agencies' ability to investigate and apprehend the leaders of these smuggling rings.

H.R. 2630, the Commercial Alien Smuggling Elimination Act, or CASE Act, which my colleague Representative Jackson Lee introduced and I cosponsored, will do just that. This very important bill will increase the prison sentences of alien smugglers by up to 10 years. It will also drastically help law enforcement investigators of alien-smuggling rings by offering rewards up to \$100,000 and allowing alien informants, their spouses, children, and parents to adjust to LPR status if they supply reliable information about smuggling rings.

Passing the CASE Act is an important step toward shutting down alien-smuggling rings, but given the number of immigrants who die each year in smuggling rings—in smuggling rings, Congress and Federal agencies must do more. I think that stopping smuggling rings abroad before they pack immigrants into trucks or cargo containers or attempt to smuggle them into the United States in other dangerous ways will reduce the number of smuggling-related deaths each year.

I'm interested in hearing the testimony from our witnesses about how our agencies can attack alien-smuggling rings at the source before more lives are lost and more immigrants are exploited.

Again, I want to thank the Ranking Member Jackson Lee for being a leader on this issue by introducing the CASE Act, and I thank the Chairman for convening this hearing, and I yield back.

Mr. HOSTETTLER. I thank the gentlelady.

The Chair will now introduce members of our panel.

Mr. Joseph Morton was appointed Deputy—Principal Deputy Assistant Secretary of State and Director of the Diplomatic Security Service on March 26, 2003. He first joined the Department of State Office of Security in January 1978. His tours of duty include the Dignitary Protection Division, Regional Security Officer at U.S. consulates and embassies in Munich, Sri Lanka, and Ivory Coast; Office Director for Intelligence and Threat Analysis, and Assistant Director for International Operations. Mr. Morton graduated from Clemson University in 1976 with a bachelor of arts degree in political science.

Mr. Robert L. Harris is the Deputy Chief, U.S. Border Patrol. Prior to being selected for his current position, Mr. Harris served as the Chief of INS' Intelligence Operations. He is a career Border Patrol agent who began his service in 1984 in the San Diego Patrol sector. He is also a member of the Border Patrol Tactical Unit, or BORTAC, and has directly participated in the coordination of foreign and domestic enforcement operations, to include service in Bolivia, Guatemala, and Estonia. Mr. Harris holds a bachelor's degree in management and a master's degree in national security strategy from the National War College.

In March 2004, Mr. John P. Torres assumed his current position as Deputy Assistant Director for Smuggling and Public Safety in the Office of Investigations for U.S. Immigration and Customs Enforcement, or ICE. His current responsibilities include the programmatic oversight of ICE anti-human-smuggling operations. Previously, he oversaw the ICE Newark Field Office consisting of 250 special agents and staff throughout the State of New Jersey. Mr. Torres has also supervised the Chicago Enforcement Branch of the Immigration and Naturalization Service. Mr. Torres joined the service as a co-op student in 1986 in Dallas. In Los Angeles, Agent Torres served as a co-case agent of the largest counterfeit green card investigation at the time, resulting in the arrest of dozens of defendants and the seizure of \$8 million worth of counterfeit green cards. Agent Torres served as one of the first senior special agents of the new National Security Unit in Washington, D.C., during his tenure at INS headquarters. Agent Torres was the first INS agent assigned to FBI Headquarters International Terrorism Operations Section in the Osama bin Laden Unit from 1997 to 2000. He was one of several special case supervisors designated by the FBI for the East Africa Embassy bombings and the Millennium threat to bomb LAX Airport. Mr. Torres has a bachelor of science degree in business administration from California State, Dominguez Hills.

Michael Cutler is currently a fellow at the Center for Immigration Studies. He began his 30-year career with the Immigration and Naturalization Service as an inspector at John F. Kennedy Airport in New York in 1971. He thereafter served as an examiner in the Adjudications Branch at the New York District Office. In 1975, Mr. Cutler became an INS special agent in the Service's New York office. He retired from the INS in 2002. Mr. Cutler graduated from Brooklyn College of the City University of New York with a B.A. in communication arts and sciences.

Gentlemen, I want to thank you all for being here, and without objection, your opening statement in its entirety will be put into the record. And you have 5 minutes to summarize your remarks,

and we'd appreciate it if you could stay as close to that 5 minutes as possible.

Mr. Morton?

**STATEMENT OF JOE D. MORTON, PRINCIPAL DEPUTY ASSISTANT SECRETARY, AND DIRECTOR, DIPLOMATIC SECURITY SERVICE, U.S. DEPARTMENT OF STATE**

Mr. MORTON. Good afternoon, Mr. Chairman and distinguished Members of the Subcommittee. Before I begin, I would like to extend my sincere gratitude to you and the Members of your Subcommittee for this opportunity to share the mission of the State Department's Bureau of Diplomatic Security. Secretary Powell has long recognized the serious threat that unchecked travel document fraud and alien-smuggling operations pose to our national security. Through my testimony, I hope to convey to the Subcommittee today that the U.S. Department of State Bureau of Diplomatic Security is a formidable asset to our colleagues at the Department of Homeland Security and to other agencies in thwarting alien smuggling before it reaches our borders.

Travel document fraud and alien smuggling are inextricably linked crimes. The U.S. passport and visa are the most sought after travel documents in the world, and unqualified applicants continue to aggressively pursue ways to illegally obtain them in their quest for illegal entry into the United States. As the law enforcement arm of the Department of State, DS has statutory responsibility for ensuring the integrity of the U.S. passport and visa process. We are the most widely represented U.S. security and law enforcement agency worldwide—with over 1,400 special agents serving in the United States and overseas at U.S. diplomatic missions. We continuously foster cooperation with international police and collaborate with American law enforcement agencies to combat those who endanger our national security.

In order to expand the frontier of document fraud investigations and target the roots of alien-smuggling operations, DS recently established 25 investigative positions at typically high-fraud overseas posts such as Nigeria, Mexico, Thailand, the Philippines, and others. Over the past 6 months, approximately 200 individuals have been arrested on fraud-related charges due to cooperative efforts between DS agents and host nation law enforcement officers.

On the domestic front, DS is making great strides on several initiatives designed to enhance the power behind our enforcement capabilities. DS successfully petitioned the U.S. Sentencing Commission to increase the minimum sentences for passport and visa fraud so that, upon their enactment in November 2004, our investigations become more attractive for prosecution and serve as a deterrent to future criminals. DS also applied for admission into the Department of Justice Asset Forfeiture Fund to seize the assets of those who profit from passport and visa fraud. A decision on our application into the fund is imminent. Finally, earlier this year, DS established investigative units at 11 U.S. domestic airports to better identify individuals traveling on counterfeit passports or visas, gather intelligence, and develop effective relationships with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, and airport authorities.

We are also analyzing existing programs to determine if similar methods will prove equally effective in combating document fraud and alien smuggling. DS and the Department of State's Bureau of Consular Affairs jointly established the Vulnerability Assessment Unit—an analytical unit used to identify vulnerabilities to the visa issuance process and specific instances of consular malfeasance and internal corruption. DS and CA are looking to expand this concept to assess criminal intelligence from our overseas posts and domestic passport agencies to better those who seek to corrupt the system.

DS fully subscribes to the belief that interagency cooperation leads to investigative success. For this reason, we continuously seek to cultivate relationships with our law enforcement colleagues so that we can best utilize our expertise and unique resources to safeguard our Nation's borders.

Mr. Chairman, I thank you for this opportunity to appear before the Subcommittee, and I will be happy to answer any questions you and the other Members may have today.

Thank you again.

[The prepared statement of Mr. Morton follows:]

#### PREPARED STATEMENT OF JOE D. MORTON

Good morning Mr. Chairman and distinguished members of the subcommittee. Before I begin, Mr. Chairman, I would like to extend my sincere gratitude to you and the members of your subcommittee for this opportunity to share with you today the mission of the State Department's Bureau of Diplomatic Security and our significant role in combating alien smuggling. Your interest in our work is greatly appreciated.

Our Secretary, Colin L. Powell, has long recognized the serious threat that unchecked travel document fraud and alien smuggling operations pose to our national security. Through the Secretary's guidance and approval, we have recently expanded our investigative and enforcement capabilities in this and related criminal areas. Through my testimony, I hope to convey to the subcommittee that Diplomatic Security is a formidable asset to our colleagues at the Department of Homeland Security and other agencies in thwarting alien smuggling *before* it reaches our borders.

#### DIPLOMATIC SECURITY—INVESTIGATIVE MISSION

More than ever, alien smuggling, terrorism and other transnational crimes represent a severe threat to American interests. In response, Diplomatic Security (DS) works as a global force in this continuous fight for our nation's security. As the law enforcement arm of the State Department, DS has statutory responsibility for protecting the integrity of the U.S. passport and visa—the “gold standard” of international travel documents. DS is the most widely represented U.S. security and law enforcement agency worldwide—with over 1,400 special agents serving in the United States and overseas at U.S. diplomatic missions. As our agents assigned to embassies and consulates overseas are the primary U.S. law enforcement officers in most nations, DS fosters cooperation with international police and collaborates with American law enforcement agencies to combat those who endanger our national security.

Travel document fraud and alien smuggling are inextricably linked crimes. As the U.S. passport and visa are the most sought after travel documents in the world, unqualified applicants continue to aggressively pursue ways to illegally obtain them in their quest for permanent residency or illegal entry into the United States.

In 2003, DS witnessed a spike in investigative productivity concerning visa and passport fraud. A total of 762 individuals were arrested on DS charges—642 for passport fraud, 90 for visa fraud, and 30 miscellaneous charges. This represented a record year for DS. Through the first three months of 2004, DS has arrested 220 individuals—183 for passport fraud, 12 for visa fraud, and 25 miscellaneous, putting us on pace to surpass last year's record totals.

## OVERSEAS FRAUD PREVENTION

In order to proactively detect fraud and prevent ineligible persons from reaching U.S. borders, DS established 25 investigative positions at typically high-fraud overseas posts such as Nigeria, Mexico, Thailand, the Philippines and others. DS has already experienced notable successes with this initiative. Over the past six months, approximately 200 individuals have been arrested on fraud or fraud-related charges due to cooperative efforts between DS agents and host nation law enforcement. In one of these cases, DS worked seamlessly with the Israeli National Police to disrupt a fraud ring that had facilitated U.S. visa applications of previously-deported Israeli citizens by securing fraudulent Israeli passports. In another instance, the superior relationship between the anti-fraud agent in Jamaica and Jamaican law enforcement led to the arrest of 12 individuals and the break up of a lucrative fraud ring that operated within the Jamaican Passport Office.

Additionally, our anti-fraud agents have opened over 2000 investigations and conducted 70 training sessions with Embassy consular staff, local immigration and police officials on proactive fraud detection methods. By implementing this overseas anti-fraud program, DS is expanding the frontier of document fraud investigations and directly targeting the roots of alien smuggling operations.

## DS INITIATIVES

On the domestic front, DS is making great strides on several initiatives designed to enhance the power behind our enforcement capabilities. DS petitioned the U.S. Sentencing Commission to increase the sentencing guidelines for passport and visa fraud. Scheduled for enactment in November 2004, the increased minimum sentences for passport and visa fraud will strengthen our borders by making our investigations more attractive for prosecution and by serving as a deterrent to criminals who might wish to harm the American public.

DS also applied for admission into the Department of Justice Asset Forfeiture Fund. Our investigations indicate that travel documents are a high-value commodity—commanding as much as \$25,000 for one U.S. visa. With forfeiture capabilities, DS will be able to seize the assets of those who profit from passport and visa fraud and further cripple these unlawful operations. A decision on our application into the fund is imminent.

Earlier this January, DS established investigative units at 11 international airports to better identify individuals traveling on counterfeit travel documents, gather intelligence, and develop effective relationships with Department of Homeland Security, Bureau of Immigration and Customs Enforcement (ICE) and airport authorities. Over the first three months of the program, 15 individuals were arrested and another 16 were denied entry into the United States.

## EXAMINING NEW INITIATIVES

We are also analyzing several of our successful existing programs to determine if similar methods would prove equally effective in combating document fraud and alien smuggling.

The most striking example of our cooperation with other entities is our partnership with the State Department's Bureau of Consular Affairs (CA). An outgrowth of our shared mission to protect the integrity of the passport and visa issuance process, DS and CA joined together to promote a proactive, zero-tolerance policy on passport and visa malfeasance. One joint initiative was the establishment of the Vulnerability Assessment Unit, which analyzes consular data, systems and procedures to identify vulnerabilities to the visa issuance process and specific instances of consular malfeasance and internal corruption. Based upon the successes of this proactive analytical unit, DS and CA are looking to expand this concept to encompass external fraud and alien smuggling. When this external fraud unit is formally instituted, DS and CA will be better able to assess criminal intelligence and fraud information from our overseas posts and domestic passport agencies to better target visa and passport brokers who seek to corrupt the system.

## COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY

No discussion on DS' alien smuggling initiatives would be complete without highlighting our developing relationship with our colleagues in the Department of Homeland Security. Our two agencies are bound by mutual interests—specifically with regard to passport and visa fraud aspects of alien smuggling investigations. In addition to our airport investigative initiative, DS is working with DHS Bureau of Immigration and Customs Enforcement (ICE) to establish a liaison position and facilitate communication between our agencies. DS expects this position to be staffed within

the next two months. Additionally, to increase the effectiveness of our overseas anti-fraud investigations, we look forward to working collaboratively with DHS overseas attaches and immigration inspectors and to benefit from their relationships with host government officials.

As an example of existing cooperation between DS and DHS, we recently began providing support to ICE on their investigations of cases involving the Protect Act of 2003—legislation that allows U.S. law enforcement to prosecute U.S. citizens who commit illicit sexual acts against minors abroad. Due to the presence of DS agents in countries struggling to combat the child sex trade, DS assists investigators by collecting evidence, interviewing alleged victims and attending court proceedings. To date, DS agents have assisted in 13 cases, resulting in seven arrests in Southeast Asia and Central American and two prosecutions in the United States.

#### CONCLUSION

DS travel document fraud investigations go hand-in-glove with combating alien smuggling. We fully ascribe to the belief that inter-agency cooperation breeds investigative success. For this reason, Diplomatic Security continuously seeks to cultivate relationships with our law enforcement colleagues so that we can best utilize our expertise and unique resources to safeguard our nation's borders.

Mr. Chairman, I thank you for this opportunity to appear before this subcommittee and I will be happy to answer any questions you and the other members may have.

Mr. HOSTETTLER. Thank you, Mr. Morton.  
Mr. Harris?

#### **STATEMENT OF ROBERT L. HARRIS, DEPUTY CHIEF, BORDER PATROL, BUREAU OF CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. HARRIS. Chairman Hostettler, Ranking Member Jackson Lee, and distinguished Subcommittee Members, it is my honor to have the opportunity to appear before you today to discuss our efforts to prevent and deter the illegal entry and smuggling of undocumented aliens into the United States. My name is Robert L. Harris, and I'm the Deputy Chief of the United States Border Patrol. I would like to begin by giving you a brief overview of our agency and mission.

As you know, on March 1, 2003, Border Patrol agents and inspectors from Legacy INS, Agriculture, and Customs merged to form a new agency: U.S. Customs and Border Protection. CBP is located within the Border and Transportation Security Directorate of the Department of Homeland Security. Now, for the first time in our Nation's history, agencies of the United States Government with significant border responsibilities have been brought together under one roof. With our combined skills and resources, we are more effective than we were as separate agencies.

Customs and Border Protection is the single agency responsible for providing security along our Nation's borders both at and between official ports of entry. The priority mission of CBP is to detect and prevent terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States. However, our traditional mission of detection, interdiction, and poverty of smuggling and illegal entry of immigrants, drugs, currency, and other contraband is also critical to U.S. national security. The current CBP staff of over 40,000 employees takes this mission very seriously.

Illegal migration and alien smuggling are serious problems, and the impact is far-reaching. We recognize that an uncontrolled border presents great concern, spreading border violence, and degrad-

ing the quality of life in border communities. More importantly, this type of criminal activity violates the very principles of our great Nation.

The Border Patrol, as part of CBP, operates under a comprehensive national strategy designed to gain and maintain control of our Nation's borders. Our operations have had a significant effect on illegal migration along the Southwest border. Our strategy relies on the proper balance of personnel, equipment, technology, and border infrastructure. Cities like San Diego, El Paso, and McAllen have experienced decreased crime rates and an overall improvement in the quality of life for border communities. These successes are due in part to the work of our agents and the effectiveness of our strategy. Through it all, we have maintained and encouraged positive relationships with local communities and law enforcement agencies operating within the immediate border area—Federal, State, local, and tribal.

In order to effectively attack the smuggling threat, CBP also recognizes the need and importance of working jointly with our counterparts. By working together, sharing intelligence and resources, and with your continued support, we will continue to make a difference.

In recent years, unscrupulous alien smugglers have moved migrants into more remote areas and hazardous terrain and extreme conditions. As smuggling tactics and patterns have shifted, our strategy has been flexible enough to meet these challenges. For example, we have implemented a Border Safety Initiative along the entire Southwest border. Striving to create a safer border environment, we proactively inform migrants of the hazards before crossing the border illegally and have established Border Search, Trauma, and Rescue, or BORSTAR, teams to provide quick response to those in life-threatening situations. In the past 3 years, our BORSTAR agents have rescued over 4,000 people in distress. We have developed public service announcements for television, radio, and newspaper agencies, both in the United States and in Mexico, warning against the dangers of smuggling and illegal entry.

Our agency is tasked with a very complex, sensitive, and difficult job, which historically has presented immense challenges. The challenge is huge, but it is a challenge that the agents and officers of CBP willingly accept. Our men and women are proud to serve the American people.

Before closing, I would like to thank you, Mr. Chairman, for your recent recognition of the death of Agent James Epling. Your thoughts were conveyed in person to his family and were very much appreciated. Agent Epling's sacrifice serves as an unfortunate reminder that alien smuggling poses a serious threat not only to aliens but also to our agents.

I would like to thank the Subcommittee for the opportunity to present this testimony today, and I would be pleased to respond to any questions that you may have.

[The prepared statement of Mr. Harris follows:]

PREPARED STATEMENT OF ROBERT L. HARRIS

CHAIRMAN HOSTETTLER, RANKING MEMBER JACKSON LEE, AND DISTINGUISHED SUBCOMMITTEE MEMBERS, it is my honor to have the opportunity to appear before you today to discuss efforts to prevent and deter the illegal



entry and smuggling of undocumented aliens into the United States through the operations and law enforcement initiatives of the United States Border Patrol, now a component of U.S. Customs and Border Protection (CBP). My name is Robert L. Harris, and I am the Deputy Chief of the CBP, Office of the United States Border Patrol (OBP). I would like to begin by giving you a brief overview of our agency and mission.

It has been just over a year now that Immigration Inspectors and the U.S. Border Patrol from the Immigration and Naturalization Service (INS), Agricultural Inspectors from the Animal and Plant Health Inspection Service (APHIS), and Customs Inspectors from the U.S. Customs Service merged to form the U.S. Customs and Border Protection (CBP) within the Border and Transportation Security (BTS) Directorate of the Department of Homeland Security. With a unified presence, focus and determination, we have combined our skills and resources to be far more effective than we were when we were separate agencies.

The Border Patrol is continuing to provide Homeland Security along our Nation's borders between ports of entry, patrolling and securing 4,000 miles of international land border with Canada and 2,000 miles of international land border with Mexico. We also patrol roughly 2,000 miles of coastal waters surrounding the Florida Peninsula and Puerto Rico. We work hand in hand with CBP Officers that inspect people and cargo entering the country through ports of entry. While the priority mission of CBP is to detect and prevent terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States, we also interdict illegal immigrants, drugs, currency and other contraband.

Alien smuggling into our country is a serious problem to those who live and work in the border community, but its impact and the associated criminal activity that accompanies it is far-reaching. An uncontrolled border presents great concern, spreading border violence, and degrading the quality of life in border communities and other affected locations.

In the shadow of a comprehensive national strategy designed to gain and maintain control of our Nation's borders, major initiatives such as *Operation Hold the Line*, *Operation Gatekeeper*, and *Operation Rio Grande* have had great border enforcement impact along the Southwest Border. Today, newer initiatives, such as the Arizona Border Control Initiative (ABC) will continue to have a significant effect on illegal migration. These initiatives have sought to bring the proper balance of personnel, equipment, technology and infrastructure into areas experiencing the greatest level of illegal activity on the southwest border.

As you are well aware, the restructuring that occurred last year to create the Department of Homeland Security resulted in combining all investigators under one roof, into U.S. Immigration and Customs Enforcement (ICE), and all border enforcement under CBP. To proactively facilitate this transition, CBP teamed up with ICE and established guidelines to minimize any conflicts between Agencies.

CBP recognizes the need to work jointly with ICE and other investigative units in an effort to maximize results. Our intent is to work together, share intelligence and develop cases that will then be investigated and prosecuted to the fullest by the proper Agency.

Recent discussions and negotiations with ICE personnel resulted in a five point agreement, ensuring that there will be continued coverage and investigation of alien smuggling along the border, as well as promoting the "One Face at the Border" concept. It will further ensure that investigations of all categories of smuggling cases will continue either by Border Patrol or ICE. In cases where appropriate, both will carry on together for successful prosecution and dismantling of major organizations, as has been done in the past.

Along the northern border we continue to expand the successful Integrated Border Enforcement Teams (IBET), sharing intelligence, and coordinating and conducting joint operations with federal, state, and local law enforcement agencies.

Along the southern border, and most recently in the McAllen Sector, we have brought together several components within CBP and ICE in an effort to address a trend utilized by smuggling organizations at our local Ports of Entry. As a result of collective efforts, the Fraud, Intelligence, Smuggling and Terrorist Team (FIST) was formed, with CPB Officers and Border Patrol Agents, and Special Agents from ICE. FIST addresses Category III cases, such as fraudulent and imposter documents which are used to attempt illegal entry through our Ports of Entry and at Border Patrol Checkpoints. This collaborative effort has resulted in several arrests, and reinforces the dedication and combined efforts of these components, maximizing our efforts through proper communication, shared intelligence and joint operations, providing the American people with the best possible protection.

Our Intelligence Program has been designed to intertwine all intelligence assets within CBP and other Law Enforcement Agencies and to provide predictive interdic-

tion intelligence to our Sector field managers to more effectively utilize their assets and maximize their efforts. We have expanded and restructured the Border Patrol Field Intelligence Center (BORFIC) in El Paso, Texas, both in additional building space, and in manpower to more effectively provide real interdiction intelligence to the field.

BORFIC is responsible for providing daily reports to Border Patrol Headquarters and field managers throughout the U.S. They provide daily wrap-ups of all intelligence reports, request for information in support of CBP and OBP, all Sectors and other Agencies. BORFIC coordinates intelligence information from a variety of sources. By placing Senior Intelligence Agents directly with these agencies, BORFIC is able to gather information and disseminate it more quickly to the field for immediate use.

Nationally, the Border Patrol is tasked with a very complex, sensitive and difficult job, which historically has presented immense challenges. The challenge is huge, but one which we face everyday with vigilance, dedication to service, and integrity. I would like to thank you again, Mr. Chairman, and the entire Subcommittee, for the opportunity to present this testimony today, and for your past support of CBP and the Department of Homeland Security. I would be pleased to respond to any questions that you may have at this time.

Mr. HOSTETTLER. Thank you, Mr. Harris.  
Mr. Torres?

**STATEMENT OF JOHN P. TORRES, DEPUTY ASSISTANT DIRECTOR, SMUGGLING AND PUBLIC SAFETY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. TORRES. Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to address you about the efforts on the part of the United States Immigration and Customs Enforcement—ICE—to combat criminal organizations engaged in human smuggling and trafficking.

As the largest investigative arm of the Department of Homeland Security, ICE is responsible for identifying and shutting down the vulnerabilities in our Nation's border, economic, transportation, and infrastructure security. Our agency seeks to prevent terrorist acts and criminal activity by targeting the people, money, and materials that support terrorist and criminal organizations.

In that mission, we recognize that human smuggling and trafficking of persons into the United States constitute a significant risk to national security and public safety. We know that these smuggling and trafficking pipelines serve as a conduit for undocumented aliens and criminals seeking entry into the United States. Moreover, terrorists and extremist organizations seeking to gain entry into the United States in order to carry out their own destructive schemes could just as easily exploit these pipelines.

The United States is a primary target destination for smugglers and traffickers, which means that literally tens of thousands of men, women, and children are entering the Nation illegally each year—undocumented, undetected, and unprotected. This international criminal market is extraordinarily lucrative, generating an estimated \$9.5 billion in profit for the criminal organizations worldwide. In many cases, these profits fuel additional criminal enterprises, such as the trafficking of drugs, weapons, or other contraband, or the funds are laundered and invested in legitimate business enterprises. These untraced profits feed organized crime activities, undermining governmental action and the rule of law,

while allowing these criminal networks to grow stronger, more resilient, and more dangerous.

Just over a year ago, May 2003, as Congresswoman Jackson Lee mentioned in her opening statement, police discovered dozens of undocumented migrants—men, women, and children—locked in a hot, airless tractor-trailer outside Victoria, Texas. The trailer, originally bound for Houston, had been unhitched and abandoned 175 miles from the Mexican border in ultimately a botched smuggling job. In the hours that followed, the victims grew more and more desperate for air. They scraped at the insulation in the doors and beat their way through the tail lights in a futile effort to escape. Ultimately, 19 people died in the trailer, including a 7-year-old boy in the arms of his father. It was the deadliest case of human smuggling in the United States in 15 years.

As this case illustrates, smugglers and traffickers show a shockingly callous disregard for the lives in their charge. In too many cases, the victims flee poverty or abuse, only to be forced to travel in squalid conditions without adequate food, water, or air. Arriving at their destinations, they are frequently subject to brutal violence, forced labor, and sexual exploitation. Smuggling all too often lead the way to cruelty, slavery, and servitude—assaults on the basic freedoms and human dignity.

ICE's strategy, combining authorities, innovative methodologies has proven effective. In the Victoria case, ICE worked closely with other DHS components, local law enforcement, and intelligence and enforcement agencies in Mexico and Guatemala. In 1 month's period, ICE's coordinated approach led to the arrest and prosecution of 14 defendants in the United States and abroad.

This success was the foundation for a new model for fighting smuggling, which we have now taken to Arizona. ICE assembled a task force known as "Operation ICE Storm" to combat violent crime in the Phoenix metropolitan area. We brought our expertise in immigration, customs, and money-laundering investigations into a partnership with other stakeholders at the Arizona border. Since we've launched ICE Storm, we've prosecuted more than 190 defendants for human smuggling, kidnapping, money-laundering, and weapons and drug violations. We've seized over 100 weapons and over \$5.2 million. Every time we confiscate an assault weapon or cash from these criminal organizations, and every time we trace back and shut down one of their funding streams, we make it harder for these criminals to conduct business.

ICE is also working to address the exploitative dimension of human trafficking. A disturbingly large number of trafficking cases center on women and children forced into prostitution and sexual slavery.

ICE is working closely with the Department of Health and Human Services, the Department of Justice, and various non-governmental organizations to assist the victims of trafficking. Furthermore, since March of 2002, in close coordination with our partners at U.S. Citizenship and Immigration Services, 371 victims of trafficking received "T" visas enabling the victims to remain in the United States, without fear of removal, to assist law enforcement in dismantling those networks.

In conclusion, smuggling and trafficking in human beings are not all new practices. They are criminal methods with a long history. What is new is the sophistication of the criminal and terrorist organizations that benefit from the speed and efficiency of today's telecommunications, transportation, and financial networks. What is new is the war we are fighting against the criminals and the terrorists, the tactics, the tools, the strategies that we must bring to bear to defeat them. ICE is dedicated and committed to this mission. We look forward to working with the Committee in our efforts to save lives and secure our national interests.

Mr. Chairman, with the Subcommittee's indulgence, I would like to share with you a short video that illustrates the tremendous violence surrounding smuggling and also further highlight ICE's efforts to combat violence.

Mr. HOSTETTLER. Without objection, Mr. Torres. If you could also give us a preface to this video clip that you are going to show us.

Mr. TORRES. Sure. In this video that we are going to roll here shortly, it relates back to a case in Arizona where there was a shootout of one rival smuggling gang trying to basically hijack smuggled victims from another smuggler's network, and it ended up in a shootout on the freeway. And we will roll that video here.

[Video played.]

Mr. TORRES. What that demonstrates is how violent the organizations have become, and that the smugglers are really in this for the profit. What you see here is what looks like a vehicle accident. What was happening here actually was one smuggler—one set of smugglers was waiting on the side of the freeway with advance intelligence that another smuggler would be bringing aliens past them. They interdicted the car. The second set of smuggled aliens refused to pull over, and a shootout resulted in the death of several people in the car, which then ultimately resulted in a major investigation from ICE and helped us to actually launch ICE Storm. That wasn't the reason we launched it, but it was another reason why we need to get on the ground much more quickly.

Mr. HOSTETTLER. This is in the Phoenix area?

Mr. TORRES. Right. And then continuing on in the Phoenix area is what your typical drop house may look like with the video here. As we talked about earlier, I heard in the opening statements of numerous aliens being held in a house in squalid conditions, and in several cases in the Phoenix area, our agents conducting search warrants have come upon situations where people were being held against their will, women were being raped and in some cases being threatened with their hands and feet to be cut off if the ransoms were not being paid.

One thing I can mention is that the Phoenix police chief, as a result of ICE Storm, is crediting our operations with a 17-percent decrease in the murder rate in Phoenix, as well as an 82-percent decrease in the migrant alien hostage-taking cases that are out there in Phoenix.

That pretty much concludes the tape presentation here.

I will finish by saying I hope my remarks today have been helpful and informative, and I thank you for inviting me, and I will gladly take your questions.

[The prepared statement of Mr. Torres follows:]

## PREPARED STATEMENT OF JOHN P. TORRES

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for the opportunity to address you about the efforts on the part of U.S. Immigration and Customs Enforcement (ICE) to combat criminal organizations engaged in human smuggling and trafficking.

As the largest investigative arm of the Department of Homeland Security (DHS), ICE is responsible for identifying and shutting down vulnerabilities in the nation's border, economic, transportation, and infrastructure security. Our agency seeks to prevent terrorist acts and criminal activity by targeting the people, money, and materials that support terrorist and criminal organizations.

In that mission, we recognize that human smuggling and trafficking in persons into the United States constitute a significant risk to national security and public safety. We know that these smuggling and trafficking pipelines serve as a conduit for undocumented aliens and criminals seeking entry to the United States. Moreover, they could just as easily be exploited by terrorist and extremist organizations seeking to gain entry into the United States in order to carry out their own destructive schemes.

I would initially like to provide an important clarification and necessary distinction between the terms "human smuggling" and "trafficking in persons." Human smuggling and trafficking in persons, while sharing certain elements and attributes and in some cases overlapping, are distinctively different offenses. Both practices encompass the organized and illicit movement of men, women, or children across or within national borders. Human trafficking, specifically what U.S. law defines as "severe forms of trafficking in persons," typically involves force, fraud or coercion, and occurs for the purpose of forced labor or commercial sexual exploitation. Smuggling and trafficking also differ with regard to the time frame of the offense. Human smuggling organizations typically generate short-term profits based on smuggled migrants. On the other hand, trafficking organizations frequently look to generate both short-term and long-term profits by forcing their victims into forced labor or commercial sexual exploitation arrangements.

The United States is a primary target destination for smugglers and traffickers, which means that literally tens of thousands of men, women and children are entering this nation illegally each year—undocumented, undetected and unprotected. This international criminal market is extraordinarily lucrative, generating an estimated \$9.5 billion in profit for criminal organizations worldwide. In many cases, these profits fuel additional criminal enterprises, such as the trafficking of drugs, weapons, or other contraband, or the funds are laundered and invested in legitimate business enterprises. These untraced profits feed organized crime activities, undermining governmental action and the rule of law, while allowing these criminal networks to grow stronger, more resilient, and more dangerous.

I would like to emphasize that our concern with human smuggling and trafficking goes far beyond matters of security and law enforcement. There is another critical dimension to this issue—the real cost in human suffering and exploitation that too often accompanies this criminal practice, posing a moral challenge here in the U.S. and across the globe.

In May 2003, police discovered dozens of undocumented aliens—men, women, and children—locked in a hot, airless tractor-trailer outside Victoria, Texas. The trailer, originally bound for Houston, had been unhitched and abandoned 175 miles from the Mexico border in a botched smuggling job. In the hours that followed, the victims grew more and more desperate for air—scrapping at the insulation in the doors and beating their way through the taillights in a futile effort to escape. Ultimately, 19 people died in that trailer, including a seven-year-old boy. It was the deadliest case of human smuggling in the United States in fifteen years.

Or consider the situation that developed in Arizona last year. The rapid influx of smuggling organizations into Phoenix and the surrounding area brought indiscriminate kidnapping of groups of undocumented aliens, along with shootings and highway carjackings of smuggling loads. These lawless actions represent a new level of criminal behavior and savage violence. In October 2003, ICE Agents and Phoenix Police Officers rescued ten undocumented aliens who had been held hostage by smugglers. The smugglers had raped three women, and during negotiations with undercover agents, they threatened to rape a nine-year-old child and sever the hands and feet of another smuggled alien. Ultimately, five defendants were arrested and prosecuted for kidnapping and hostage-taking violations.

As these cases illustrate, smugglers and traffickers show a shockingly callous disregard for the lives in their charge. In too many cases, the victims flee poverty or abuse, only to be forced to travel in squalid conditions without adequate food, water, or air. Arriving at their destinations, they are frequently subject to brutal violence,

forced labor, and sexual exploitation. Smuggling and trafficking all too often lead the way to cruelty, slavery, and servitude—assaults on basic freedoms and human dignity.

ICE strategic goals are to dismantle the criminal and terrorist organizations that smuggle or traffic in people; to strip away their assets and profit incentive; and to work with our allied DHS components to attack these organizations from a variety of angles. One of the agency's most effective weapons is our Office of Investigations, which applies a vast array of investigative methodologies in the fight against both criminal and terrorist organizations as well as the infrastructure that supports their activities in the United States and around the world.

ICE's brings to bear all of our authorities, expertise, and resources—including the application of smuggling, trafficking and money laundering statutes and the identification and seizure of assets and criminal proceeds—in the fight against human smuggling and trafficking. Moreover, as part of ICE's "Cornerstone" economic security initiative, our financial investigators identify and shut down the methods that smugglers, traffickers, and other criminal and terrorist organizations use to exploit financial systems to earn, move, and store their criminal proceeds.

Our specialized investigative teams are prepared to respond to critical smuggling incidents as swiftly as possible. Smuggling and trafficking cases are complex, so our teams of agents have specialized skills—investigators, language specialists, financial investigators, forensic investigators, and others. This helps us deploy our resources more readily when an incident occurs, whether it is at the border, at a maritime port, or in the interior.

ICE's strategy, combined authorities, and innovative methodologies have proven effective. In the Victoria, Texas, case, ICE worked closely with other DHS components, local law enforcement, and intelligence and enforcement agencies in Mexico and Guatemala. Our unique combination of investigative tools allowed us to follow the money, pinpoint the conspirators, and bring them to justice. In one month's period, ICE's coordinated approach led to the arrest and prosecution of 14 defendants in the United States and abroad.

This success was the foundation for a new model for fighting smuggling, which we've now taken to Arizona. ICE assembled a task force known as "Operation ICE Storm" to combat violent crime in the Phoenix metropolitan area. We brought our expertise in immigration, customs, and money laundering investigations into a partnership with other stakeholders at the Arizona border. Since we launched ICE Storm, we've prosecuted more than 190 defendants for human smuggling, kidnapping, money laundering, and weapons and drug violations. We've seized over 100 weapons and over \$5.2 million. Every time we confiscate an assault weapon or cash from these criminal organizations, and every time we trace back and shut down one of their funding streams, we make it harder for these criminal to conduct business. Furthermore, our efforts are producing additional positive results. For example, the Phoenix Police Department credits ICE Storm with a 17 percent decline in homicides and an 82 percent decline in migrant related kidnappings in the final quarter of 2003.

We're building on ICE Storm's success with DHS' Arizona Border Control initiative, in which the vigorous application of money laundering and other federal and state statutes is depriving smuggling organizations of the criminal proceeds, disrupting their operations and decimating their organizational hierarchies in the United States and abroad.

ICE is also working to address the exploitative dimension of human trafficking. A disturbingly large number of trafficking cases center on women and children forced into prostitution and sexual slavery. In virtually all of these cases, the victims have been promised jobs, marriages, or other new opportunities, only to find themselves trapped in a web of exploitation and abuse.

We've stepped up our investigations of these exploitative practices and we're getting results. In January, a man in McAllen, Texas, who headed a sex slavery ring at the border, was sentenced to 23 years in prison. In New Jersey last summer, we uncovered a prostitution ring that trafficked in Mexican girls, who were lured to the United States only to be forced into sexual slavery. Two of the ringleaders were sentenced to 18 years in federal prison. In New York City, our investigators uncovered a trafficking network that recruited South Korean women, promising them jobs as hostesses but forcing them to work as prostitutes. These traffickers, and a great many others, are off the streets and out of business.

As in smuggling, ICE is employing innovative methodologies to combat human trafficking. ICE is working closely with the Department of Health and Human Services, the Department of Justice and various Non-Governmental Organizations to assist victims of trafficking. Our departments recently launched a trafficking initiative in Philadelphia, Atlanta and Phoenix that employs a task force configuration with

state and local law enforcement agencies attacking on multiple fronts the criminal organizations and infrastructure that engage and support these crimes. Furthermore since March of 2002, in close coordination with our partners at U.S. Citizenship and Immigration Services, 371 victims of trafficking received "T" visas enabling the victims to remain in the United States, without fear of removal, to assist law enforcement in dismantling these trafficking networks. In the last three years, the Department of Homeland Security, and the former INS, has provided over 70 training sessions with prosecutors, local law enforcement and victim advocates to educate them about trafficking issues.

Human smuggling and trafficking in persons take place within a complex global environment of political and economic relationships between countries and peoples. ICE's strategy, therefore, in coordination with the Department of State, emphasizes the crucial role of liaison, technical assistance, information-sharing and diplomatic initiatives with government officials and law enforcement agencies in source and transit countries to dismantle criminal organizations.

Within that conceptual framework, the Departments of Homeland Security, State and Justice, as well as intelligence agencies, are updating the Human Smuggling and Trafficking Center to synthesize intelligence, law enforcement and other information to bring more effective international action against human smugglers, traffickers of persons, and criminals facilitating terrorists' clandestine travel.

ICE helps facilitate the participation of federal stakeholders and provides a mechanism to foster greater integration and overall effectiveness to the U.S. Government's enforcement, intelligence, and diplomatic efforts, and promotes similar efforts by foreign governments and international organizations.

Smuggling and trafficking are by definition international crimes, which is why ICE is prepared to take that fight abroad. We've developed a full spectrum of investigation and enforcement to confront the problem at every point—in source and transit countries, on the seas, at our nation's borders and ports, and in the U.S. interior. In U.S. embassies throughout the world, we have a network of ICE attachés, who in coordination with the Department of State are working with their counterparts in foreign law enforcement agencies to better coordinate investigations and communication, and to follow the money and seize the millions of dollars in profits flowing from these organizations. We're integrating our government's intelligence and enforcement efforts, and we're mobilizing other governments and international organizations, in the fight against human smuggling and trafficking.

In conclusion, smuggling and trafficking in human beings are not at all new practices—they are criminal methods with a long history. What is new is the sophistication of criminal organizations that benefit from the speed and efficiency of today's telecommunications, transportation, and financial networks. What is new is the security threat we face today, in which terrorists will employ any method and exploit any vulnerability to strike at our country and people. What is new is the war we are fighting against these criminals and terrorists, and the tactics, tools, and strategies we must bring to bear to defeat them. ICE is dedicated and committed to this mission. We look forward to working with this Committee in our efforts to save lives and secure our national interests. I hope my remarks today have been helpful and informative. I thank you for inviting me and I will be glad to answer any questions you may have at this time.

Mr. HOSTETTLER. Thank you, Mr. Torres.  
Mr. Cutler?

**STATEMENT OF MICHAEL W. CUTLER, FELLOW,  
CENTER FOR IMMIGRATION STUDIES**

Mr. CUTLER. Good afternoon. Chairman Hostettler, Ranking Members Ms. Jackson Lee, Members of the Congress, distinguished members of the panel, ladies and gentlemen, I welcome this opportunity to provide testimony for this hearing into issues concerning enforcement efforts to eliminate alien smuggling. As you know, I spent 30 years as an INS employee, 26 of those years as a special agent. Additionally, I was part of the original anti-smuggling unit in the New York office of the INS in the late 1970's. I am here as a former special agent who's advocating that the dedicated men and women who are charged with the responsibility of enforcing the immigration laws of the United States are given the tools and

resources they need to do a more effective job of protecting our Nation's borders.

The effective enforcement of these laws is critical to the security, indeed, the survival of the United States, especially as we prosecute the ongoing war on terror. We cannot defend our Nation if we cannot defend our Nation's borders. Alien smugglers are, as a group of individuals, pernicious criminals. They compromise the security of our borders by facilitating the illegal movement of aliens across our borders without being inspected as required by law. In so circumventing these laws, the aliens who gain entry into the United States are not lawfully admitted, meaning that these aliens who could not have otherwise gained entry into the United States nevertheless wind up on the streets of our cities and town. They are not screened as they enter the United States and, thus, we have no record of their entry into our country, nor do we have a record of their presence here. Consequently, from the moment they enter into our country, they do so in violation of law.

While the majority of the aliens who gain access to our country in this fashion do so with the intention of simply gaining illegal employment, criminal aliens, including potentially terrorists, may also evade the Border Patrol and the inspections process with the assistance of smugglers. The smugglers are unscrupulous criminals who are often violent and endanger the lives of the aliens they smuggle into the United States. Time after time we have heard the stories and seen the images of the many people who have died as they attempted entry into the United States, concealed in overcrowded trucks, in the bowels of tanker trucks or in some other hellish situation. The abject disregard for the lives of the aliens they smuggle is an issue that we never can forget. The smugglers endanger the lives of the aliens and the lives of our citizens by providing aliens with a means of entering the United States without adhering to the inspections process mandated by law.

Often the smugglers establish so-called safe houses where aliens who have been smuggled into the United States are virtually warehoused until they can be moved into the interior of the United States. The squalid conditions in these safe houses endanger the safety of the aliens who remain in these houses and also creates health and safety issues for the people who live in the surrounding neighborhood.

Because of the seriousness of this problem, I am in favor of Representative Jackson Lee's bill which would provide incentives for informants who assist in the elimination or disruption of significant alien-smuggling organizations. I have had many opportunities to cultivate and work with informants throughout my career. Some of the informants with whom I've worked were primarily working with other law enforcement agencies such as the DEA, ATF, FBI, or local police, while my colleagues and I recruited others at the former INS. Informants cooperate for many reasons. Some cooperate in an attempt to gain a reduction in sentence for having committed a crime; others wish to remain in the United States or gain permission to accept employment in the United States. Some informants seek monetary rewards while still others cooperate out of a desire to get even with people against whom they furnish information to agents and prosecutors.



Generally, the informants who were the easiest to work with provided their assistance out of a desire to “do the right thing.” The reality is that often investigations are greatly facilitated by informants who act as the eyes and ears of the agents. In some instances, they furnish evidence that provides the probable cause which leads to the securing of search warrants, which, in turn, leads to the seizing of evidence thereby furthering the investigative process.

Recruiting informants can be relatively easy or extremely difficult, depending on the informant’s background and his or her concerns about personal safety and the safety considerations of their immediate families. In this regard, the availability of a limited number of “S” visas to be issued to informants and their immediate families can help to allay some of these fears. All of these issues—fears, motivation, trustworthiness, reliability, and integrity—are among the concerns that agents and prosecutors have in cultivating and working with informants. But I can assure you that the use of informants is a widespread, effective practice throughout the wide spectrum of law enforcement on all levels and one which enhances the efforts of the Government to establish its goals of identifying targets of investigations, gathering evidence, and ultimately apprehending and successfully prosecuting criminals. When we successfully prosecute criminals, we send a message to others who are similarly engaged in criminal activities that we have the result and wherewithal to pursue these criminals.

The use of informants certainly sends such a message, as does the provision of law that would call for penalty enhancements for those who are convicted of alien smuggling. Consequently, I believe that the outreach program proposed by Representative Jackson Lee is important. The public needs to know about the efforts being made to apprehend the criminals who violate these laws. This is significant because it may encourage potential informants to come forward, and it may help to deter some individuals from becoming involved with alien smuggling.

I would also suggest that the efforts to facilitate cultivating informants in alien-smuggling cases also be used in conjunction with informants who similarly assist in providing information that leads to the elimination or disruption of large-scale fraud rings. Traditionally, these rings either furnish many fraudulent documents to circumvent components of the Immigration and Nationality Act or devise schemes which, on a large scale, provides aliens with a means of obtaining immigration benefits—such as residency and citizenship—to which they are not entitled through such schemes as marriage fraud and labor certification fraud. I make these recommendations in view of the fact that, according to recent GAO reports, fraud is highly prevalent in the immigration benefits program.

Finally, I want to reiterate the point that I welcome efforts that enhance the enforcement of the immigration statutes that would help in securing our Nation’s borders and, consequently, our Nation’s security. I believe that the additional discretionary authority should be given to both components of the enforcement program, ICE and CBP, to facilitate the vital missions of these two agencies.

I look forward to your questions.

[The prepared statement of Mr. Cutler follows:]

## PREPARED STATEMENT OF MICHAEL W. CUTLER

Chairman Hostettler, Ranking member Ms Jackson Lee, members of the Congress, distinguished members of the panel, ladies and gentlemen:

I welcome this opportunity to provide testimony for this hearing into issues concerning enforcement efforts to eliminate alien smuggling. As you know, I spent 30 years as an INS employee, 26 of those years as a special agent. Additionally, I was part of the original anti-smuggling unit in the New York office of the INS in the late 1970s. I am here as a former agent who is advocating that the dedicated men and women who are charged with the responsibility of enforcing the immigration laws of the United States are given the tools and resources they need to do a more effective job of protecting our nation's borders.

The effective enforcement of these laws is critical to the security, indeed, the survival of the United States, especially as we prosecute the on-going war on terror. We cannot defend our nation if we cannot defend our nation's borders. Alien smugglers are, as a group of individuals, pernicious criminals. They compromise the security of our borders by facilitating the illegal movement of aliens across our borders without being inspected as required by law. In so circumventing these laws, the aliens who gain entry to the United States are not lawfully admitted, meaning that these aliens who could not have gained lawful entry into our country nevertheless wind up on the streets of our cities and towns. They are not screened as they enter the United States and thus we have no record of their entry into our country nor do we have a record of their presence here. Consequently from the moment they enter into our country they do so in violation of law. While the majority of the aliens who gain access to our country in this fashion do so with the intention of simply gaining illegal employment, criminal aliens including, potentially, terrorists may also evade the Border Patrol and the inspections process with the assistance of smugglers. The smugglers are unscrupulous criminals who are often violent and endanger the lives of the aliens they smuggle into the United States. Time after time we have heard the stories and seen the images of the many people who have died as they attempted entry into the United States, concealed in overcrowded trucks, in the bowels of tanker trucks or in some other hellish situation. The abject disregard for the lives of the aliens they smuggle is an issue that we never can forget. The smugglers endanger the lives of the aliens and the lives of our citizens by providing aliens with a means of entering the United States without adhering to the inspection process mandated by law.

Often the smugglers establish so-called "Safe houses" where aliens who have been smuggled into the United States are virtually warehoused until they can be moved into the interior of the United States. The squalid conditions in these safe houses endangers the safety of the aliens who remain in these houses and also creates health and safety issues for the people who live in surrounding houses.

Because of the seriousness of this problem I am in favor of Rep. Jackson Lee's bill which would provide incentives for informants who assist in the elimination or disruption of significant alien smuggling organizations. I have had many opportunities to cultivate and work with informants throughout my career. Some of the informants with whom I worked were primarily working with other law enforcement agencies such as the DEA, ATF, FBI or local police, while my colleagues and I recruited others at the former INS. Informants cooperate for many reasons. Some cooperate in an attempt to gain a reduction in sentence for having committed a crime, others wish to remain in the United States or gain permission to accept employment in the United States. Some informants seek monetary rewards while still others cooperate out of a desire to get even with the people against whom they furnish information to agents and prosecutors. Generally the informants who were the easiest to work with provided their assistance out of a desire to "do the right thing". The reality is that often investigations are greatly facilitated by informants who act as the "eyes and ears" of agents. In some instances, they furnish evidence that provides the probable cause which leads to the securing of search warrants, which, in turn, leads to the seizing of evidence thereby furthering the investigative process.

Recruiting informants can be relatively easy or extremely difficult depending on the informant's background and his or her concerns about personal safety and safety considerations for their immediate families. In this regard, the availability of a limited number of S visas to be issued to informants and their immediate families can help to allay some of these fears. All of these issues, motivation, fears, trustworthiness, reliability and integrity are among the concerns that agents and prosecutors have in cultivating and working with informants, but, I can assure you that the use of informants is a widespread practice throughout the wide spectrum of law enforcement on all levels and one which enhances the efforts of the government to accomplish its goals of identifying targets of investigations, gathering evidence, and

ultimately apprehending and successfully prosecuting criminals. When we successfully prosecute criminals we send a message to others who are similarly engaged in criminal activities, that we have the resolve and the wherewithal to pursue criminals.

The use of informants certainly sends such a message, as does the provision of law that would call for penalty enhancements for those who are convicted of alien smuggling. Consequently I believe that the Outreach program proposed by Rep. Jackson Lee is a good idea. The public needs to know about the efforts being made to apprehend the criminals who violate these laws. This is significant because it may encourage potential informants to come forward and it may help to deter some individuals from getting involved with alien smuggling.

I would also suggest that the efforts to facilitate cultivating informants in alien smuggling cases also be used in conjunction with informants who similarly assist in providing information that leads to the elimination or disruption of large-scale fraud rings. Traditionally these rings either furnish many fraudulent identity documents to circumvent components of the Immigration and Nationality Act, or devise schemes which, on a large scale, provides aliens with a means of obtaining immigration benefits to which they are not entitled through such schemes as marriage fraud and labor certification fraud. I make this recommendation in view of the fact that according to recent GAO reports, fraud is highly prevalent in the immigration benefits programs.

Finally, I want to reiterate the point that I welcome efforts that enhance the enforcement of the immigration statutes that would help in securing our nation's border and consequently, our nation's security. I believe that the additional discretionary authority should be given to both components of the enforcement program, ICE and CBP to facilitate the vital missions of these two agencies.

I look forward to your questions.

Mr. HOSTETTLER. Thank you, Mr. Cutler.

At this time we will turn to questions from Members of the Subcommittee. Mr. Morton, I would like to ask you a few questions with regard to foreign law enforcement's cooperation with our anti-smuggling efforts.

First of all, have you been able to generate intelligence on alien smuggling through foreign law enforcement without providing rewards, such as monetary rewards or visas?

Mr. MORTON. Absolutely.

Mr. HOSTETTLER. Have you been able to pursue prosecution of alien smugglers abroad in source and transit countries so that informants do not have to come to the United States?

Mr. MORTON. I believe we have, but if I can get back to you on that question.

Mr. HOSTETTLER. I appreciate it. And then what more can be done to strengthen our ties with friendly law enforcement—foreign law enforcement to combat alien smuggling?

Mr. MORTON. I think what we're trying to do is that we have officers in our embassies overseas, and right now we have the resources in place, and it's a matter of us improving those relationships that we have with our Federal—our law enforcement—host country law enforcement officers out there, strengthening those ties that we have to underscore the importance to them of what alien smuggling does to us here in the United States. And that's some of the direction that we're headed.

Mr. HOSTETTLER. You mentioned in your written testimony that 200 individuals have been arrested in the past 6 months due to cooperation efforts between your organization and host nations' law enforcement. Can you provide some—a couple of examples of that?

Mr. MORTON. I can—the 200 arrests were actually as a result of 2,000 investigations that we initiated with host nation law enforcement people, so that's—that's what has resulted in our efforts with

these people as a result of the 200 arrests. We recently had a case in the Boston area where an individual was falsifying visas to bring Estonian women over to the Boston area to basically work as prostitutes, and that is something that we worked with the Estonian law enforcement officers on and, of course, our law enforcement colleagues in the Boston area. So they're a good example of cooperation not only within the Federal law enforcement community, but also within the community overseas, the host nation.

Mr. HOSTETTLER. Thank you.

Mr. Harris, we've been provided a long list of cases in which sentences for alien smugglers seemed to be extremely short. I mentioned one of those in my opening statement. Is this a major stumbling block with our anti-smuggling efforts? For example, have prosecutors given alien-smuggling cases, in your experience, low priority because of the short sentences that are usually given to alien smugglers?

Mr. HARRIS. I would just start off by saying, Mr. Chairman, that we, arguably, arrest more people than any other law enforcement agency in the world. We make about a million arrests a year, and I think if you ask any law enforcement officer around, regardless of what agency they're from, they would like to prosecute anyone who violates the law to the fullest extent.

In our case, certainly we have to be sensitive to the resources that the U.S. Attorney's Offices have to apply to our cases. In the large majority of instances, we have excellent working relationships with the U.S. Attorney's Offices. I do not look at it as a stumbling block. It's simply a resource issue.

Mr. HOSTETTLER. Would you think that sentencing guidelines with more severe penalties would deter alien smuggling?

Mr. HARRIS. I think our ability to enforce effectively the statutes that we have on the books—and if you look at the areas on the border where we do have effective control of the borders, certainly there's more—there's less people coming across the border in those areas, and so we're better able to apply the rule of law versus those areas where we do not yet have control, just the sheer volume is going to—it's going to keep us from being able to prosecute the amount of smugglers that we need to. So there's a direct correlation between the amount of people that the U.S. Attorney's Offices can prosecute and the areas where we have effective border control.

Mr. HOSTETTLER. For the record, could you give an example of that situation where you—I guess the two situations where you have a concentrated effort, you have very effective control of the borders, in your opinion, and then an area where resources may not be sufficient?

Mr. HARRIS. When we implemented our new strategy, it started off in about 1994 in San Diego. In the San Diego area alone, that's a 61-mile stretch of border, the San Diego sector. At that time we were making about 600,000 arrests a year in that 61-mile stretch of border. That's now down to about 100,000 arrests a year.

That's in comparison to the Tucson sector, which is in the Arizona border that was referred to earlier by Ms. Jackson Lee. That's a 261-mile stretch of border. We make now about 2,000 arrests a day in that 261-mile stretch. Now, our efforts are focused in the West Desert area. That's about a 100-mile stretch of border; that

is the most treacherous part of the border. That's where we have more problems with the smugglers bringing in people there. That's where we had a large number of migrant deaths last year. So we're trying to focus on that area. The Under Secretary, Department of Homeland Security, and Commissioner Bonner recently announced this Arizona Border Control Initiative where we're trying to get control of the Arizona border, especially before the summer months that are coming up.

Now, the U.S. Attorney in that area, Paul Charlton—we have an excellent working relationship with him—he is assisting us by focusing on targeting the smugglers who are operating in that dangerous area. So just to give you an example, you know, that's where our priority is. If we arrest a smuggler that's not in that target area, he's going to get a lower priority versus somebody who's endangering the migrants and smuggling in the West Desert corridor.

Mr. HOSTETTLER. Thank you, Mr. Harris.

The Chair now recognizes the gentlelady from Texas for 5 minutes.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

As I started out this hearing, I indicated that I believe the effective role of Congress is to give you more tools and more resources that can be utilized effectively. And I wanted to pursue that line of reasoning.

Mr. Morton, I noticed that Ambassador, I believe, Francis Taylor indicated in November of 2002 that the Rewards for Justice program is one of the most effective weapons in the Government's arsenal in the war against terrorism. Would you agree with that assessment and, as well, the potential of utilizing such a program in the alien-smuggling operations?

Mr. MORTON. First of all, I absolutely agree with Ambassador Taylor, my boss, on almost every single issue. The Rewards for Justice is an important—it's a critical program in the fight against terrorism overseas. It is probably—one of our—and thanks to you all for support, one of the most important tools in combating terrorism.

In terms of passport and visa fraud in alien smuggling, I think you're asking me whether or not we need a rewards program. We believe—

Ms. JACKSON LEE. No. What I'm asking you is whether it could be an effective tool?

Mr. MORTON. Rewards can be an effective tool in circumstances.

Ms. JACKSON LEE. Thank you, sir.

Let me move to Mr. Cutler. You heard the premise on which I'm operating.

Mr. CUTLER. Yes.

Ms. JACKSON LEE. You spent 30 years in the field with INS. You were wounded, I understand.

Mr. CUTLER. Not wounded, but I had hurt my leg during drug raids. I've been injured several times in the pursuit—

Ms. JACKSON LEE. And so you know the heightened danger—

Mr. CUTLER. Absolutely.

Ms. JACKSON LEE.—that these officers are experiencing, and now the intensity at the border is even more so. Why don't you give me

an assessment of being able to be equipped with added tools? You might use as a backdrop the deck of cards that was utilized in Iraq. For a period of time, we were watching over the news wires one by one as they collapsed, and reward monies were used in that circumstance, of course, with the idea of terrorism.

But in this instance, tools given that would include the “S” visa, which would include only the particular individual and a family member, the idea of the rewards program and the outreach. We have a defendant now that has 19 counts of murder against him. He has to do his own defense, but you can be assured that one of his expressions that we heard in the local community was, “I didn’t know what I was doing, I didn’t know anything about it, I didn’t understand it.” But the point is truckers from all over the country are sometimes caught up in the dollar.

Can you give me an assessment of the tools that could be utilized as they are enunciated in the legislation, the CASE Act?

Mr. CUTLER. Well, I think all that you have proposed makes sense and would be of assistance, because what you try to do—and whether you’re dealing with alien smuggling, narcotics trafficking, any organized crime group, you start low and usually work your way up. It’s the process of what we all flipping or turning informants. You recruit people. And basically you wind up giving them a choice: You’re facing a serious criminal violation. We have different ways of pursuing it. We can look to have the full weight of the law land on you, and then you will become the fall guy for the entire organization that employs you. You can work with us; we can reduce your sentence through the U.S. Attorney’s Office, or at least your exposure to sentence if you’re convicted. And then we can enable you to stay here, protect you, pay you.

You have to find out what makes that particular person tick. Certain people react to certain carrots and certain sticks. And it takes, as my colleagues—as my former colleagues—I still think of myself as an agent even though I no longer carry the badge that I was very proud to carry. I think we all know that what you do with each individual has to be more or less custom-tailored. You want to be able to persuade them, on the one hand, and, on the other hand, you have to have them concerned with what will happen if they don’t cooperate.

Ms. JACKSON LEE. Give them tools.

Mr. CUTLER. Right.

Ms. JACKSON LEE. May I just—Mr. Torres, I think that you have used the “T” visas, as I understand. I’m familiar with that, and both you and Mr. Harris have done an excellent job, particularly on the investigatory aspect of it. You’ve used that in human trafficking and done a fairly good job. What is your assessment and what—how can we utilize such a mode, if you will, in alien smuggling, whether it be the “S” visa or the reward program?

Mr. TORRES. We look at it from a very similar aspect to what Mr. Cutler was saying. You have to apply any tool or resource in an individual manner. You have to look at the facts of the case. You have to find out what serves as a motivation for the purpose—for a person that may be willing to testify or cooperate with the Government of law enforcement. So in that sense, if you can actually take a look at each individual instance and then step back and say,

which tools do we have here that we can apply to those, that's where we can be most effective.

Ms. JACKSON LEE. And that's what a law would be, in essence, is—if such a law was passed, it would be ultimately tools given to law enforcement who then would ultimately use their judgment. Is that my understanding of what you're saying?

Mr. TORRES. And also what I'm saying is that whether that law is passed or not—and I don't know the specifics of the proposed bill.

Ms. JACKSON LEE. Right.

Mr. TORRES. But from my perspective as a headquarters manager, I feel it is my responsibility and my duty to provide the tools and the resources to the field agents out there doing the job so they can get that job done. And without being able to say across the board that we are going to apply this tool to all cases, but individually as the facts that take—

Ms. JACKSON LEE. You could be using them, and that could be a possible tool to be used.

Mr. TORRES. A possibility.

Ms. JACKSON LEE. Thank you.

Mr. HOSTETTLER. I thank the gentlelady.

The Chair now recognizes the gentleman from Iowa, Mr. King, for 5 minutes.

Mr. KING. Thank you, Mr. Chairman. I appreciate your holding this hearing today, and I appreciate the testimony of the witnesses before us.

I want to say at the outset, too, that I express the gratitude of the region I represent in this country for the work of all of you on our borders. You keep us all safe, and you put your lives on the line, a number of you here, and please pass that along to your colleagues how much we appreciate it here in Congress.

A number of questions come to mind to me, and I think I'd address my first question to Mr. Harris. You talked about some of the numbers of the border crossings in certain sectors, and you addressed the Tucson sector at about 2,000 arrests a day, and if you do the math on that, roughly 60,000 in a month. Is there any sector of the border where there are more illegal—more arrests than there are there in the Tucson sector right now?

Mr. HARRIS. No. Currently, the Tucson sector represents about 43 percent of the total arrests along the Southwest border. There is no other sector that is even close to Tucson.

Mr. KING. Would it be conceivable that there were as many as 248,000 border crossings, not just arrests but those who were not arrested, through that sector in a single month?

Mr. HARRIS. That's a good question. It's a question that I've been asked a few times. In order to measure if we've had a border penetration, we have to have the ability to monitor the border, either through some sort of a technology; cameras, sensors or what have you. Right now we do not have the ability to monitor the entire Southwest border, so any estimates on what we're not catching would simply be, you know, somewhat of an educated guess, so to speak, through sign cutting, sighting, other agency calls. So it would be very difficult for me to put an actual number on what we're not catching.

Mr. KING. And yet there's speculation before this Committee of two or three to one that do get through that are not caught, and that would extrapolate out to a number like that. But I'm trying to find actually the source of that number. It seemed to have some credibility, but I can't get anybody to actually take credit for the number.

If that would be the case—and I would just point out that 248,000 border crossings in a single sector in a single month, and that would be my understanding of the peak after a January speech by our Commander-in-Chief addressing our border issues—that that would constitute almost twice as many troops as it took to invade and occupy Iraq. I point that out because it's a measure of the magnitude of the border crossings that we have, and I think it's astonishing, the level of success that you have, given the magnitude of the difficulty.

And then roughly 100 dead crossing the border through the single sector, and we have on this Committee seen some numbers of around 230 a year along the Southern border altogether as a total fatality rate. There were 11 found in a train car in Denison, Iowa, in September, I think, a year and a half or so ago. And so that hits home me very much.

But do you have any idea how many American citizens are murdered by illegal aliens in this country every year?

Mr. HARRIS. No, sir.

Mr. KING. Mr. Torres, would you have any idea?

Mr. TORRES. No, sir, I do not.

Mr. KING. Mr. Cutler?

Mr. CUTLER. Well, I could go back to a statistic that I think I discussed at a prior hearing. When I was assigned to the Unified Intelligence Division at DEA, I did an analysis of the arrest statistics. We found that 60 percent of the people arrests for narcotics trafficking in New York were foreign-born, 30 percent nationwide. And I recently did some checking and found that, according to the Bureau of Prisons, approximately 30 percent of the inmate population is comprised of aliens.

So it should give you a yardstick. It's not a direct answer to your question, but I hope it helps you to grasp the magnitude of the problem we face because of this.

Mr. KING. I thank you, Mr. Cutler, and I'd point out that I think that that's the measure that we need to have here, to some extent, and that is that, yes, it's dangerous for our border to be crossed illegally, and that does provide a deterrent, and the oceans have provided deterrence for illegal entry into there country. And so—but it's also dangerous for American citizens if we're not able to control safety within our borders.

I would also point out that the suggestion that there has been, in the media, at least, to put up water stations along the way would simply become those stopover points that would encourage more illegal immigration, just like posting the Coast Guard at intervals across the ocean. But would you have then, Mr. Cutler, an opinion on whether there would be—what the implications would be if we set up a system of fast track for citizenship for one who was successful in assisting the investigation of an alien smuggler?



And would it be a precedent to establish an opportunity for citizenship for someone who was actually a criminal?

Mr. CUTLER. Well, if I understand what you're suggesting, this would be used as a reward for an informant to fast track? Well, you know, we reward aliens who come to the United States and become involved in the military during an emergency situation, during a war and that sort of thing. If it was done in a very controlled way and the person wasn't a criminal but simply someone who was an informant, it might perhaps be useful. I just don't know. I'm just leery about giving out citizenship as that kind of a thing, because the idea of keeping somebody in the United States so that they don't have to go home and face possible violence I think makes sense. Citizenship is something I have certain reservations about. But I think if it was significant enough and we could show that the person really endangered his or her safety in assisting us, then perhaps it would make sense to do that.

Mr. KING. Thank you, Mr. Cutler.

Thank you, Mr. Chairman. I yield back.

Mr. HOSTETTLER. I thank the gentleman.

The Chair now recognizes the gentlelady from California for 5 minutes, Ms. Sánchez.

Ms. SÁNCHEZ. Thank you.

Mr. Cutler, in your experience as part of the anti-smuggling unit in New York, did you find that smuggling rings were operated by criminals based in the United States or in country abroad, or both?

Mr. CUTLER. Actually, it's both. It's almost akin to what happens with narcotics. Narcotics, for the most part, are grown outside the United States, smuggled into the United States. The aliens come from outside the United States and enter the United States from foreign countries. Very often you would see where aliens were massing in Mexico, or even other countries, depending on what part of the world they were coming from. But Mexico certainly had a—it was a way station, basically, on the way into our country.

Ms. SÁNCHEZ. Right. This hearing is about expanding our borders and attacking alien smugglers where they solicit immigrants. Given your experience at INS, what was the most effective way to do that? Is it by addressing the document fraud issue, as Mr. Morton recommends, or is it using informants to focus on the smuggling ring specifically?

Mr. CUTLER. I think you've got to approach it from all aspects. You know, I used to talk about the enforcement tripod, that you've got to look at the border, you've got to look at the inspections, Border Patrol, and interior enforcement. And it's the same thing when you're dealing with the issue that we're discussing today. You know, if you have a dike with a lot of holes in it, water pours out of the holes. If you plug just a couple of the holes, the same amount of water will still come through. I know you're a mechanical engineer. I think the same amount of water will ultimately come through the dike, but it will just mean that it will be pouring faster through the openings that you've left intact.

So what we really want to do is to approach it from every aspect with the limited resources we have being made most effective use of. So it's not one issue. We need to do the whole spectrum of things, in my belief.

Ms. SÁNCHEZ. I'm just trying to sort of flesh out this connection, if there is one, between the operation of the visa and passport fraud rings and the alien-smuggling rings, because they seem to me to be tenuously related but—

Mr. CUTLER. Not tenuously. They're directly related. The goal is to get to the United States. If you have the wherewithal and I gave you a choice, how would you rather come to the United States—obtain a passport by fraud in a different name, get a visa, or come in perhaps under the visa waiver program, of which I remain very critical, and then you just sit on an airplane, sip a glass of wine, watch a movie, and land at a port of entry and stroll to a waiting car, or endure the conditions that we've talked about on the border?

The point is that both ways provide access to the interior of the United States by aliens looking to work, aliens looking to become involved in crime, or terrorists. These are just methods of entry.

And the one suggestion that I would make to perhaps clarify it for you is to think of a port of entry, even an airport in the middle of the United States, as being an extension of the border. And what you're looking to do is gain access to that border.

Ms. SÁNCHEZ. Right. I'm sort of trying to look at the issue of if we're talking about expanding our borders and trying to prevent this type of smuggling that goes on outside of U.S. borders, what would be the most effective ways to do that? And it seems to me that there's a very strong argument to be made for trying to find informants who can talk about where the solicitation is taking place outside of the United States before it becomes a problem in the United States.

Mr. CUTLER. Well, that's right because, again, the aliens are coming here from outside the United States, and while perhaps as many as 80 percent of the illegal aliens are Mexicans, 20 percent aren't. And that number is what was estimated back when I was still with the agency. I would suspect you would agree that it would be around 80 percent, probably, for Mexico. Maybe I'm wrong on that? Mexicans primarily.

Mr. HARRIS. Ninety-seven percent.

Mr. CUTLER. Okay. And you're not taking into account the other, you know, port of entry situations. So my point is, though, that you need to have people stationed at embassies, and, by the way, just as another point, and bear with me. I have worked with other governments. I worked very closely with the Israeli national police. In fact, in so doing, we helped to prevent a bombing back in the 1970's in Israel. I have worked with the Japanese Government and with the Canadians. And by working cooperatively and having an ongoing, one-on-one relationship where you could pick up a telephone, I've got to tell you, there's nothing more effective than that kind of person-to-person contact by law enforcement because then you really wind up working as a team.

Ms. SÁNCHEZ. I appreciate your answer, and I have limited time, so I'm going to—

Mr. CUTLER. Okay. I'm sorry.

Ms. SÁNCHEZ. Mr. Torres, in your testimony, you mentioned the full spectrum of investigation and enforcement methods that ICE is using abroad to fight alien smuggling internationally. Can you

give me a little more detail on the investigation and enforcement activities and perhaps a specific example of a success story where ICE stopped a smuggling ring abroad?

Mr. TORRES. Yes. We have numerous offices in various countries around the world stationed at embassies and consulates where we work closely together with the host governments, the State Department, and other agencies to use the intelligence that is out there and identify where the migration is occurring, where the actual smuggling is taking place, and in some instances working closely with the host government, for example, of Mexico, to prevent people that are being smuggled from Central America through Mexico up through the Southern border into the interior of the United States. So in those cases, we seek to prevent that smuggling from occurring into the United States by having—working with the Mexicans down in Mexico.

Ms. SÁNCHEZ. Okay. Thank you. I yield back the remainder of my time.

Mr. HOSTETTLER. I thank the gentlelady.

The Chair now recognizes the gentleman from Arizona, Mr. Flake.

Mr. FLAKE. Thank you, Mr. Chairman. I appreciate the testimony of the witnesses, and I want to thank personally Mr. Harris and Mr. Torres for what you're doing in Arizona. It has made a difference in the murder rate, and, I mean, Operation ICE Storm has been successful in targeting some of these activities.

That said, Mr. Cutler mentioned that only a percentage of those who are coming here, who are benefiting, are employing smugglers, are coming for criminal activity. Would you care to try to put a percentage on those who are simply coming to engage in illegal work, would you say, or to be an illegal worker as opposed to those who are coming to commit criminal acts?

Mr. HARRIS. No, sir, I wouldn't—I wouldn't put a—I wouldn't venture an estimate on that. I'd just say from our perspective, I mean, if they're coming into the United States, they're in violation of law.

Mr. FLAKE. Right.

Mr. HARRIS. I would imagine that most of them are coming over here for economic purposes, but no way of really knowing that.

Mr. FLAKE. I've heard estimates from Border Patrol and from other sources that put that number well in the 90's; 99 percent even some say come for economic reasons as opposed to commit criminal acts. Would it be—make your job easier if there were a legal avenue for those who simply want to come to work—to be able to come, work, and then return home so that you might target those who are actually employing, or would it put smugglers completely out of business if we were to take care of the economic reasons people are coming through a legal framework, much like the President has suggested? Mr. Torres?

Mr. TORRES. The thing that raises my concern at that suggestion is that—is the enforcement part of that suggestion. When you talk about the incentive of people who come here legally to work, then it depends on who is going to be identified as that population, only a small population from one country, a large population from many countries, people that are currently here, people that are seeking

to get here. The thing that worries me is providing another incentive for more people to try to get here illegally, and it is a concern that I do have.

Mr. FLAKE. Do you, Mr. Harris and Mr. Torres, see a time when you're going to win this war of smuggling? Or what do you see for the future? Is it going to be much like the drug war where we're just going and going and going and trying to make progress where we can, or do we win this war? Can you shut smugglers down?

Mr. HARRIS. Well, I think it's—in any illegal enterprise, if there's a profit to be made, somebody is going to continue to try and make that profit. You know, we can—we will and continue to do the best that we can to attack this smuggling situation. I think it will—as we're more effective, it's going to become more lucrative, but they're going to have to become more sophisticated to defeat our border control efforts.

Mr. FLAKE. I've heard figures that during the Bracero program in the 1950's—and there were a lot of problems with the Bracero program, obviously, but it did provide a legal framework for people to come and then return home, that apprehensions at the border actually went down 95 percent. Does that ring true, or do you have any facts or figures to dispute that number?

Mr. HARRIS. I wasn't around when the—

Mr. FLAKE. Right, I understand that. Nor was I.

Mr. HARRIS. I'll just say that the cornerstone of our strategy is based on prevention through deterrence. That's how we changed our way of operating back in the early 1990's. So anything that is going to prevent people from trying to cross the border illegally, whether it's a Border Patrol agent there or a camera, a sensor, or some piece of legislation, you know, we're probably going to welcome that to force people to try to come into the United States legally and not illegally so that we can determine who is coming into our country and for what purposes, whether it's for criminal purposes or whether it's for economic purposes.

Mr. FLAKE. I thank the Chairman.

Mr. HOSTETTLER. I thank the gentleman.

Ms. JACKSON LEE. May I have an additional 30 seconds?

Mr. HOSTETTLER. Without objection.

Ms. JACKSON LEE. Let me just do very quick things because I did not get a chance to thank—first of all, to thank Mr. Harris. He said something at the end, if he gets an additional camera, additional resources, or additional legislation, and that's simply what we're trying to do here today, is to give the tools, the "S" visa. I want to make it very clear—I think Mr. Torres knows—it's not citizenship. It is simply a status that you, the law enforcement, would determine whether or not that individual, as Mr. Cutler said, whether you would use it. And the same thing with the idea of a rewards program, but the outreach, I think, would enhance your work by letting those on this side of the border—truck drivers who think they're just carrying chicken cargo—realize how serious this is. And I just want to know, Mr. Harris, if those tools would be helpful to you if you had legislation, it would give you more tools to fight alien smuggling.

Mr. HARRIS. I have not had the opportunity—I'm not familiar with your piece of legislation, but, again, I think any law enforce-

ment officer is going to welcome something that helps them do their job with regard to the rewards program and some of the other items that have been discussed today. It would depend on how they're implemented. Mr. Torres said, you know, people are motivated by different things, and sometimes money won't work. Sometimes a visa won't work. So it has to be selective. The law enforcement officers have to have discretion on how that's used so that it can be a tool that helps them do their job. And I believe that's what you're talking about.

Ms. JACKSON LEE. Thank you very much.

Mr. Chairman, thank you for helping me clarify that on the "S" visa, and I hope—as we conclude this hearing, might I say that I hope we can work together in a bipartisan way to be able to move these tools, and in this instance this legislation, to be able to be effective on behalf of the work that these men are doing and these agencies are doing.

So thank you very much. Thank you, gentlemen, for your testimony.

Mr. HOSTETTLER. I thank the gentlelady.

Without objection, all Members will have 7 legislative days to make insertions in the record.

Gentlemen, I want to thank you for your participation as well as your service, both present and past, in order to maintain and enforce our laws. Thank you very much.

The business before the Subcommittee being completed, we are adjourned.

[Whereupon, at 3:25 p.m., the Subcommittee was adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

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

Last year, 340 people died trying to cross the border. As of May 1, 2004, 82 more people have died, and that number will soar during the “death season,” which is from May to September when the number of crossings is highest. This must stop. The most effective way to stop large scale illegal immigration would be to establish a sensible immigration program. Several bills have been introduced recently that would make the necessary changes in our immigration laws, such as my Comprehensive Immigration Fairness Reform Act of 2004, H.R. 3918, but we cannot wait for major immigration reform to address this problem.

We must act now to reduce the deaths. I have introduced a bill that would help in achieving that objective, the Commercial Alien Smuggling Elimination Act of 2003, the CASE Act, H.R. 2630. It would do this by establishing a three-point program which has been designed to facilitate the investigation and prosecution, or disruption, of reckless commercial smuggling operations.

The first point in this program would be to provide incentives to encourage informants to step forward and assist the federal authorities who investigate alien smuggling operations. The Immigration and Nationality Act (INA) presently provides a nonimmigrant classification for aliens who assist the United States government with the investigation and prosecution of a criminal organization or a terrorist organization. My bill would establish a new, third category for aliens who assist the United States government with the investigation, disruption, or prosecution of alien smuggling operations.

S visas are not controversial. Senator Edward Kennedy introduced legislation (S. 1424) to establish permanent authority for the S visa program on September 13, 2001, two days after the 9/11 terrorist attacks. The Senate passed S. 1424 by unanimous consent that same day. The House passed S. 1424 by unanimous consent on September 15, 2001. On October 1, 2001, President Bush signed the bill into law as P.L. 107-45.

The S visa is a useful tool when it is needed, but it is not needed frequently. In FY 2002, only 42 S visas were issued to informants and 37 to their family members. In FY 2003, only 30 S visas were issued to informants and 28 to their family members. In FY 2004, through May 13, 2004, only 30 S visas have been issued to informants and 22 to their family members. This is not an immigration program. It is an accommodation to make it possible for the government to get information from informants.

The new S visa classification in my bill would be offered to potential informants by the State Department and the Justice Department, in addition to the Homeland Security Department. Alien smuggling operates cross international lines. No single federal agency can deal with it.

The bill also would establish a rewards program to assist in the elimination or disruption of commercial alien smuggling operations in which aliens are transported in groups of 10 or more, and where either the aliens are transported in a manner that endangers their lives or the smuggled aliens present a life-threatening health risk to people in the United States.

This is not a controversial provision either. The rewards program in my bill is virtually the same as the one the State Department presently uses to obtain informants in cases involving terrorists. The State Department rewards program has been very successful. Perhaps the most famous example is the case last year in which a \$30 million reward was given to individuals who had provided critical information which led to the location of Uday and Qusay Hussein.

I am concerned about the safety of the people who become informants, so my bill also would establish a protection program that would be available to investigators and prosecutors using informants in connection with investigating, disrupting, or prosecuting alien smuggling operations.

The second point in the program would be a penalty enhancement provision. In the case of a person who has been convicted of smuggling aliens into the United States, the sentencing judge would be able to increase the sentence by up to 10 years. This only would apply to cases in which the offense was part of ongoing commercial smuggling operations, the operations involved the transportation of aliens in groups of 10 or more, and either the aliens were transported in a manner that endangered their lives or the smuggled aliens presented a life-threatening health risk to people in the United States.

The third point would be an outreach program. It would require the Secretary of Homeland Security to develop and implement a program to educate the public here and abroad about the penalties for smuggling aliens. The program also would distribute information about the financial rewards and the immigration benefits that would be available for assisting in the investigation, disruption, or prosecution of commercial alien smuggling operations.

I believe that this can be a bipartisan bill and that the three-point program it would establish would reduce the number of deaths from reckless alien smuggling operations.

Thank you.

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PREPARED STATEMENT OF THE HONORABLE LINDA T. SÁNCHEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

#### INTRODUCTION

I thank Chairman Hostettler and Ranking Member Jackson Lee for convening this Subcommittee hearing today about the issue of alien smuggling.

#### ALIEN SMUGGLING INCIDENT IN WATTS

The abuse, mistreatment, and danger of alien smuggling recently hit very near my district in California. Just a few weeks ago, I was shocked and saddened when I learned about treatment of immigrants in an alien smuggling ring two blocks from my district. Agents from the Bureau of Immigration and Customs Enforcement raided a small house in Watts. The small bungalow was used as a “drop house” by alien smugglers, and when federal agents went inside, they found over 100 immigrants mainly from Ecuador, Guatemala, and El Salvador. These men, women, and children were mercilessly crammed into a 1,100 square feet house under inhuman conditions.

The house was in a state of squalor, the aliens had no lights, and they were literally stacked on top of each other. The doors of the house were chained so that the immigrants had no means to get out. And inside, federal agents found pistols, pellet guns and a machete inside that were certainly used to threaten, intimidate, and coerce the immigrants into doing whatever the smugglers told them to.

To make matters worse, the only way the alien smugglers would release the immigrants from these deplorable and abusive conditions was for their families to pay ransoms that ranged from \$1,500 to \$9,000. But now that this smuggling house has been raided, the immigrants are the ones left in nearly helpless circumstances. Their smugglers have abandoned them, they are in an unfamiliar country and they likely have no way of contacting their families.

Sadly, stories like what happened in Watts are not uncommon in the Los Angeles area, which has been a hub of illegal alien smuggling for years. But as the Watts house illustrates, alien smuggling has now become a lucrative business for violent criminal organizations that will do anything to make a profit, including endangering the lives of immigrants they are sneaking into the United States. More immigrants will suffer abuse or die if we do not get tough on alien smuggling rings and improve law enforcement agency’s ability to investigate and apprehend the leaders of the smuggling rings.

#### H.R. 2630, THE “CASE ACT”

H.R. 2630, the Commercial Alien Smuggling Elimination Act, or CASE Act, which my colleague Rep. Jackson Lee introduced and I cosponsored, will do that. This very important bill will increase the prison sentences of alien smugglers by up to 10 years. It will also drastically help law enforcement investigations of alien smuggling rings by offering rewards up to \$100,000, and allowing alien informants, their



spouses, children, and parents to adjust to LPR status if they supply reliable information about smuggling rings.

Passing the CASE Act is an important step toward shutting down alien smuggling rings, but given the number of immigrants who die each year in the smuggling rings, Congress and federal agencies must do more. I think that stopping smuggling rings abroad, before they pack immigrants into trucks or attempt to smuggle them into the United States in other dangerous ways, will reduce the number of smuggling related deaths each year. I am interested in hearing the testimony from our witnesses about how our agencies can attack alien smuggling rings at the source before more lives are lost and more immigrants are exploited.

#### CONCLUSION

I thank Ranking Member Jackson Lee for being a leader on this issue by introducing the CASE Act, and I thank both the Ranking Member and Chairman for convening this hearing.

I yield back.

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#### PREPARED STATEMENT OF THE HONORABLE STEVE KING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. Chairman, Thank you for holding this hearing today. Alien smugglers must be stopped. Smugglers have reached into my district. The bodies of eleven people were found in a train car in Denison, Iowa. The people in the car were left there to die by smugglers who were trying to get them into the United States illegally.

I believe we need tougher sentences for alien smugglers. We must also allocate more resources to uncover smuggling rings overseas to stop smugglers before they ever reach the border. This would include more officers at our consulates abroad and ensuring better cooperation of foreign law enforcement. We must also prioritize our anti-fraud efforts to ensure fake documents cannot be used to slip through the borders.

I look forward to hearing from the witnesses today. Thank you, Mr. Chairman.

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#### PREPARED STATEMENT OF THE HONORABLE ELTON GALLEGLY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you for holding this hearing, Mr. Chairman. I am very concerned about the illegal immigrant smuggling trade and the havoc it wreaks on both the people being smuggled and on the United States.

One proposal would grant visas and ultimately citizenship to those who inform on smuggling rings. I have serious reservations about taking this approach. First and foremost, immigrant smuggling informers are likely to also be involved in the trade. If visas were used as a reward, the benefits of ratting on a competitor would not only lead to the incarceration of that competitor but a legal right to pass in and out of the United States for the snitch. The opportunities for exploitation by rival organized crime groups are too great.

Also, I firmly believe there are more productive ways to combat immigrant smuggling. I think a good place to start is to combat the implements of the trade—such as banning non-secure ID cards like the matricula consular. Steve McCraw, with the Office of Intelligence at the FBI, testified last year about the use of matricula consular and fraudulent matricula consular by alien smugglers. According to his testimony, federal law enforcement officers have arrested alien smugglers that had in their possession as many as seven different matricula consular cards. These cards are used to disguise the identities of the smuggler and his charges. Matricula consular also serve as a magnet for illegal crossers—they are handed out by immigrant smugglers, giving illegal immigrants a document to travel throughout the US, set up utilities, and assume new identities. In fact, just last month, over 100 illegal immigrants who were being smuggled across the country were apprehended with a variety of documents, real and fake, including the matricula consular card. They had used these non-secure documents to board a domestic flight.

I would also support longer sentences for immigrant smugglers. The base sentence for immigrant smuggling is 6 months to 1 year—far too low to deter this sort of organized crime. Increasing penalties for human smuggling would recognize the heinousness of this crime and the threat it represents to those who are smuggled. It would also recognize the threat poses to law and order and the effective control of US borders.

Again, thank you for holding this hearing Mr. Chairman. I yield back my time.

