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U.S. House of Representatives Committee on Homeland Security

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THE 9/11 REFORM ACT: EXAMINING THE IMPLEMENTATION OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER

HEARING

BEFORE THE

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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THE 9/11 REFORM ACT: EXAMINING THE IMPLEMENTATION OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER

Wednesday, March 8, 2006

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON MANAGEMENT,
INTEGRATION AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to call, at 2:30 p.m., in Room 311, Cannon House Office Building, Hon. Mike Rogers [chairman of the subcommittee] presiding.

Present: Representatives Rogers, Harris, Reichert, Meek, Jackson-Lee, and Pascrell.

Mr. ROGERS. The Subcommittee on Management, Integration and Oversight will come to order. Today we are holding a hearing to discuss the Human Smuggling and Trafficking Center. This facility was established by the 9/11 Reform Act and is designed to combat terrorist travel. Let me begin by welcoming our panel of guests to this hearing.

Also I want to recognize our colleague from Florida, Ms. Harris, who has been a leader in addressing problems associated with human trafficking.

The 9/11 Commission correctly pointed out that before September 11, 2001, no U.S. Government agency systemically analyzed terrorists' travel strategies. The 9/11 Commission also believed if the Federal Government had done so, we could have discovered how terrorist predecessors to al-Qa'ida exploited the weaknesses in our border security.

As a result, and based on the Commission's recommendation, the Committee on Homeland Security, along with the Committee on International Relations, pushed for the terrorist travel provisions in the 9/11 Reform Act.

Through the Act, Congress directed the Departments of Justice, State and Homeland Security to address the problem of terrorist travel, including human smuggling and trafficking, in a comprehensive way. The result was the Human Smuggling and Trafficking Center.

We look forward to hearing about the effectiveness of the Center today, as well as challenges to this interagency effort.

I now yield to our Ranking Member, Mr. Meek, from Florida for any statement he may have.

Mr. MEEK. Thank you very much, Mr. Chairman. I want to not only thank you and Ms. Harris but also our witnesses for being a part of this discussion today. I know our time is limited on this hearing, so I am going to make my opening comments very brief.

Mr. Chairman, as you know, this is a major issue to our country. And as we start looking at protecting our borders and also protecting those individuals that are victims of smugglers and others that are out there, that is our biggest challenge. I know that this office is one of the offices that we are going to be talking about today, is only staffed with 12 individuals to deal with the whole country on this subject. I am looking forward to hearing from all of our witnesses here today on how we can accomplish that and if they are getting full cooperation from other Federal agencies to combat human smuggling and also cutting down on trafficking or possible terrorist travel.

So with that, Mr. Chairman, I would yield back the balance of my time so that hopefully we can get to these witnesses.

Mr. ROGERS. I now recognize the Gentlelady from Florida for any opening statement she may have.

Ms. HARRIS. Thank you, Mr. Chairman, and good afternoon. I wish to express my gratitude to you, Mr. Chairman, for granting my request to bring this important issue out of the shadows and into a public forum, and I also want to thank all our witnesses today on both panels for their contributions to the subcommittee's examination of the implementation status of one of the key provisions outlined in the 9/11 Reform Act, the Terrorist Travel and Human Smuggling and Trafficking Center.

We are here today in order to determine the extent to which this interagency effort is meeting the statutory intent of the law. The Committee on Homeland Security was instrumental in ensuring the inclusion of these terrorist travel provisions in the 9/11 Reform Act, including section 7202, which would authorize the Human Smuggling and Trafficking Center.

The exercise of this committee's oversight responsibilities demand that we ascertain whether the current staff structure, the funding levels and the overall strategy are sufficient to ensure compliance with the statutorily defined mission of the Center. And if not, we must resolve to identify and address any of these insufficiencies.

Today, the integrity of our immigration system and our Nation's security is comprised of three increasingly pervasive threats: Clandestine terrorist travel, sex trafficking and human smuggling. These criminal acts may be a distinct phenomenon, but they share a number of unique characteristics, and it is essential that we first understand the subtle differences between the crimes.

The crime of clandestine terrorist travel acts involves surreptitious movements of the terrorists by means of fraudulent documentation or alias support of a terrorist operation, often with the help of illicit travel networks, which can either be terrorist or criminal networks.

The sex trafficking involves the exploitation of people through force, coercion, threats, or deception, and includes human rights abuses such as debt bondage, deprivation of liberty or lack of control over their freedom and labor.

Trafficking can be for purposes of sexual exploitation or labor exploitation and accordingly the INS estimates that the trafficking of human beings, including sex trafficking, exceeds $10 billion in the global industry that now compromises the third largest source of money for organized crime after drugs and arms.

Human smuggling, on the other hand, is defined as the facilitation, transportation or attempted transportation or illegal entry of persons across an international border in violation of one or more of the country's laws. In many cases, individuals engaged in human smuggling do so willingly and voluntarily.

The conditions which give rise to terrorist travel, sex trafficking and human smuggling, as well as the modes, methods and means of transportation are often similar. The absence of moral conscience and willingness to engage in these unspeakable acts of brutality is evident in the terrorists and traffickers alike.

In Florida the threat is a particular concern because of our State's designation as one of the top three destination States within the U.S. for trafficking of victims.

Florida's demographics are a large number of immigrants and the presence of 12 international airports, 14 deep water seaports and our significant water borders that make our State particularly attractive to traffickers and terrorists.

The grave nature of this threat was acknowledged in the 9/11 Commission's report on August 2004 in the recommendations. And in response to the Commission's proposals, Congress passed the Intelligence Reform and Terrorist Prevention Act of 2004, also called the 9/11 Reform Act. Many of the provisions were designed to eradicate the institutional weaknesses that led to the Government's failure to adequately protect our Nation from terrorist attack and in particular for its failure to, quote, connect the dots.

The terrorist exploitation of our transportation and immigration system galvanized the Commission's focus on the need to combat terrorism by targeting terrorist travel. The Commission recommended, and I quote, targeting travel is at least as powerful a weapon against terrorists as targeting their money. The United States should combine terrorist travel intelligence operations and law enforcement into a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorists' mobility, end quote.

The Center constituted an integral component of an overall strategy to combat all violations of our immigration system, and as asserted in the Center's charter, quote, migrant smuggling, trafficking in persons and clandestine terrorist travel are transnational issues that threaten national security. They also raise significant human rights and rule of law concerns.

Finally, there is no ambiguity in the law with regard to this center's function. Section 7202 clearly states that the primary function of the Center is that it shall serve as the focal point for the interagency efforts to address terrorist travel.

And today I wish to clarify that Congress' intent was for the Federal Government to address the problem of terrorist travel, including the ancillary crimes of human smuggling and sex trafficking, in a coordinated and comprehensive way. The subsequent meetings held by the committee with the staffs of the 9/11 Commission of the

Human Smuggling and Trafficking Center, the Center's significant potential to play a key roll in combating terrorist travel emerged.

It is for this reason that the Committee on Homeland Security, along with International Relations Committee pushed for the statutory authorization of the Human Smuggling and Trafficking Center. However, I am concerned by the reports that this Center lacks sufficient resources, including a dedicated full-time staff, dedicated management, and dedicated appropriations needed for the Center's fulfilling of the legislative intent.

In a time of limited resources, it is incumbent upon Members of Congress to ask each agency the tough questions, how does your agency envision the future of the Center, is the Center adequately staffed, funded and organized in order to fulfill its mission, does it have the appropriate leadership involved, and what obstacles exist to the Center's receiving full support?

Again, I wish to thank the witnesses for appearing today, and I look forward to hearing their testimony. I now yield back to the ranking member for any opening statement that he may have.

Mr. ROGERS. I want to thank the witnesses. We have a very distinguished panel with us now. We thank you for being here. And I want to let you know your entire statements will be submitted for the record in their entirety. But I would ask so that we can get to the questions that you limit your comments to 5 minutes.

We are going be called for votes at about 3:30. We would like to wrap this up so we don't keep you waiting here for an hour while we are over there voting.

So with that, the Chair now recognizes Mr. John Clark, Deputy Assistant Secretary of Immigration and Customs Enforcement of the U.S. Department of Homeland Security, for any statement he may have.

STATEMENT OF JOHN CLARK, DEPUTY ASSISTANT SECRETARY, IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. CLARK. Chairman Rogers, Ranking Member Meek and distinguished members of the subcommittee, it is an honor for me to appear before you today to share the Department of Homeland Security's role in the implementation of the Human Smuggling and Trafficking Center and the Department's commitment to its critical mission.

I would like to stray a little from my written statement in giving my oral summary. I have two reasons for doing so. The first is I want to more concretely underscore the strong relationship Department of Homeland Security is developing with the Human Smuggling and Trafficking Center. It is a relationship that is maturing and growing as the Center and Department move beyond our first years of existence.

The second reason is not to wave the flag of immigration and customs enforcement, or ICE, but as an executive of ICE to also underscore a part of the reason as to why I am appearing before you today representing the Department of Homeland Security at this hearing.

The mission of the Center marries very well into part of the core mission of ICE. My agency has the primary Federal responsibility

for investigating transnational organizations responsible for human smuggling and trafficking. The Center provides a venue in which various agencies within DHS, but principally ICE, can share all information on these organizations, classified or otherwise, and work collaboratively with our partners in DOJ, State and the Intelligence Community to ensure that criminal organizations involved in human smuggling and trafficking aren't also connected with terrorism.

Should we identify any such links, we are able to seamlessly hand off to the FBI, the agency with primary jurisdiction for such terrorist related investigations. There is currently no other center that provides such a venue.

From the perspective of the Department, the Center has been providing strategic operational and tactical information as well as analytic support, which has supported ICE smuggling investigations, human smuggling investigations, and have resulted in the disruption and/or dismantling of criminal travel networks engaged in the movement of foreign nationals of special interest to the United States.

I would like to summarize some of these contributions, with the understanding that some of the locations have been generalized due to the ongoing nature of the investigation and the nature that the Center supports us.

For example, the Center provided valuable support for an ICE investigation conducted by one of our field offices in the northeastern United States that focused on a travel network engaged in the smuggling of Indian nationals through the Caribbean and South America. The investigation disclosed that these smugglers had engaged in the illegal movement of special interest aliens. Both smugglers were indicted and are in U.S. custody at this time.

In a recent event, a flagless fishing vessel transporting over 100 migrants capsized in the Pacific Ocean off the coast of South America while en route to Central America. This Center rapidly provided tactical information to ICE investigators and DOJ officials who deployed to South America to assist the host government in the ensuing criminal investigation. The collaborative efforts of both governments led to the arrest by the foreign authorities of the smuggler responsible for the tragedy.

During an ICE human smuggling investigation, the Center provided intelligence information that was shared with the foreign government. The foreign government detained the ICE suspect in accordance with international law. The detention of the subject allowed both the United States and the foreign government to use the United Nations Convention Against Transnational Organized Crime, specifically the Protocol Against the Smuggling of Migrants, for the first time for both countries in making extradition to the United States legally possible. The extradition has been granted, although it is still pending an appeal by the subject in that country.

The subject was identified as a member of a criminal organization engaged in the smuggling of Albanian and Macedonian nationals. This criminal organization procured fraudulent travel documents to facilitate the movement of foreign nationals through Eu-

rope and South America with the United States as the ultimate destination.

ICE has unparalleled experience investigating organizations in both human smuggling and trafficking of persons. In fiscal years 2004, 2005 ICE human smuggling and trafficking investigations resulted in approximately 4,000 arrests, 2,000 indictments, and more than 1,500 convictions. As it pertains to significant travel networks, ICE engages in multiagency intelligence driven targeting.

As a result of these U.S. Government targeting efforts, ICE-led investigations have resulted in the disruption and/or dismantling of 24 signify criminal travel networks engaged in the global movement of third country nationals, mostly foreign nationals of countries of interest to the United States.

In their similar initiative abroad, the U.S. Ambassador to Mexico requested that the U.S. Embassy's Fusion Center be renamed the Alien Smuggling Coordination Center, ASCC, with a refocused mission on human smuggling travel patterns of third country nationals. The Ambassador requested that ICE assume the U.S. government lead for the operational responsibilities of the new ASCC.

To that end, ICE has allocated manpower, inclusive of a designated agent to coordinate the implementation of the ASCC and to collaborate with all U.S. Government stakeholders at post. The ASCC is intended to operate in the U.S. Embassy in Mexico along similar lines of the HSTC by bringing representatives from Law Enforcement and Intelligence and State to share and review data on human smuggling and trafficking organizations looking for any connections with terrorism and enhanced enforcement actions as appropriate.

As it relates to trafficking in persons, ICE has an unprecedented role in preventing the revictimization of trafficking victims through the issuance of short-term immigration relief in the form of continued presence. Although there are several government entities involved in the fight against trafficking in persons, ICE is the single Federal entity authorized to provide CP for victims of trafficking. Within that context, in 2005, ICE agents sponsored 78 percent of all initial requests and extensions for CP governmentwide.

These statistics illustrate the significant contribution by ICE as it relates to investigations of individuals and criminal organizations engaged in the exploitation of men, women and children for the purpose of commercial, sex or forced labor. To that end, ICE has 305 collateral duty victim witness coordinators who work with nongovernment organizations to assist in the provision of victim services.

Finally, in the Global Trafficking in Persons, or G–TIP program, the Department of Homeland Security works cooperatively with the Department of State and justice. ICE manages some of the G–TIP projects with the overall goal of building foreign government capacity to increase the effectiveness of their anti-trafficking law enforcement efforts.

Additionally, ICE seeks to develop and conduct joint bilateral investigations to dismantle criminal organizations engaged in the trafficking of persons. The ICE Office of Investigations provides oversight, guidance and support to ongoing criminal trafficking and

child sex tourism investigations, both domestically and internationally.

ICE coordinates and shares information and intelligence with the Center. The Department participates in the Senior Policy and Operating Group, or SPOG, and the Peer Review Panel, both established by the President's G–TIP Initiative.

The men and women of DHS are grateful for the chance to serve the American people on their behalf. I thank you and your colleagues for the continued support for the Department and the Human Smuggling and Trafficking Center, and I would be pleased to answer any of your questions.

[The statement of Mr. Clark follows:]

PREPARED STTEMENT OF JOHN P. CLARK

Chairman Rogers, Ranking Member Meek and distinguished members of the subcommittee, it is an honor for me to appear before you today to share the Department of Homeland Security's role in the implementation of the Human Smuggling and Trafficking Center (Center) and the Department's commitment to its critical mission.

Criminal travel networks pose a threat to our national security by providing a readily available conduit through which persons potentially seeking to harm United States interests can enter our country. These networks, primarily engaged in human smuggling and trafficking in persons, rely on highly effective transnational alliances involving service providers such as recruiters, brokers, document manufacturers, transporters and corrupt government officials. To effectively cripple these criminal travel networks at source and transit countries, as well as in the United States, interagency cooperation and information exchange are of the utmost importance.

To this end, in July 2004, the Secretary of State, the Secretary of Homeland Security and the Attorney General created the Human Smuggling and Trafficking Center. In December 2004, the Congress formalized the establishment of the Center in Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004.

Since its inception, the Department of Homeland Security has fully supported this very important interagency venture. The Department, through a senior manager from U.S. Immigration and Customs Enforcement (ICE), served as the first director of the Center. In recognition of our continuing commitment to the Center, DHS has forwarded the nomination of another ICE executive to the steering group for consideration. In addition, DHS Assistant Secretary Randy Beardsworth has been involved in guiding the Center by serving as Co-Chair and as the Senior DHS representative to the Center's Steering Group.

The Department of Homeland Security has contributed a significant and expanding presence at the Center. In FY 05, DHS had six representatives assigned to the Center. ICE had five full-time personnel from the Offices of Investigations and Intelligence and the U.S. Coast Guard (USCG) assigned one intelligence analyst. In FY 06, the ICE personnel assigned to the Center will reach seven representatives: six investigators, one of which will be the Center Director, and one intelligence analyst. Analysts from DHS's Office of Intelligence and Analysis (I&A), and the USCG are planning to assign additional personnel to the Center to enhance the Center's capabilities.

With respect to budget for the Center, the Department has entered into a cost reimbursement agreement with the Departments of State and Justice to address operating expenses for fiscal years 2005 and 2006. The Center and its stakeholders continue to work to identify the scope of the Center's long-term resource needs.

The Center has made significant achievements, including meeting statutory requirements of the Intelligence Reform and Terrorism Prevention Act of 2004, such as the President's 180-Day Report to Congress relating to the establishment of the Human Smuggling and Trafficking Center and the Vulnerabilities Assessment produced jointly with the National Counter-Terrorism Center. The latter product focused on vulnerabilities in the U.S. and international travel systems that can be exploited by terrorists, smugglers and human traffickers.

In addition to meeting statutory requirements, the Center has produced valuable intelligence assessments of countries in Latin America and Asia as well as an assessment of the Document Fraud industry in a specific country. As part of the Security and Prosperity Partnership, a trilateral initiative between the governments of

Mexico, Canada and the United States, the Center was tasked to conduct a joint U.S./Canada assessment on Trafficking in Persons.

From the perspective of the Department, the Center has been providing strategic, operational and tactical information as well as analytical support, which have supported ICE human smuggling investigations and have resulted in the disruption and/or dismantling of criminal travel networks engaged in the movement of foreign nationals of special interest to the United States.

I would like to summarize some of these contributions with the understanding that some of the locations have been generalized due to the ongoing nature of the investigations and the nature of the Center's support to us. For example, the Center provided valuable support for an ICE investigation conducted by one of our field offices in the northeastern United States that focused on a travel network engaged in the smuggling of Indian nationals through the Caribbean and South America. The investigation disclosed that these smugglers had engaged in the illegal movement of Special Interest Aliens. Both smugglers were indicted and are in U.S. custody at this time.

In a recent event, a flagless fishing vessel transporting over 100 migrants capsized in the Pacific Ocean off the coast of South America while en route to Central America. The Center rapidly provided tactical information to ICE investigators that had deployed to South America to assist the host government in the criminal investigation. The collaborative effort of both governments led to the arrest by the foreign authorities of the smuggler responsible for the tragedy.

During an ICE human smuggling investigation, the Center provided intelligence information that was shared with a foreign government. The foreign government detained the ICE suspect in accordance with international law. The detention of the subject allow both the United States and the foreign government to use the United Nations Convention Against Transnational Organized Crime; specifically, the Protocol Against the Smuggling of Migrants, for the first time for both countries and make an extradition to the United States legally possible. The extradition has been granted, although it is still pending appeal by the subject in that country. The subject was identified as a member of a criminal organization engaged in the smuggling of Albanian and Macedonian nationals. This criminal organization procured fraudulent travel documents to facilitate the movement of foreign nationals through Europe and South America, with the United States as the ultimate destination.

Lastly, in the Global Trafficking in Persons (G–TIP) program, the Department works cooperatively with the Departments of State and Justice. ICE manages some of the G–TIP projects with the overall goal of building foreign government capacity to increase the effectiveness of their anti-trafficking law enforcement efforts. Additionally, ICE seeks to develop and conduct joint bilateral investigations to dismantle criminal organizations engaged in the trafficking in persons. The ICE Office of Investigations provides oversight, guidance and support to ongoing ICE criminal trafficking and child sex tourism investigations, both domestically and internationally. ICE coordinates and shares information and intelligence with the Center. The Department participates in the Senior Policy Operating Group (SPOG) and on the Peer Review Panel, both established by the President's TIP Initiative. The ICE TIP efforts are provided to and included in the semiannual Department of State G–TIP POTUS Initiative Program Status Report, and to the Attorney General's Annual Report to Congress on the U.S. Government Efforts to Combat Trafficking in Persons.

In conclusion, the Center brings together federal agency representatives from the policy, law enforcement, intelligence and diplomatic arenas to work together to achieve increased progress in addressing the problems of human smuggling, human trafficking and clandestine terrorist mobility. The Department is committed to supporting the Center. Its success enhances the Department's capabilities to address these criminal threats and exploitable vulnerabilities.

The men and women of DHS are grateful for the chance to serve the American people and on their behalf, I thank you and your colleagues for your continued support of the Department and the Human Smuggling and Trafficking Center.

I would be pleased to answer your questions.

Mr. ROGERS. Thank you, Mr. Clark.

The Chair now recognizes Mr. Chris Swecker, Acting Executive Director of Law Enforcement Services at the U.S. Department of Justice, for any statement he may have.

STATEMENT OF CHRIS SWECKER, ACTING EXECUTIVE ASSISTANT DIRECTOR OF LAW ENFORCEMENT SERVICES, U.S. DEPARTMENT OF JUSTICE

Mr. SWECKER. Good afternoon, Chairman Rogers, Ranking Member Meek, and members of the committee. We appreciate the opportunity to come here to talk to you today about the Human Smuggling and Trafficking Center. This Center now serves as the Federal Government's information clearinghouse and intelligence fusion center for all Federal agencies addressing human smuggling, human trafficking and potential use of human smuggling routes, networks and organizations by known or suspected terrorists.

The Department of Justice is represented on the Center's Steering Committee through the participation of the Assistant Attorney Generals of the Civil Rights and Criminal Divisions and the FBI Assistant Director of the Criminal Investigative Division. The Department of Homeland Security and the Department of State also have representatives on the Steering Committee.

The Steering Committee meets regularly to help provide the growth and direction of the new venture. Each of the AAGs and the AD have designated high level staff to work closely with the Center Director to provide more day-to-day guidance on the number of issues that arise given that the HSTC is still in development.

The Steering Committee is considering the appropriate staffing levels needed in order to carry out the Center's mission. The Steering Committee created a working group for that purpose, and that working group has been meeting and is expected to make recommendations to the Steering Committee about staffing issues.

The HSTC develops intelligence into action by law enforcement agencies, serves as the focal point for interagency efforts to address clandestine terrorist travel, serves as the clearinghouse for deconfliction of member agencies' efforts regarding human smuggling, human trafficking and clandestine terrorist travel, supports the efforts of the National Counterterrorism Center, and prepares an annual strategic assessment regarding vulnerabilities in the United States and international travel systems.

The HSTC is staffed by administrators, investigators and analysts from the Departments of State, Homeland Security and Justice and Intelligence Community representatives. The FBI's Criminal Investigative Division has a supervisory special agent and an intelligence analyst assigned to the HSTC. Both work closely with their counterparts in the FBI's Counterterrorism Division to ensure the free flow of intelligence and investigative information regarding any possible connections to terrorism.

Our analyst at the Center has direct contact with their counterpart in the Counterterrorism Division. There are analysts in the FBI that stand behind the ones detailed tO the Center. Thus, the analysts detailed to the Center contribute to the combined product of all of the analysts back at headquarters.

FBI databases are in the Center, and the information in the databases is available to other participants through the FBI detailees. The FBI and HSTC recently identified a criminal enterprise that was smuggling special interest aliens into the United States, and the FBI subsequently determined this criminal enterprise had a potential nexus to terrorist groups. This intelligence

was provided to and is being investigated by the FBI's Counterterrorism Division in conjunction with the appropriate FBI Legal Attache Offices.

FBI personnel at the HSTC also work with and share intelligence with the Mexico City Intelligence Fusion Center, as well as the FBI Mexico City Legal Attache Office regarding human smuggling and trafficking and any potential connections to terrorist travel or terrorist organizations.

FBI representatives at the HSTC are in the process of establishing intelligence sharing protocols on human smuggling and trafficking matters with all of the Latin American FBI Legal Attache Offices and plan to do the same for the FBI Legats in Africa and Asia.

The HSTC is currently coordinating the pursuit of another human smuggling and trafficking matter with the Department of State, FBI, ICE and international law enforcement counterparts in Asia and Europe regarding smugglers from the United States as part of a human trafficking ring operating in Europe.

The HSTC is coordinating the investigation of this trafficking ring with the appropriate FBI Legat office in Europe and Asia, and field offices. In addition to its participation in the HSTC, the FBI is also using its participation in the Southeastern European Cooperative Initiative, SECI, to address its responsibilities for investigating international criminal enterprises engaged in a variety of criminal activity, including human smuggling and trafficking.

The SECI operates in much the same way as the HSTC does to facilitate the exchange of information and coordinate international law enforcement efforts among 12 member and 14 observer countries, primarily focused on transborder crime in the Balkan region. The 12 member countries are listed in my statement. I won't go through all of them, but they are all in Eastern Europe and the Balkan area.

SECI also supports the following specialized task forces for countering transborder crime, including human trafficking and people smuggling, drug trafficking, trafficking stolen vehicles, financial crimes, smuggling of goods and customs frauds, terrorism and other serious transborder crimes.

Currently we have three agents on assignment in SECI in Bucharest, Romania; Sofia, Bulgaria; and Tirana, Albania.

The FBI uses the Enterprise Theory of Investigation as one of our main strategies to investigate criminal enterprises that are involved in human smuggling and human trafficking, as well as other organized criminal organizations.

The Enterprise Theory of Investigation is an intelligence driven investigative technique which seeks to identify the full scope of a criminal organization. It is a two-step process which involves identifying the organization and the activities surrounding the organization while simultaneously identifying the financial assets of the criminal investigation for possible forfeiture. Sophisticated techniques are used as well as the RICO statutes and the complex conspiracy statutes.

The FBI has received some intelligence reports from the Center that some members of MS–13 have been involved in human smuggling by facilitating the transportation of illegal immigrants from

Latin American countries through Mexico to the U.S., but not on a large scale. Some MS–13 gang members have been smuggled into the U.S. utilizing the services of established human trafficking networks. This information was derived from interviews of MS–13 gang members at the time of their arrest in the United States.

The FBI will continue to support the efforts of the Center and its effectiveness in combating human smuggling and human trafficking. I look forward to answering your questions.

[The statement of Mr. Swecker follows:]

PREPARED STATEMENT OF CHRIS SWECKER

Good morning Chairman Rogers, Ranking Member Meek, and Members of the Committee. I want to thank you for this opportunity to testify before you today about the FBI's role in the Human Smuggling and Trafficking Center. The Acting Director of the Center is submitting testimony that outlines in detail the structure, staffing and mission of the Center.

Pursuant to Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), the Departments of State, Homeland Security, and Justice signed a charter in July 2004 to establish the Human Smuggling and Trafficking Center (HSTC). This Center now serves as the federal government's information clearinghouse and intelligence fusion center for all federal agencies addressing human smuggling, human trafficking, and the potential use of human smuggling routes, networks and organizations by known or suspected terrorists. The Department of Justice is represented on the Center's Steering Committee through the participation of the Assistant Attorney Generals of Civil Rights and Criminal Divisions and the FBI Assistant Director of the Criminal Investigative Division. The Department of Homeland Security and the Department of State also have representatives on the Steering Committee. The Steering Committee meets regularly to help guide the growth and direction of this new venture. Each of the AAGs and the AD have designated high-level staff to work closely with the Center Director to provide more day-to-day guidance on the number of issues that arise given that the HSTC is still in development. The Steering Committee is considering the appropriate staffing levels needed in order to carry out the Center's mission. The Steering Committee created a working group for that purpose. The working group has been meeting and is expected to make recommendations to the Steering Committee about staffing issues.

The HSTC develops intelligence into action by law enforcement agencies; serves as the focal point for interagency efforts to address clandestine terrorist travel; serves as the clearinghouse for deconfliction of member agencies efforts regarding human smuggling, human trafficking and clandestine terrorist travel; supports the efforts of the National Counterterrorist Center (NCTC), and prepares an annual strategic assessment regarding vulnerabilities in the United States and international travel systems.

The HSTC is staffed by administrators, investigators, and analysts from the Department of State, the Department of Homeland Security, the Department of Justice, and intelligence community representatives.

The FBI's Criminal Investigative Division has a Supervisory Special Agent and an Intelligence Analyst assigned to the HSTC. Both work closely with their counterparts in the FBI's Counterterrorism Division to ensure the free flow of intelligence and investigative information regarding any possible connections to terrorism. Our analyst at the Center has direct contact with their counterpart in the Counterterrorism Division. There are analysts in the FBI that "stand behind" the ones detailed to the Center. Thus, the analysts detailed to the Center contribute the combined product of all the analysts back at headquarters. FBI databases are in the Center and the information in the databases is available to other participants through the FBI detailees.

The FBI and the HSTC recently identified a criminal enterprise that was smuggling Special Interest Aliens (SIAs) into the United States, and the FBI subsequently determined this criminal enterprise had a potential nexus to terrorist groups. This intelligence was provided to and is being investigated by the FBI's Counterterrorism Division in conjunction with the appropriate FBI Legal Attaches.

FBI personnel at the HSTC also work with and share intelligence with the Mexico City Intelligence Fusion Center (MCIFC), as well as the FBI Mexico City Legal Attache office, regarding human smuggling and trafficking, and any potential connections to terrorist travel or terrorist organizations. FBI representatives at the HSTC

are in the process of establishing intelligence sharing protocols on human smuggling and trafficking matters with all of the Latin American FBI Legal Attache offices, and plan to do the same for the FBI Legal Attaches in Africa and Asia.

The HSTC is currently coordinating the pursuit of another human smuggling and trafficking matter with the Department of State, FBI, Immigration and Custom Enforcement, and international law enforcement counterparts in Asia and Europe regarding smugglers from the United States that are part of a human trafficking ring operating in Europe. The HSTC is coordinating the investigation of this trafficking ring with the appropriate FBI Legal Attache offices in Europe and Asia.

In addition to its participation in the HSTC, the FBI is also using its participation in the Southeast European Cooperative Initiative (SECI) to address its responsibilities for investigating international criminal enterprises engaged in a variety of criminal activity, including human smuggling and trafficking. The SECI operates in much the same way as the HSTC does to facilitate the exchange of information and to coordinate international law enforcement efforts among 12 member and 14 observer countries, primarily focused on transborder crime in the Balkan Region. The 12 member countries included in SECI are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Slovenia, Serbia/Montenegro, and Turkey. The observer countries are from Austria, Azerbaijan, Belgium, Canada, France, Georgia, Germany, Italy, the Netherlands, Portugal, Spain, Ukraine, the United Kingdom, and the United States.

The SECI also supports the following specialized task forces for countering transborder crime:

1. Human trafficking and people smuggling
2. Drug trafficking
3. Trafficking in stolen vehicles
4. Financial crimes
5. Smuggling of goods and customs frauds
6. Terrorism
7. Other serious transborder crimes

The FBI currently has three agents on TDY assignments for SECI in Bucharest, Romania; Sofia, Bulgaria; and Tirana, Albania.

The FBI utilizes the Enterprise Theory of Investigation (ETI) as one of our main strategies to investigate criminal enterprises that are involved in human smuggling and human trafficking, as well other organized criminal organizations.

ETI is an intelligence driven investigative technique which seeks to identify the full scope of a criminal organization.

ETI is a two step process, which involves identifying the organization and the criminal activities surrounding the organization, while simultaneously identifying the financial assets of the criminal organization for possible forfeiture.

ETI can involve covert techniques, which include informants, physical surveillance, electronic surveillance (wiretaps), undercover operations, and the use of pen registers. ETI can also utilize overt techniques, such as Federal Grand Jury subpoenas, witness interviews, and the review of media reporting.

The ETI approach is used with the Racketeer Influenced and Corrupt Organizations statute, which is better known as the RICO statute. ETI furthers RICO prosecutions by identifying predicate crimes, identifying the existence of a criminal enterprise, and by identifying the individuals in control of the enterprise.

The FBI has received intelligence reports from the Center that some members of MS–13 have been involved in human smuggling by facilitating the transportation of illegal migrants from Latin American countries, through Mexico to the United States, but not on a large scale.

Also, some MS–13 gang members have been smuggled into the United States utilizing the services of established human smuggling networks. This information was derived from interviews of MS–13 gang members at the time of their arrests in the United States.

The FBI supports the efforts of the Center and its effectiveness in combating human smuggling and human trafficking. The FBI's counterterrorism, international organized crime, and domestic trafficking and involuntary servitude/slavery efforts have been and will continue to be enhanced by the valuable contributions of the Center. Thank you again for the opportunity to appear today. I would be happy to answer any of your questions.

Ms. HARRIS. [Presiding.] Thank you, Mr. Swecker, for your testimony.

The Chair now recognizes Mr. Marc Gorelick, Acting Director for Human Smuggling and Trafficking Center at the United States Department of State, to testify. Welcome.

STATEMENT OF MARC GORELICK, ACTING DIRECTOR, HUMAN SMUGGLING AND TRAFFICKING CENTER, U.S. DEPARTMENT OF STATE

Mr. GORELICK. Thank you. Good afternoon, Mr. Chairman, and distinguished members of the committee.

Before I begin I would like to extend my sincere gratitude to you and the members of your subcommittee for this opportunity to share with you the status of the interagency Human Smuggling and Trafficking Center, and the strides we have taken to build the Center ensure that it plays a significant role in protecting the United States. Your interest in our work is greatly appreciated.

As Acting Director, I wish to make it clear that I am speaking on behalf of the Center and not any of the participating agencies.

Human smuggling and trafficking into the United States constitutes significant risks to national security and public safety.

Global pipelines present an unacceptable vulnerability to our Nation's security. These pipelines are used by smuggling and trafficking organizations for moving undocumented aliens and may be exploited by terrorists and extremist organizations to gain clandestine entry into the United States.

The interagency Center is designed to turn all source intelligence into law enforcement or other action in three main mission areas: Human smuggling, human trafficking—especially the criminal facilitation and movement of the victims—and the third is the criminal smuggler and document provider support of clandestine terrorist travel.

Basically, the HSTC helps fight the global illicit travel industry. It is an intelligence fusion center and information clearinghouse that was established to break down the information stovepipes to ensure that the people and agencies that need intelligence get it on a timely basis. It is a valuable new tool that collates, vets and analyzes information from a range of sources and disseminates actionable operational leads to Federal law enforcement, foreign policy, and intelligence agencies and informs policy makers of threats to help them make informed decisions.

When the HSTC is fully staffed, resourced and supported by participating agencies, it will be better able to draw upon and leverage their resources, strengths, authorities, and expertise in order to achieve greater integration and overall effectiveness in the U.S. Government's enforcement and other response efforts and also to work with other governments.

It is now beginning to fulfill this potential by providing a mechanism to bring together Federal agency representatives from the policy, law enforcement, intelligence and diplomatic areas to work together on a full-time basis to achieve increased effectiveness and convert intelligence into effective action. We also serve a deconfliction role.

Under the terms of the HSTC charter, the Center is a voluntary initiative. Agencies choose to participate because they see the benefits in doing so. These agencies are the Department of State, De-

partment of Justice, Department of Homeland Security, and members of the Intelligence Community.

The Center's efforts are fundamentally supportive as it is intended to fuse information obtained from multiple sources and provide participating agencies with tailored intelligence that can enhance law enforcement and other action. It does not direct any activities or develop policy.

While under construction, the Center has become a center of excellence. U.S. Government agencies are turning to it because of its unique expertise and knowledge in the related realms of terrorist travel, human smuggling and human trafficking. While we are proud of this recognition, we realize that it can be a two-edged sword as the Center can become subject to rising expectations beyond its capabilities.

When the charter was negotiated and signed, the Center was originally envisioned as a small operation with a limited mission and responsibilities. Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 added significant new functions and responsibilities to the Center for which the Center was not originally created or organized to handle.

The HSTC is still very much a work in progress and in the short time since the charter was signed and the IRTPA established the Center in law, the Center staff has made substantial progress in building the organization infrastructure and fulfilling its responsibilities. These results were achieved with the minimum of fiscal information technology and human resources. However, it still has a way to go before it can fulfill all that is required by law or expected of it by its agencies.

Currently, the Center staff is made up of only 11 full-time and 5 part-time people, all of whom are detailed or assigned to the Center by their parent agencies. We also have one contract support person.

Mr. Chairman, the Center and the people assigned to it are dedicated to its mission and safeguarding America. We look forward to working with the subcommittee in our efforts to secure our national interests. I also 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.

[The statement of Mr. Gorelick follows:]

PREPARED STATEMENT OF MARC GORELICK

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 with you the status of the interagency Human Smuggling and Trafficking Center, and the strides we have taken to build the Center and ensure that it plays a significant role in United States efforts against the criminal support of clandestine terrorist travel, alien smuggling and trafficking in persons. Your interest in our work is greatly appreciated. As Acting Director I wish to make it clear that I am speaking on behalf of the interagency Center and not any of the participating agencies.

Human smuggling and trafficking into the United States constitute significant risks to national security and public safety. Global pipelines present an unacceptable vulnerability to our nation's security. These pipelines can be used by smuggling and trafficking organizations for the clandestine entry of undocumented aliens and may be exploited by terrorist and extremist organizations to gain entry into the United States.

The interagency Center is designed to turn all-source intelligence into law enforcement or other action in three main mission areas:

- Human smuggling;
- Human trafficking (criminal movement aspect); and
- Criminal smuggler and document provider support of clandestine terrorist travel.

Basically the HSTC helps fight the illicit travel business.

It is an intelligence fusion center and information clearinghouse that was established to break down the information stovepipes to ensure that the people and agencies that need intelligence get it on a timely basis. It is a valuable new tool that is designed to collate, vet and analyze intelligence and related information from a vast range of sources and disseminate actionable operational leads to federal law enforcement, foreign policy and intelligence agencies. It is also designed to inform policy makers of threats in order to help them make informed decisions.

When the HSTC is fully staffed, resourced and supported by participating agencies, it will be better able to draw upon, and leverage their resources, strengths, authorities and expertise in order to achieve greater integration and overall effectiveness in the U.S. Government's enforcement and other response efforts, and work with other governments. It is now beginning to fulfill this potential by providing a mechanism to bring together federal agency representatives from the policy, law enforcement, intelligence, and diplomatic areas to work together on a full time basis to achieve increased effectiveness, and to convert intelligence into effective law enforcement, diplomatic, and other action.

Under the terms of the HSTC Charter, the Center is a voluntary initiative. Agencies choose to participate because they see benefits. These agencies are: Department of State—(International Narcotics and Law Enforcement Affairs, Consular Affairs, Diplomatic Security); Department of Justice—(Criminal Division, Civil Rights Division, Federal Bureau of Investigation); Department of Homeland Security—(Immigration and Customs Enforcement, United States Coast Guard, Office of Intelligence Analysis) and members of the Intelligence Community.

The Center's efforts are fundamentally supportive in nature as the HSTC is intended to fuse information obtained from multiple sources and provide participating agencies with tailored intelligence that can enhance law enforcement and other action. It does not direct any activities or develop policy.

Even while under construction, the Center has become a "center of excellence" that US government agencies turn to more and more because of its unique expertise and knowledge in the realms of smuggler support of terrorist travel, human smuggling and human trafficking. While we are proud of this recognition, we realize that it can be a two edged sword, as the Center can become subject to rising expectations beyond its capabilities.

The HSTC is still very much a work in progress. In the year and half since the Departments of State, Justice and Homeland Security signed the Center Charter, and the little over a year since the Intelligence Reform and Terrorism Prevention Act (IRTPA) established the Center in law, we have made substantial progress in building a useful organization and fulfilling its responsibilities. However, it still has a way to go before it can fulfill all that is required by the IRTPA or expected of it by agencies or other interagency centers such as the National Counterterrorism Center, with which the HSTC cooperates.

Under the Charter, the HSTC was originally envisioned as a small operation with a limited mission and responsibilities; with the following functions:

- Facilitate the broad dissemination of all-source information;
- Prepare strategic assessments that provide accurate and timely information about: organizations' organization, infrastructure and methods of operation; smuggling routes, countries and geographic regions; and criminal methodologies;
- Identify issues for interagency attention or coordination;
- If requested, coordinate select initiatives and provide support; and
- Serve as a point of contact for cooperation with foreign authorities.

Section 7202 of the IRTPA of 2004 added significant new functions and responsibilities to the Center, which the Center was not originally created or organized to handle:

- Serve as the focal point for interagency efforts to address terrorist travel;
- Serve as a clearinghouse with respect to all relevant information from all Federal Government agencies in support of the United States strategy to address the issues of clandestine terrorist travel, migrant smuggling and trafficking of persons;
- Ensure cooperation among all relevant policy, law enforcement, diplomatic, and intelligence agencies of the Federal Government to improve effectiveness

and to convert all information available to the Government relating to the three mission areas into tactical, operational, and strategic intelligence that can be used to combat such illegal activities;

• Prepare and submit to Congress, on an annual basis, a strategic assessment regarding vulnerabilities in the United States and foreign travel systems that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators;

• Support the efforts of the National Counter Terrorism Center.

The Center staff has labored diligently over the last year. Their efforts have produced significant results in the areas of building the Center's infrastructure, fulfilling some of the requirements assigned to it by the IRTPA, and fostering greater U.S. and international cooperation to combat terrorist mobility, human smuggling and human trafficking. These results were achieved with a minimum of fiscal, information technology (IT), and human resources. Currently the Center staff is made up of 11 full-time and five part-time people, all of whom are detailed or assigned to the Center by their parent agencies. We also have one contract support person. The following outlines *some* of the accomplishments that have resulted from their efforts:

On June 20, 2005, the HSTC fulfilled IRTPA Section 7202(d), which required the President to transmit a report to the Congress outlining progress that has been made in standing up the HSTC and to identify its staffing and resource needs.

The Departments of State, Justice and Homeland Security signed a cost reimbursement agreement to cover the HSTC's non-personnel related operating costs for fiscal years 2005 and 2006. This will significantly increase the Center's ability to fulfill its many missions.

The HSTC is located in a secure location that is supported by the State Department. Although it uses a State Department IT backbone, as a fusion center, classified connectivity and information management are critical. We are establishing IT connectivity to many participating agencies, including the Intelligence Community. We are also working closely with our partners and have an especially close relationship with the National Counter Terrorism Center.

The Center has disseminated almost 2000 cables and reports since May 2005. Center staff created an Intelligence Dissemination Tracking System and Database in December 2005, which also includes any feedback we receive from the recipients.

The Department of Homeland Security established a searchable HSTC database and webpage on the DHS Intelligence Fusion Web-page and uploaded thousands of records. The HSTC updates the database daily.

The Coast Guard established and upgraded a classified website for the Center on its SIPRNET Website where the Center's products are posted.

The State Department established a public information Internet website to give general information about the HSTC (*http://www.state.gov/g/inl/c14079.htm*)

All personnel assigned to the Center have available, on their desktops, the State Department's unclassified and classified (up to Secret) systems and the DHS unclassified network, providing the HSTC access to numerous DHS databases. The State systems provide access to the State Intranet, e-mail, cable traffic and the Consolidated Consular Database, a powerful tool that contains millions of visa records.

We have completed installation and activation of DOJnet, which provides more efficient and secure communications between DOJ personnel assigned to the HSTC, and the Justice Data Network. We have also completed installation and activation of FBInet terminals, providing the HSTC access to critical FBI data.

The Center installed secure video conferencing capability for real-time conferencing with overseas posts as well as domestic locations.

The HSTC and the State Department's Bureau of Consular Affairs are negotiating an agreement to give the Center access to the U.S. Passport database. We are also negotiating with DHS U.S. Citizenship and Immigration Services for appropriate HSTC access to USCIS records.

Secure desktop connectivity with the Intelligence Community has been approved by the Director of National Intelligence's (DNI) Interagency Policy Board (IAPB). We hope to have this, and other secure connectivity, installed in the next few months.

The Center created an electronic and hard copy library of images of genuine and fraudulent U.S. and foreign travel documents, and U.S. and foreign fraudulent document alerts. This is a limited internal database that is meant to be a research tool for analysts in the HSTC. It is not meant to be all inclusive nor is it meant to duplicate the library at the DHS/ICE Forensic Document Laboratory.

The Center's staff is also producing a body of useful intelligence assessments and reports at the same time they were building its infrastructure and establishing its procedures. These products were initiated by statutory requirements, requests from

participating agencies, and self generation, where the Center staff saw a vulnerability or need to inform. Some of the more notable products include:

IRTPA § 7202(c)(4) requires the HSTC to prepare and transmit to Congress a strategic assessment regarding vulnerabilities in the US and international travel systems that can be exploited by terrorists, smugglers, traffickers and their facilitators. The HSTC and the National Counterterrorism Center (NCTC) jointly drafted a comprehensive vulnerabilities assessment and released it as a finished intelligence product on September 14, 2005. The report was delivered to Congress on December 16, 2005. We will be gearing up for the next report.

The Center is heavily involved in the production of the National Strategy to Combat Terrorist Travel, which the NCTC produced. Most of the Center staff were involved in drafting the strategy and one staff member was a lead drafter of this product.

The Coast Guard and the HSTC jointly issued intelligence products that identified certain asylum applicants in the United States, and a foreign national immigrant visa applicant with suspected extremist ties. These products resulted in two Joint Terrorism Task Force investigations and an individual being excluded from the US and having his visa revoked.

The Center has also produced several joint intelligence assessments with partner agencies regarding human smuggling from the East Asia/Pacific region, global smuggling routes and trends, human smuggling from China; smuggling and trafficking from the East Asia/Pacific region. The Center published, with the Coast Guard, a major threat assessment of smuggling from a South American country. The HSTC worked with the FBI to produce joint intelligence products looking at human smuggling front companies, human smuggling via Native American reservations, and human smuggling utilizing public conveyances. And we worked with the FBI and DHS Office of Intelligence Analysis to produce an assessment of smugglers believed to present special security risks.

The Center has also produced numerous other products on its own initiative. These include a comprehensive intelligence assessment looking at human smuggling via a Caribbean country; an intelligence report identifying suspected fraudulent shipping companies in India that has proven particularly useful to Consular Affairs; an intelligence report on how the high number of lost/stolen US passports in two Middle East countries could facilitate illegal travel; and a report about a corrupt foreign consul who was selling passports and visas.

The HSTC is assigned the U.S. lead on a joint U.S./Canada cross-border trafficking in persons threat assessment that is being produced under auspices of the US/Canada Cross Border Crime Forum.

The Center also produced a fact sheet outlining the distinctions between human smuggling and human trafficking. This product is being widely used for training throughout the U.S. government, and has been used by the Royal Canadian Mounted Police and New York State law enforcement in their training programs. We also produced, for the State Department Office to Monitor and Combat Trafficking in Persons, two regional "snapshots" of trafficking inside the United States. The HSTC provided analytical support to an Assistant United States Attorney investigating an overseas sex tourism case, resulting in a guilty plea by the defendant.

As part of its foreign affairs function the Center, in coordination with the State Department, is cultivating relationships with several foreign immigration services and regularly exchanges information with them. This information is being disseminated to appropriate U.S. agencies. The Center is the U.S. representative to the Pacific Rim Immigration Intelligence Conference. The Center also supports various U.S. foreign affairs initiatives, for instance support to the US delegation to the Conference of the Parties to the UN Convention on Transnational Organized Crime and its Protocols. We drafted a report on fraudulent document production in Bangkok that serves as the basis for the G–8's action plan to address that issue.

The HSTC Director sits on the National Security Council Policy Coordination Committee on International Organized Crime (PCC). An HSTC staff member drafted a section of the threat assessment that will be used as a basis for updating the U.S. Government's strategy for addressing international organized crime.

Section 104 of the Trafficking Victims Protection Reauthorization Act of 2005 requires the Center to submit a report to Congress on links between trafficking in persons and terrorism—specifically links between the profits from trafficking and terrorist financing.

Mr. Chairman, the Center and the people assigned to it are dedicated to its missions. We look forward to working with this subcommittee in our efforts to secure our national interests. I also 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.

Ms. HARRIS. Thank you, Mr. Gorelick, for your testimony. At this time I have several questions I would like to ask. As noted in my opening statement, I requested Chairman Rogers to convene this hearing to address my concerns about national security threats posed by terrorist travel, human smuggling and sex trafficking and whether the Federal Government is effectively tackling this growth problem.

Today I have even more concerns because of the numerous obstacles we received in trying to arrange this hearing in the first place, and I am frustrated as well as disappointed that several witnesses to whom we repeatedly extended invitations have failed to avail themselves to this committee. Principally Randy Beerswith, the Assistant Secretary for Strategic Planning for DHS, and chairs DHS D.C. Steering Committee, which of course is responsible for providing policy guidance and oversight of the Center, was not available. State was not available nor sent anyone, and so I want to once again thank the witnesses who have chosen to be here today.

And I would appreciate if you could keep your answers to these initial questions, just a yes or no, just kind of just to get an overview.

The first question is do you believe that there are adequate staffing levels at the HSTC? Mr. Clark, Mr. Swecker and Mr. Gorelick.

Mr. CLARK. This is a yes or no?

Ms. HARRIS. We will start out. I will come back to you to give you a little more information.

Mr. CLARK. Then no.

Ms. HARRIS. Mr. Swecker.

Mr. SWECKER. At this point in time, yes.

Mr. GORELICK. No.

Ms. HARRIS. With regard to funding, do you think there is adequate funding and would a dedicated item, line item of funding, from the Federal Government help the Center? Mr. Gorelick?

Mr. GORELICK. If I could, the Steering Group established the Working Group to look into that and make recommendations to the Steering Group, which the Steering Group will follow up on.

Ms. HARRIS. Presently, do you think the funding levels are adequate?

Mr. GORELICK. No.

Ms. HARRIS. Mr. Swecker.

Mr. SWECKER. They always tell us to stay away from budget questions, but the funding comes from each individual agency. So I would say no. It needs to be funded separately.

Ms. HARRIS. Mr. Clark.

Mr. CLARK. I would second what Mr. SWecker said.

Ms. HARRIS. Do you think that the Center should have an operational capability? I mean you have all of these organizational issues but then how—and they are not always implemented. Is there a problem in the operations?

While I understand this is an interagency fusion center of information, do you feel that there should be an operational capability to follow up on the leads in intelligence that are developed by the Center? Mr.Swecker?

Mr. SWECKER. No.

Ms. HARRIS. Mr. Clark?

Mr. CLARK. No.

Ms. HARRIS. Mr. Gorelick?

Mr. GORELICK. No.

Ms. HARRIS. And finally on these yes or no questions, in your review is the mission of the Center clearly defined? Mr. Clark?

Mr. CLARK. Yes.

Mr. SWECKER. Yes.

Mr. GORELICK. Yes.

Ms. HARRIS. I have a couple more minutes.

Mr. Swecker, I know that there are 650 intelligence analysts that were hired in 2004. There is supposed to be up to over a thousand by the end of 2005. Would any of those analysts be assigned to the Center to your knowledge?

Mr. SWECKER. One is assigned out there full time right now along with an agent. There is a counterterrorism analyst that supports the Center but sits out at NCTC.

Ms. HARRIS. Do you anticipate any more of those additional 400 analysts, will any more be assigned to the Center?

Mr. SWECKER. It is possible. We are trying to get a counterterrorism analyst out there full time.

Ms. HARRIS. Do you think it requires more?

Mr. SWECKER. A counterterrorism analyst should be out there full time, yes.

Ms. HARRIS. Thank you. And Mr. Clark, there was a joint vision between Secretary Rice and Secretary of Homeland Security Chertoff that said that the Human Smuggling and Trafficking Center as part of their smarter screening goal would be to develop and use travel intelligence before travelers arrive. What is your time frame in accomplishing this, and what steps are you taking and what will you do to achieve this goal?

Mr. CLARK. I am not familiar with the particulars. I know the Customs and Border Protection is working especially with foreign governments to work on that screening process and part of their moving the borders out. Unfortunately, I don't have a timetable for when they feel that would be most effectively implemented.

Ms. HARRIS. Okay, and finally, Mr. Gorelick, thank you for your service as Acting Director of this very important center. I would ask you, what changes would you recommend in how the three Cabinet departments support the Center?

Mr. GORELICK. As I stated before, the Working Group that the Steering Group formed is going to be making recommendations to the Steering Group.

Ms. HARRIS. Thank you. My time is completed.

Thank you for your answers. I am going to call on the members as they have arrived accordingly, and the order of questions that will be, Congressman Meek, Pascrell—Reichert and Pascrell and, sorry, and Ms. Jackson-Lee.

Mr. MEEK. Thank you, Ms. Harris. I would like, this question is to either one of you on the panel.

How does HSTC plan to produce any reports examining operational challenges at the Center? How do you produce your plans? Because I hear your response to Ms. Harris, but also I had an opportunity to see your statement today. And none of you really put forth any real statement to we can do more if we had this level of

cooperation, or we could do more if we had a line item budget, because from what I understand now you all kind of come together and share budgets.

How do you measure your success versus what you can do if there was more organization and structure in an operation that, number one, the watchword should be organization?

Mr. GORELICK. The Center—management at the Center has created a work plan, a multi-year work plan in which we have taken requests from various agencies for joint projects as well as requests for projects that the Center should do, self-generated projects and of course statutory required reports. We have laid those out and looked at our resources, we have drawn a line on what we can do and prioritized those projects. The priorities first are based on threats to national security, and second based on threats to public safety.

National security threats of course are the terrorist travel threats, and public safety are human smuggling and human trafficking. That is how we basically prioritize our work and develop our work plan.

Mr. MEEK. Thank you very much. I am going to limit my questions because we are about—they just called a vote so, Madam Chair, I am going to relinquish the rest of my time so hopefully other members will be able to ask questions.

Ms. HARRIS. Mr. Reichert.

Mr. REICHERT. Thank you, Madam Chair.

In March of this year, an article appeared in the Seattle Times. It was reported that the UAE has had some involvement in trafficking young boys for camel races.

Have you been involved in that investigation? What is your responsibility and role? Do you know anything about that?

Mr Clark. I am not familiar. I have read the story. I don't know that there was an ICE investigation per se over there in any capacity on that.

Mr. SWECKER. No FBI investigation I am aware of.

Mr. GORELICK. I believe that that was also mentioned in previous TIP reports, annual TIP reports. But I also believe that the UAE has curtailed that practice or tried. I would have to defer to G–TIP to answer more fully.

Mr. REICHERT. This is not a new issue that has come up. It has been an issue that they have been dealing with for a while. But no one here at the table has been involved in that investigation, knows anything about it?

Mr. GORELICK. No.

Mr. REICHERT. Can you explain your program called Lost Innocence?

Mr. SWECKER. That is an FBI initiative that was designed to consolidate task forces around the country or establish task forces around the country to address underage female forced prostitution. I think it exists in over, almost two dozen offices around the country. It consists of sort of a multi-disciplinary team of State and local law enforcement officers, FBI agents and components from the social services, various social service agencies in the country designed to get at sex prostitution rings, especially, or targeting specifically underage girls. It has been a—we did a takedown about

2 or 3 months ago, national takedown, and I think there were over 100 arrests. It has been a very successful initiative which we hope to enhance and build on.

Mr. REICHERT. It is an initiative that works with local law enforcement then?

Mr. SWECKER. Yes, sir. State and local law enforcement generally come across this type of crime first through their vice squads and through their street operations, and part of the issue is to educate the officers that these girls are victims, not necessarily criminals.

Mr. REICHERT. Thank you. I will yield the balance of my time.

Ms. HARRIS. Thank you. Mr. Pascrell.

Mr. PASCRELL. One question I have, and anybody can respond to it, is how many—not how many. We know how many folks have been intercepted that were smuggled into this country. I would like to know for the majority, where are the majority coming from?

Mr. CLARK. The vast majority are coming from Mexico just because of the contiguous border. I think we probably have the larger numbers as geographically we move south through Central and South America, just because of the difficulty of maritime smuggling in terms of getting here to the United States.

Mr. PASCRELL. And that is where most of the networking is being done through the Mexican-American borders?

Mr. CLARK. We find that most of the routes are coming probably up through Central America, then land routes up in terms of the larger networks in the global smuggling mapping, heading toward South America, up through Central America or some of it going through the Caribbean then by maritime.

Mr. PASCRELL. And that is more of a problem than those that are being smuggled in from the Balkans and Russia?

Mr. CLARK. Less so coming to the United States, although we do see it on the East Coast. And a lot of that can even be through commercial airlines with phony documents and things of that nature, not usually in terms of mass numbers.

Mr. PASCRELL. And finally, are you getting cooperation from the Mexican government because of the preponderance of this networking?

Mr. CLARK. We are. We are getting increased cooperation. In fact, the government of Mexico through the TIP program is setting up various task forces. We have assigned various ICE assets down to Mexico to work with them collaboratively on smuggling and trafficking as well.

Mr. PASCRELL. What is the major reason for the smuggling? What is the purpose coming from Central America in your eyes?

Mr. CLARK. The organizations, it is always just profit. The smuggling organizations, it is pure profit.

Mr. PASCRELL. Are there members, are there citizens involved in this, United States citizens?

Mr. CLARK. Not usually as much. It is usually foreign nationals.

Mr. PASCRELL. So foreign nationals are setting up this whole network on their own without the help of any citizens in the United States? Do you believe that?

Mr. CLARK. I am not saying they don't help them. I am saying generally it is more foreign nationals involved with it.

Mr. PASCRELL. Thank you.

Ms. HARRIS. Thank you. Representative Jackson-Lee.

Ms. JACKSON-LEE. Thank you very much. This is obviously an enormously important issue and I am going to have a short period of time, and if I can yield to you gentlemen for a succinct answer to a question of range.

Are we at a crisis and to what extent does the crisis exist, meaning the porousness of our border and the utilization of human smuggling for terrorists activities? I want the highest range of crisis. I want to know what problem we are dealing with.

And then secondarily it befuddles me about the ability of intelligence sharing with the HSTC. I understand that the ICE database may be different from the FBI, and there may not be a singular stream of intelligence that is shared so that these particular infractions, intrusions into our security system can be corrected.

Would you answer, each of you, the crisis question and secondarily the question of the stream of intelligence and databases that connect to each other, or are you able to be shared? Starting with Mr. Clark.

Mr. CLARK. I would say that the pressure on the border in terms of smuggling has increased recently. I think we are doing a better job in terms of enhancing the Border Patrol's capabilities between the ports, educating and training the inspectors at the ports relative to phony documents, on enhancing ICE to investigate some of the smuggling organizations. But I still think it has been an increasing problem.

Ms. JACKSON-LEE. One to 10?

Mr. CLARK. It is hard to say. In terms of comparisons I grade it as a 7.

Mr. SWECKER. You know, I hesitate to use the word "crisis" because I think I have a different definition of that word. That means, you know, clear present imminent danger. I would say there is a serious problem because there is the potential for a terrorist cell to come in through an alien smuggling organization, come in through that means.

I will say, however, we haven't found—we have found very few instances where that has happened. Most of these, the 19 hijackers came in legally for the most part. But I would look at it as a very gray—

Ms. JACKSON-LEE. Is it an increasing problem from 2001?

Mr. SWECKER. Yes.

Ms. JACKSON-LEE. Okay, thank you. Mr. Gorelick.

Mr. GORELICK. I would say it is a large problem. And as a problem, it is not just dealing with the movement of people. If you look at alien smuggling or the illicit movement of people, it is also connected to terrorism, movement of terrorists, possible movement of terrorists.

It is connected to corruption of public officials, both in the United States and overseas. Alien smugglers can't move people across borders unless they corrupt immigration and border authorities.

Ms. JACKSON-LEE. One to ten?

Mr. GORELICK. It is a 7.

Ms. JACKSON-LEE. I didn't get your number.

Mr. SWECKER. I will go with the 7 also. It is an important problem that needs to be addressed.

Ms. JACKSON-LEE. Does anyone want to talk about—in concluding because of the bells—the whole idea of intelligence sharing, the lack of a singular database between ICE, FBI to even share this information.

Mr. CLARK. It is difficult relative to what the database has captured to say there should be one database to serve all agencies especially when you consider what the FBI does in terms of counterterrorism is of a much more classified nature than what ICE does generally in a criminal capacity.

I would say something like the Center, where all the intelligence is there and available to the agencies, gets us over some of the problems relative to the databases or data banks not actually comporting to fuse everything into one.

Mr. SWECKER. It is systemic throughout government that all of the agencies have their own databases. But I will say there is an intelligence sharing method or network. It is a classified system that all intelligence analysts tap into and pull information from. So we all post our information on this network and any analyst that participates in this network can pull the information out.

Mr. GORELICK. As a fusion center we have looked at this problem, and particularly the fact that various agencies have their various databases and even different communication systems. It is not just broken up between the agencies but also broken up between classifications, whether it is unclassified or classified information you are dealing with, you have two separate systems.

We have also discussed taking all the information and trying to put it into one system in the Center, but that would take a lot of money and effort.

Ms. JACKSON-LEE. Let me thank you, let me ask unanimous consent to ask to have a statement by Susan Ginsberg, nonresident Fellow, Migration Policy Institute, put into the record.

Ms. HARRIS. Absolutely. I was going to do that, yes. Thank you, Ms. Jackson-Lee. Your time has expired. I, too, concur with the Ginsberg insertion into the record. She has a number of issues and concerns that she has addressed as well as solutions.

[The statement of Ms. Ginsburg follows:]

FOR THE RECORD

SUBMITTED TO THE COMMITTEE ON HOMELAND SECURITY

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION AND OVERSIGHT

The 9/11 Reform Act: Examining the Implementation of

the Human Smuggling and Trafficking Center

MARCH 8, 2006

BY

SUSAN GINSBURG

NONRESIDENT FELLOW

MIGRATION POLICY INSTITUTE

Mr. Chairman Rogers, Ranking Member Meek, and Members of the Subcommittee, it is a privilege to provide testimony for your consideration about the

vital homeland security mission of the Human Smuggling and Trafficking Center (HSTC). My testimony discusses terrorist travel facilitation as a core aspect of homeland security that must be addressed together with human trafficking and human smuggling.

Congress' statutory establishment of the HSTC in the *Intelligence Reform and Terrorism Prevention Act* (IRTPA) provides the foundation for critical US action against the global illicit travel market. The illicit travel market is fueled by three diverse and devastatingly harmful groups: terrorists, who in order to function must travel to gain access to countries but also remain clandestine; human traffickers; and human smugglers.

The mission of the HSTC reflects the fact that the triple threat of terrorist access, human degradation and rights violations, and the violence of transnational organized smuggling crimes, derives in part from a single set of overlapping and interwoven *illicit travel practices*. The HSTC's commitment to three purposes simultaneously may be unusual (typically, government entities focus on one type of security issue at a time, for example, narcotics traffickers, illegal dealers in arms, and terrorist groups), but focusing on only one of the three paramount threats associated with travel would curtail the full flow of information necessary to effectively defend against and attack any one of these three threats.

The HSTC has already demonstrated that it can contribute significantly to the protection of homeland security and the rule of law, but much can be done to strengthen this vital organization.

As a team leader and senior counsel on the staff of the 9/11 Commission, I had overall responsibility for the investigation of and recommendations concerning the entry of the September 11th terrorists into the United States. During the 1990s, I developed national crime control policy as an advisor to the Under Secretary for Enforcement in the Department of the Treasury, which oversaw US Customs, ATF, and FinCEN among other agencies. In that capacity I worked closely with the Department of Justice on crime control policy issues and programs. In the late 1970s I served in the Department of States? Bureau of International Narcotics Matters, now the Bureau of International Narcotics and Law Enforcement (INL). Thus, I have experience with the challenge of establishing innovative and joint efforts among several of the agencies and departments whose contributions are essential for the success of the HSTC in its vital homeland security mission. Recently, I have written a report, *Countering Terrorist Mobility: Shaping an Operational Strategy,* published by the Migration Policy Institute. This report places the role of the HSTC in the context of the larger operational strategy to counter terrorist travel. I am providing the Subcommittee with copies of this report for your consideration.

The HSTC exemplifies the promise and problems of the new post-9/11 security information organizations that are based on a concept of jointness—or fusion, or integration—and which are vital to the homeland security of the United States. Joint centers are needed to connect the dots at the tactical and investigative level and to provide a comprehensive view of the big picture to support clear strategic analysis. Joint centers combine classic national security and crime control concerns, bridge the classified and unclassified environments, and confront organizations that cross foreign and domestic borders.

But organizations that depend on collaboration are challenged in today's government environment because the individual agencies that are essential to joint efforts are pitted against each other in the competition for resources and historically have derived a sense of identity and accomplishment from winning contests of institutional culture. Thus, it all too often goes against the incentive structure now in place, and against the grain, to contribute resources to and share authority for activities through joint efforts.

Because of the essential role of the HSTC in attacking the global illicit travel market to protect homeland security, and the challenges the HSTC faces, Congress? thoughtful oversight and decisive legislation are important and timely.

THE ILLICIT TRAVEL MARKET

Terrorists' need to move around globally—to go to and from meetings, recruit, train, purchase and transport material, reconnoiter and strike—exposes them to potential detection. Terrorist operations therefore dedicate specific resources and attention to **travel, or mobility, or movement**—three words for the same functional element, the need to gain access to countries and facilities, which must be done without being detected. For the United States and its security partners, terrorist mobility represents an aspect of the terrorist threat to be defended against by improving security processes, but it is also simultaneously a vulnerability of terrorists that must be exploited.

Terrorist travel facilitators, human traffickers, and human smugglers all systematically exploit legitimate international travel channels and national entry and residence channels. All these different types of groups are engaged in interwoven travel schemes and criminal enterprises. Human smuggling and trafficking organizations can be detected and intercepted, and aspects of the system they rely on subjected to greater regulation and penalties. Terrorist travel facilitators, their terrorist clients, and partner criminal enterprises can also be targeted and interdicted through law enforcement, regulatory processes, intelligence operations, and diplomacy that advance security standards, the rule of law, and enforcement and intelligence cooperation in travel channels.

The world of illicit travel and terrorist travel tactics is as intricate, specialized, interwoven, and evolving as the world of money laundering and terrorist finance. The need to travel creates an illicit world market fueled and exploited by the range of terrorists and transnational criminal groups that organize travel on a large or small scale.

Although the activities of drug traffickers, arms traffickers, money launderers, and terrorist financiers are familiar in public policy circles and in the media, the idea of an illicit travel market and the image of a terrorist travel facilitator as the foundation of terrorists? ability to travel, cross borders, and enter the United States and other countries are not as widely recognized.

The 9/11 Commission came to focus on terrorist travel because it undertook a detailed examination of the visa and port of entry processes as they functioned to protect the homeland leading up to 9/11. Osama bin Ladin's senior leadership and internal terrorist travel facilitators largely planned al-Qa'ida travel tactics, managed al-Qa'ida travel, and controlled the travel of the 9/11 conspirators. Through the research process the Commission learned, however, that the travel, entry, and residence tactics of the conspirators involved in the 9/11 plot and of the 19 hijackers themselves, were part of a much bigger picture of global illicit travel. Al Qaeda travel tactics were similar to and to some degree overlapped with the larger illicit travel market.

Some of these terrorist mobility tactics and illicit travel market services are described in some detail in a 9/11 Commission Staff Report entitled *9/11 and Terrorist Travel,* authored by Thomas R. Eldridge, Walter T. Hempel II, Janice L. Kephart, Kelly Moore, and myself, with the assistance of Joanne M. Accolla. This report identified up to 21 different entry and embedding tactics used by terrorists during the 1990s and in support of the 9/11 plot, from the use of multiple fake passports to facilitation by corrupt border officials and the use of multiple types of immigration fraud.

Travel facilitator networks that support terrorist travel rely on a continuum of participants that overlap with human smuggling and human trafficking networks. Among many other illicit travel channels, travel facilitator networks include:

- Actual terrorists who are travel facilitators and their couriers, such as those individuals the 9/11 Commission documented were running the al-Qa'ida passport office in Kandahar;
- Cells that are trafficking in documents as a source of funds for operations;
- Corrupt passport and border officials who are either subject to bribery or are sympathetic;
- Organized criminal organizations, involved in human smuggling and trafficking or transporting narcotics or weapons material who might provide services to terrorists for payment or exchange; and
- Travel agencies and employer organizations that may wittingly or unwittingly assist terrorists.

The illicit travel market is above all characterized by its global nature and by the fact that countering terrorist mobility requires an understanding of global patterns and actions, and a coordinated response to them. For example, an Algerian is arrested in France for supplying forged documents to Iraqi-bound volunteers. Jamaah Islamiyah leader Hambali is arrested in Thailand carrying two Spanish passports. Belgian, French, and Portuguese passports are also available in Bangkok. Couriers who supply them may be Greek or Dutch.

Understanding and interdicting these patterns of activity is at the core of US counterterrorism, crime control, and immigration management. Are terrorists favoring passage by land, sea or air routes, licit or illicit channels? What smuggling organizations are exploited by terrorists? What illicit travel businesses are terrorist-operated? How can we penetrate the aliases, documents and legends that cloak terrorist identities? Which embarkation points—Canada or Europe, Mexico or Pakistan—are used for what purposes?

ILLICIT TRAVEL INFORMATION AND INTERDICTION: CONGRESSIONAL ACTION

The US government can only obtain a comprehensive and accurate picture of illicit travel networks and tactics by simultaneously collecting and analyzing information from the various elements of the illicit travel market. Given the interwoven schemes and routes that terrorists, human traffickers, and smugglers use, it is not possible to separate counterterrorism from crime control or vice versa due to the fact that the investigative and intelligence leads from one group?s exploiting of travel channels to that of another group are too useful.

The combined intelligence, information, and investigative approach will enable policymakers and operational managers to decide what diplomatic, legal, enforcement, and special operations should be taken to interdict and dismantle terrorist organizations, human trafficking organizations, human smuggling organizations, and illicit travel service providers which are part of or selling services to terrorist and other criminal organizations.

To build this comprehensive picture using an all-source approach, the government must draw on the resources and skills of the legacy intelligence community; crime control organizations at the federal, state, and local levels; the border and immigration agencies; and the counterparts of our intelligence, crime control, and border agencies in foreign countries.

The Human Smuggling and Trafficking Center was first conceived of in the late 1990s in response to a new awareness of the violence associated with large-scale human smuggling and the horrors of human trafficking. It was established in early 2001. As its name reflects, the HSTC's initial purpose was to provide integrated intelligence on human smuggling and trafficking organizations to support actions against them by the US government, foreign governments, and international organizations. The 9/11 attacks demonstrated the catastrophic consequences of terrorist exploitation of global travel pathways and US border systems. Recognizing that terrorists use criminal travel networks to support their activities, the Department of State, the Department of Justice, and the Department of Homeland Security signed a charter for the HSTC that added efforts against terrorist travel facilitation to its mission.

The HSTC thus incrementally and logically has become a major resource for attacking the illicit travel sphere as a means of finding terrorists and constraining terrorist mobility; deterring and controlling the crimes of human trafficking and smuggling; and through those functions supporting immigration management and migrant safety.

The 9/11 Commission recognized that terrorist travel and crime control are inseparable because terrorist travel tactics intersect the illicit travel market that also services human smugglers and traffickers and other criminals. The Commission therefore recommended that: *"The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility."* It stated specifically that the small terrorist travel intelligence program was producing disproportionately useful results and should be expanded.

Continuing this bi-partisan concern about terrorist travel and the illicit market in travel services, Congress in Sections 7201–2 of the *Intelligence Reform and Terrorism Prevention Act:*

- mandated a new terrorist travel strategy;
- required an assessment by the Human Smuggling and Trafficking Center of US vulnerability to travel and immigration system exploitation;
- established the Human Smuggling and Trafficking Center as a statutory entity; and
- directed that federal agencies report back to Congress on how to make the Human Smuggling and Trafficking Center more effective in countering terrorist travel.

Congress enacted that legislation in December 2004. Over a year later, it is now an appropriate time to assess what has been and still must be done to make the HSTC an effective fusion center that provides a platform for a strong and coordinated US government attack on illicit travel by terrorists, human traffickers, and human smugglers.

HSTC: MISSION AND REQUIREMENTS

The vital homeland security mission of the Human Smuggling and Trafficking Center is to counter these tactics, broadly speaking, in three fundamental ways including:

- Facilitating broad dissemination of all-source information about the illicit travel market and its terrorist, human trafficker, and smuggler elements;

- Preparing operational, tactical, and strategic assessments, with the emphasis on ongoing field support and an annual risk (threat and vulnerability) assessment for participating agencies and for Congress; and
- Identifying issues for further joint attention.

To grow into its full potential as a center for the development of information, assessments, issue identification, and initiative support relating to terrorist travel, human trafficking, and human smuggling, several aspects of the HSTC need strengthening. These relate to its: (1) mission; (2) senior management; (3) governance; and, (4) resources.

The suggestions below for strengthening the HSTC in these four areas are offered with two caveats.

First, the ideas offered are not intended to supplant the ongoing discussion among HSTC officials and their Steering Group supervisors and with Congress, but to contribute some ideas to the mix. Second, the goal of these suggestions is to make some immediate improvements based on currently recognized issues, rather than to solve all problems for all time. This is especially so in that Congress' own committee structure makes it challenging to take into account all the critical interests at stake by various congressional committees in one piece of legislation.

With these caveats, some possible approaches to strengthening the HSTC are discussed below.

Mission

The HSTC's mission should be clarified. The original Charter for the HSTC created one set of mandates, and then the Intelligence Reform and Terrorist Prevention Act (IRTPA) created a second set. These mandates define *purposes* and they define *functions or tasks.* All the desired purposes and functions should be placed on the same legislative footing.

The *three current purposes are to counter terrorist travel, human trafficking,* and *human* smuggling. It is important to have all three purposes considered together as one entity that can integrate information and identify opportunities for action in the multiple spheres of law enforcement, intelligence, policy, diplomacy, and even military affairs, and ensure that attention to the various issues is balanced among the interwoven concerns of national security, human rights, and crime control.

Congress should consider including one additional purpose to this list: *countering the illicit travel market and illicit travel facilitators.* This purpose is the common denominator that relates to and supports the missions of countering terrorist travel, human trafficking and human smuggling, and would support US action against these and other transnational criminal activity, such as smuggling of all kinds. Countering the illicit travel market is therefore a homeland security mission that is consistent with and supports the existing national security, human rights, and crime control purposes of the HSTC.

The *functions* of the HSTC listed in the Charter and/or IRTPA include:

- serving as a clearinghouse and disseminating all-source information;
- supporting select initiatives, including of the National Counterterrorism Center;
- preparing strategic assessments;
- identifying issues for possible enhanced interagency attention; and
- coordinating and ensuring coordination among all relevant agencies.

As with the HSTC's purposes, the functions currently established only by Charter should be embodied in legislation. These five purposes—informational, tactical, strategic, issue identification for joint operations and policymaking, and coordination—all make sense.

The role of the HSTC in *strategic assessment* requires clarification. The annual strategic assessment that Congress required in the IRTPA is described as a *vulnerability assessment,* to identify vulnerabilities that may be exploited by international terrorists, human smugglers and traffickers, and travel facilitators. It would be helpful if in conjunction with this vulnerability assessment by the HSTC there was a threat assessment that focused on the *actual threats* posed by terrorist group mobility capability and intent, human smugglers, human traffickers, and other travel facilitators. (With respect to terrorism, such an assessment requires the strategic operational direction of, and likely most or all of the actual preparation by, personnel of the National Counterterrorism Center, pursuant to the IRTPA.) A threat assessment will support government leadership in setting priorities as to which vulnerabilities should be addressed to reduce actual threats, a process commonly referred to as *risk assessment.*

Senior management

Directing the HSTC is a major responsibility. Congress should ensure it is exercised by a senior manager with relevant operational, policy, and managerial experi-

ence. The key requirements of the Director and Deputy Director, apart from such management capability, are a commitment to collaboration or joint functioning, and strategic vision for the organization.

Governance

The governance and organizational structure of the HSTC are unique and still provide a "demonstration project" for a successful joint center. An interagency Steering Group provides guidance and the Director and Deputy Director who manage HSTC's operations are accountable through the Steering Group to the Secretary of State, Attorney General, and Secretary for Homeland Security.

This tripartite management structure has been critical to maintaining appropriately balanced focus on the two original operational arenas for the HSTC: *human trafficking,* an issue principally associated with the Department of State, and human smuggling, an issue principally associated with legacy INS and the Department of Homeland Security. The Attorney General—as the executive of the Department of Justice, the supervisor of US attorneys and the FBI, a partner with the Secretary of State in US participation in international legal matters, and the executive in charge of the immigration appeals process—has institutional interests in enforcement and regulation relating to both *human smuggling* and trafficking that will tend to lead to a balanced commitment to both sets of goals.

This governance structure has two weaknesses that merit correction by Congress.

First, in a structure where the two pre-9/11 policy arenas are linked to operational authorities of supervisory departments, the HSTC legislation does not provide for a Steering Committee member and Cabinet-level authority with comparable operational authority in the arena of global *terrorist travel facilitation.* This omission undermines the terrorist travel facilitation mission of the HSTC. To correct this problem legislatively, a designee of the Director of National Intelligence, likely from the National Counterterrorism Center (NCTC), should be added to the Steering Committee, and the Director of National Intelligence should be added as the Cabinet-level equivalent. The formal presence of the NCTC will not only benefit the terrorist travel mission but also the two other missions, because information that supports the interdiction of terrorists overseas and the constraining of terrorist travel may also assist in the dismantling and deterring of human trafficking and smuggling organizations. For example, the core intelligence community may learn of a corrupt passport official who is facilitating terrorist travel, human smuggling, and human trafficking.

Second, the governance structure of the HSTC appears to place its Director in an untenable management structure. He or she is accountable through a committee to three Cabinet heads, and as a practical matter already to four, since the NCTC reporting to the DNI is responsible for strategic operational planning relating to terrorism. When the three or four Cabinet level executives are multiplied by the numerous responsible Congressional committees, the Director's ability to make management decisions is rendered even more unworkable on a day-to-day basis and it becomes unstable over time.

Although the Steering Group could be comprised of a group of results-oriented individuals who might be personally committed to collaboration, the formal reporting structure is likely to undermine even the best intentions. The Director will inevitably be caught in the bind of having to meet competing and irreconcilable requirements when the Cabinet sponsors of the component missions of the HSTC demand their prioritization. The Director confronts a situation in which if he or she does not submit, the Cabinet head can cut off resources. If one Department is satisfied with the priorities, one of the others is likely not to be. When the Director's home agency is involved, lack of satisfaction can impose a personal career penalty.

A solution to this problem is for the HSTC Steering Group, as augmented by the DNI designee, to be chaired by a member of the staff of the *Homeland Security Council* (or *National Security Council*). The HSC/NSC staff role would be to ensure that the activities of the HSTC effectively transcend the sum of its parts and contribute to the homeland security. This would allow full development of the terrorist travel facilitation, human trafficking, human smuggling, and general illicit travel missions.

Assigning an HSC/NSC staff member to a chair position would permit more rapid build-up of the HSTC as it would allow for more rapid resolution of most conflicts. To the extent there are issues that require Cabinet-level attention, such as the annual HSTC risk assessment, the HSC/NSC Steering Group chair is positioned to staff a Principals?-level meeting.

Personnel and Other Resources

To fulfill its statutory missions, including supporting actions against terrorist travel facilitation, the HSTC requires sufficient personnel, access to all relevant in-

formational pipelines, appropriate legal authorities, and adequate, consistent funding.

The HSTC is a new entity that responds to the post-9/11 recognition that institutional barriers must be dismantled to permit efficient collaboration in joint missions. This goal will not be achieved without a commensurate investment.

Currently three Cabinet departments engage in negotiations to reimburse one bureau for its support to the HSTC. While this was appropriate as a seed funding mechanism, the HSTC has been vulnerable to the vagaries of funding by its Charter sponsors. Therefore, the most important next legislative step is to place the HSTC on a secure funding base, with a specific authorization and appropriation. There are many possible ways to establish a permanent funding mechanism for the HSTC, but a core principle should be that HSTC be able to *reimburse* agencies for their costs in supporting the HSTC.

There should also be career incentives, and at a minimum no disincentives, for working at the HSTC. Because the HSTC is quintessentially a *joint mission* with priorities that extend beyond those of home agencies, there is a risk that home agency managers will treat assignment to the HSTC as a disadvantage or marginal to career advancement. HSTC service should not pose a risk to careers and preferably should represent an important step toward home agency leadership.

At present, the goal should be to double the number of staff at the HSTC, with the foreseeable scale of staff required being on the order of 100 people, a number greater than ten times the current staffing level. Approximately a third of these should be intelligence analysts, with the remainder of operational personnel including a mix of agents, attorneys, diplomats, border agents and inspectors, and immigration fraud officers. There are approximately twenty agencies whose authorities and expertise make their participation in the HSTC essential to fulfill its fusion mission.

Data systems and legal authorities also must be commensurate to the informational and operational support responsibilities of the HSTC. Like other homeland security functions, the HSTC will ultimately require more substantial office space.

CONCLUSION

The gap between a realistic vision of what the US government must accomplish through the HSTC—reduce the vulnerability created by the terrorist and criminal groups that perpetuate and exploit illicit travel networks—and the support provided to the HSTC today is daunting. Congress should immediately move to close this gap. By developing shared information, supporting investigations, operations and other active countermeasures, and promoting working interagency and international partnerships, the HSTC can become a vital component of homeland security that will repay the US investment many times over in protecting against terrorist attacks, securing international travel channels, and upholding the rule of law.

Ms. HARRIS. I want to also state that Chairman Rogers has indicated to the ranking member that this subcommittee will continue on its examination of this issue.

And finally, after hearing the testimony, I was really encouraged when we originally created this Center. I was optimistic of the breakdown of the stovepipe of information and that this was going to be that interoperable sort of agency.

I think in theory that is happening with the information. My concern still remains if we are actually accomplishing those key issues for terrorist travel, sex trafficking and human smuggling in the field. I am concerned about the staffing issues, the funding issues, and the lack of maybe focused leadership in this arena because there is not that kind of accountability to make sure that the rubber meets the road, that these things are being accomplished.

But I sincerely want to thank the witnesses for their valuable testimony. I wish there were some more tangible things that resulted from this hearing that we knew we could go do. We will continue on our quest.

We will leave these issues open and the members of the committee may have additional questions for the witnesses, and we

will ask you to respond in writing. The hearing record will be open for 10 days.

The committee stands adjourned.

And once again thank you very much for your input.

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

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