

**THE BROKEN PATH: HOW TRANSNATIONAL CRIMINAL ORGANIZATIONS PROFIT FROM HUMAN TRAFFICKING AT THE SOUTHWEST BORDER**

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**JOINT HEARING**

BEFORE THE

**SUBCOMMITTEE ON  
BORDER SECURITY AND ENFORCEMENT**

AND THE

**SUBCOMMITTEE ON  
EMERGENCY MANAGEMENT AND  
TECHNOLOGY**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
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## **THE BROKEN PATH: HOW TRANSNATIONAL CRIMINAL ORGANIZATIONS PROFIT FROM HUMAN TRAFFICKING AT THE SOUTHWEST BORDER**

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**Tuesday, November 14, 2023**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON BORDER SECURITY  
AND ENFORCEMENT, AND THE  
SUBCOMMITTEE ON EMERGENCY  
MANAGEMENT AND TECHNOLOGY,  
*Washington, DC.*

The subcommittees met, pursuant to notice, at 2:06 p.m., in room 310, Cannon House Office Building, Hon. Clay Higgins [Chairman of the Subcommittee on Border Security and Enforcement] presiding.

Present: Representatives Higgins, D'Esposito, Guest, Strong, Brecheen, Correa, Jackson Lee, Payne, Thanedar, Goldman, Garcia, and Ramirez.

Mr. HIGGINS. The Subcommittee on Border Security and Enforcement and the Subcommittee on Emergency Management and Technology will come to order.

Without objection, the Chair is authorized to declare the committee in recess at any point.

The purpose of this hearing is to examine the ways transnational criminal organizations engage in human trafficking solely for profit, disregarding the dignity of human life. To protect the most vulnerable, we must work together to develop a better understanding of how current border policies have enabled transnational criminal organizations to conduct large-scale human trafficking at the southwest borders, and how can we develop effective solutions to this tragedy that unfolds at our Southern Border?

I now recognize the Ranking Member for the Subcommittee on Border Security and Enforcement, the gentleman from California, Mr. Correa, my friend and colleague, for his opening statement.

Mr. CORREA. Thank you, Mr. Chairman.

Chairman Higgins and Chairman D'Esposito, thank you for this most important hearing on human trafficking and human smuggling. I'll start out by summarizing the difference between human smuggling and human trafficking.

Human smuggling is a crime against the United States and occurs when a person pays for service, like transportation or fraudulent documents, in order to enter a country illegally, versus human

trafficking, which is a crime of exploitation that occurs when someone uses force, fraud, or coercion to compel another person to work or engage in the sex or trade of forced labor. Human trafficking can happen in any industry, any age, date, gender, and nationality. The Department of State estimates there are almost 28 million people that are victims of human trafficking at any given time world-wide. Sadly, many of those individuals are hidden right in front of us.

Unfortunately, we do not realize the full magnitude of this problem due to its hidden nature with a crime. For decades this country has been unable to gather the statistics needed to understand the scale of this problem.

Human trafficking is multibillion-dollar industry. Transnational criminal organizations, or TCOs, are preying on vulnerable individuals to make a dollar. Not only do TCOs traffic vulnerable people, but family members, strangers, and friends are also engaged in this business, all to make a buck.

The separate issue of human smuggling, we know that TCOs prey on vulnerable migrants coming into this country who are seeking protection, freedom, and hope of a better life for themselves and/or their families.

We have all read about the reports, briefings, and I visited Latin America, and we know why migrants are fleeing their country. They're being forced by violence, prosecution, effectively starvation. Many parents are forced to choose whether their children will join a local criminal gang or make the tough decision to send them northward through the jungles of Central America and through the treacherous parts of Mexico, all to reach the border. All of us have seen the Facebook posts, TikTok, YouTube, videos showing human smugglers deceiving people into thinking that freedom and safety is just a few payments away when we know that's not true. That's why it's imperative to fight against the disinformation campaigns of these traffickers.

In the fight against TCOs, human trafficking, and human smuggling, we must engage in comprehensive solutions. I commend the Biden administration, Secretary Mayorkas, and DHS for building one of the strongest anti-human trafficking responses in the world that focuses on prevention, consequences, and international cooperation. That is why I am concerned that my colleagues at a recent press release claimed that President Biden, Secretary Mayorkas had been working in partnership with cartels. I got to say that we may disagree on how to get the job done, but I think we all kind-of agree on the objective, which is stop these criminal organizations and to stop these individuals from being victimized.

Now let's say instead of using rhetoric, we Members of Congress should be working together to create comprehensive solutions to combat these crimes, these huge crimes and their magnitude. Comprehensive solutions mean developing strong legislation in a bipartisan manner to combat these criminals. It means investing in working with our Federal, State, and local levels, police agencies to support anti-trafficking organizations. It means also strengthening our partnerships with our international partners who will support us in fighting TCOs.

A good example is Chairman Higgins, Mr. Higgins, and myself working on legislation called The Cooperation on Combating

Human Smuggling and Trafficking Act. One step in the right direction.

This is not a U.S. problem. This is a global problem. TCOs, or transnational criminal organizations, can see the desperation of people fleeing war, corruption, and economic conditions that are dire as a way to get rich. We need to partner with our neighbors to the south, north, and across the globe to end these heinous trafficking crimes.

Today I want to thank our witness for joining us today. I look forward to hearing their recommendations on how we in Congress can help end these trafficking crimes and protect the vulnerable populations who prey in these individuals here and abroad.

With that, I yield, Mr. Chairman.

[The statement of Ranking Member Correa follows:]

STATEMENT OF RANKING MEMBER J. LUIS CORREA

NOVEMBER 14, 2023

First, it is important to note the difference between human smuggling and human trafficking. Human smuggling is a crime against the United States and occurs when a person pays for a service—like transportation or fraudulent documents, in order illegally enter the country.

Human trafficking, on the other hand, is a crime of exploitation. It occurs when someone uses force, fraud, or coercion to compel another person to work or engage in the sex trade or forced labor. This most commonly happens after someone is already in the United States. Human trafficking can happen in any industry and to people of any age, gender, and nationality. These crimes occur around the world, and they happen far too frequently in the United States.

The Department of State estimates that 27.6 million people are victims of trafficking at any given time, world-wide. Sadly, many of these individuals are often hidden right in plain sight. U.S. citizens may not even realize they are working alongside someone who is being trafficked. And unfortunately, we do not realize the full magnitude of this problem due to the hidden nature of these crimes. For decades, this country has been unable to gather the statistics needed to understand the scale of this problem.

Human trafficking is a multi-billion-dollar industry and Transnational Criminal Organizations, or TCOs, are preying on vulnerable individuals to make a dime. Not only do TCOs traffick vulnerable people, but family members, strangers, friends, and even businesses looking to take advantage of individuals in need of work to increase their profits can be traffickers. On the separate issue of human smuggling, we know that TCOs prey on vulnerable migrants coming to this country who are seeking protection, freedom, and the hope of a better life for themselves and their families.

You see, we've all read the reporting, attended the briefings, and some of us have visited Latin America. We know why migrants are fleeing their homes. They're being forced out by violence and persecution.

Parents are forced to choose whether their child will be coerced into joining a gang or make the tough decision to send them through a jungle to reach the border. The many Facebook posts, TikToks, and YouTube videos from human smugglers deceive them into thinking that freedom and safety are just a few payments away. We know that's not true and why it's imperative to fight against the disinformation campaigns of these traffickers.

To fight against TCOs, human trafficking, and human smuggling crimes of this magnitude, we must engage in comprehensive solutions. I commend the Biden administration, Secretary Mayorkas, and DHS for building one of the strongest anti-human trafficking responses in the world which focuses on prevention, consequences, and international cooperation.

That's why I was deeply disturbed by my colleagues' recent press release that would claim that President Biden and Secretary Mayorkas would work "in partnership" with cartels.

Instead of using this rhetoric, we as Members of Congress should be working together to create comprehensive solutions to combat crimes of this magnitude. We are doing more than we ever have to combat this issue, but more needs to be done.

Comprehensive solutions mean developing strong legislation in a bipartisan manner to combat these criminals. It means investing in programs at the Federal, State, and local levels to support anti-trafficking organizations that are on the front lines helping the victims of these crimes. And it means strengthening our partnerships with our international partners who will support us in combating TCOs. I believe bipartisan solutions can address these heinous crimes. For example, Chairman Higgins and I put forth bipartisan legislation, "The Cooperation on Combating Human Smuggling and Trafficking Act," to expand transnational criminal investigative units that dismantle human smuggling and human trafficking operations in Latin America.

Finally, as I've said before, we can better solve our problems with effective foreign partnerships. We are in the midst of a global movement and displacement of people that we have never seen in our hemisphere. This is just not a U.S. problem; it is a global problem. Transnational Criminal Organizations and others see the desperation of people fleeing war, corruption, and dire economic conditions as an opportunity to make money. We need to partner with our neighbors to the south, north, and across the globe to end these heinous trafficking crimes.

I want to thank our witnesses for joining us today and I look forward to hearing their recommendations on how we in Congress can help to end these trafficking crimes and protect the vulnerable populations who fall prey to these criminals both here at home and abroad.

Mr. HIGGINS. Thank you, Ranking Member Correa.

I now recognize the Chairman for the Subcommittee on Emergency Management and Technology, the gentleman from New York, Mr. D'Esposito, for his opening statement.

Mr. D'ESPOSITO. Well, thank you, Mr. Chairman. I want to thank you and Ranking Member Correa for so kindly allowing this hearing to be a joint hearing with the Emergency Management and Technology Subcommittee. I would also like to thank our esteemed panel of witnesses for joining us today. I'm looked forward to having a meaningful discussion about how the Department of Homeland Security and the U.S. Government can fight against transnational criminal organizations booming the human trafficking business both here and the United States and along smuggling routes in Latin America.

As I am sure we would all agree, human trafficking is an evil which should be eradicated. It is the use of force, fraud, or coercion to exploit someone else for personal gain. It is in its very nature dehumanizing, selfish, and cruel. Put simply, traffickers prey on vulnerability, and they profit from pain.

To some Americans, the reality and dangers of human trafficking may only seem like a plot for a good movie or some faraway and miniscule reality. However, that is simply not the case. While human trafficking is a hidden crime, it is estimated that 27.6 million men, women, and children are currently victims of human trafficking, whether by powerful criminal organizations or by individuals who simply take advantage of others' misfortune.

With this in mind, it is important that we explore the reality between the Biden administration's failure to secure the Southern Border and how TCOs take advantage of migrants on their journey to the United States of America and after they arrive.

Transnational criminal organizations make billions of dollars each year off human trafficking alone. While human smuggling does not cause human trafficking, the two are correlated. A recent ABC article demonstrated that the surge of migration is directly tied to the TCO's recruitment of migrants for their, "big business of human smuggling."



While migrants pay cartels thousands of dollars to be smuggled into the United States of America, these TCOs often exploit, sexually abuse, and traffick the same migrants who paid them. Tragically, women, and children, including unaccompanied minors, bear the brunt of this abuse.

The truth is that open borders empower TCOs to take advantage of migrants' vulnerability. Once across the border, many migrants continue to be at risk of being trafficked. With the growing number of migrants overwhelming cities in the United States, the current humanitarian crisis is only putting more individuals at risk of being trafficked. Housing instability, a lack of support system, and financial pressure all make migrants vulnerable to trafficking. While States like Texas and Arizona have had to manage the border crisis for years, every State under the failed policies of Biden and Mayorkas are now becoming a border State. My home State of New York is no exception.

Since the spring of 2022, more than 100,000 migrants have passed through New York City, and it is estimated that more than 58,000 individuals still remain in the city's care. The mayor of the city of New York, Eric Adams, has previously stated that the city has already spent more than \$1.45 billion to address the migrant crisis, and that New York City could potentially spend \$12 billion to address the migrant crisis over the next 3 fiscal years.

It is glaringly apparent that the city is inadequately prepared to house or provide services to the growing number of migrants. The mayor's response has been to put migrants in already overcrowded homeless shelters and hospitals, JFK Airport, and a tent city at Randall's Island, just to name a few locations. The lack of planning when it comes to migrant housing is extremely concerning given that we know about the human trafficking risk factors.

In 2021, Polaris, the operator of the National Human Trafficking Hotline, published a report that found that migration or relocation and unstable housing are both major risk factors that can make an individual more vulnerable to human trafficking. New York City and the Long Island area have one of the highest rates of human trafficking in the country.

According to the New York State Division of Criminal Justice Services, between 2008 and 2021, local authorities have made 58 human trafficking arrests, 24 in my home county of Nassau and 34 in the bordering county, and the home to Congressman Nick LaLota, in Suffolk County.

Given the fact that the current administration continues to do nothing to address the migrant crisis, I am deeply concerned that this lack of resources and planning will lead to an increase in the number of individuals being trafficked.

Furthermore, the Long Island area gang activity can also contribute to the risk of individuals being trafficked. As highlighted in a *Washington Post* article from last year, the gang MS-13 has "increasingly turned to sex trafficking over the past decade to generate income alongside drug trafficking." MS-13, which has operated on Long Island since 2003, have many who have been convicted of dozens of murders in the region and is considered one of the most violent criminal organizations on Long Island.

I hope for the sake of all those being impacted by this crisis that we are able to come together to find meaningful solutions.

Again, I thank you all for being here today, I thank the Chairman, and the Ranking Member.

With that, I yield back.

[The statement of Chairman D’Esposito follows:]

#### STATEMENT OF CHAIRMAN ANTHONY D’ESPOSITO

I first want to begin by thanking Chairman Higgins and Ranking Member Correa for so kindly allowing today’s hearing to be a joint hearing with the Emergency Management and Technology Subcommittee.

I would also like to thank our esteemed panel of witnesses for joining us today. I’m looking forward to having a meaningful discussion about how the Department of Homeland Security and U.S. Government can fight against Transnational Criminal Organizations’ (TCOs) booming human trafficking business, both here in the United States and along smuggling routes in Latin America.

As I am sure we would all agree, human trafficking is an evil which should be eradicated. It is the use of “force, fraud, or coercion” to exploit someone else for personal gain. It is in its very nature, dehumanizing, selfish, and cruel. Put simply, traffickers prey on vulnerability, and they profit from pain.

To some Americans, the reality and the dangers of human trafficking may only seem like a plot for a good movie, or some faraway and miniscule reality; however, that is simply not the case. While human trafficking is a hidden crime, it is estimated that 27.6 million men, women, and children are currently victims of human trafficking, whether by powerful criminal organizations, or by individuals who simply take advantage of others’ misfortune.<sup>1</sup>

With this in mind, it is important that we explore the reality between the Biden administration’s failure to secure the Southern Border and how TCOs take advantage of migrants on their journey to the United States and even after they arrive.

Transnational criminal organizations make billions of dollars each year off human smuggling alone. And, while human smuggling does not cause human trafficking, the two are correlated. A recent *ABC* article demonstrated that the surge of migration is directly tied to the TCOs’ recruitment of migrants for their “big business of human smuggling.”<sup>2</sup> While migrants pay cartels thousands of dollars to be smuggled into the United States, these TCOs often exploit, sexually abuse, and traffic the same migrants who paid them. Tragically, women and children, including unaccompanied minors, bear the brunt of this abuse.

The truth is that open borders empower TCOs to take advantage of migrants’ vulnerability, and, once across the border, many migrants continue to be at risk of being trafficked. With the growing number of migrants overwhelming cities in the United States, the current humanitarian crisis is only putting more individuals at risk of being trafficked. Housing instability, a lack of a support system, and financial pressure, all make migrants vulnerable to trafficking. While States like Texas and Arizona have had to manage the border crisis for years, every State is quickly becoming a border State. My home State of New York is no exception.

Since the Spring of 2022, more than 100,000 migrants have passed through New York City and it is estimated that more than 58,000 individuals still remain in the city’s care. The Mayor of New York City, Eric Adams, has previously stated that the city has already spent more than \$1.45 billion to address the migrant crisis, and New York City could potentially spend \$12 billion to address the migrant crisis over next 3 fiscal years.

However, it is glaringly apparent that the city is inadequately prepared to house or provide services to the growing number of migrants. The Mayor’s response has been to put migrants in already overcrowded homeless shelters and hospitals, the JFK airport, and a tent city on Randall’s Island, just to name a few locations.

This lack of planning when it comes to migrant housing, is extremely concerning, given what we know about the human trafficking risk factors. In 2021, Polaris, the operator of the National Human Trafficking Hotline, published a report that found that migration or relocation and unstable housing are both major risk factors that can make an individual more vulnerable to human trafficking.

New York City and the Long Island area have one of the highest rates of human trafficking in the country. According to the New York State Division of Criminal

<sup>1</sup> <https://www.state.gov/national-human-trafficking-prevention-month-2023/#:~:text=Human-%20trafficking%20is%20a%20crime,right%20in%20front%20of%20us>.

<sup>2</sup> <https://abcnews.go.com/Politics/migrant-crisis-explained-border-surge/story?id=103364219>.

Justice Services, between 2008 and 2021, local authorities have made 58 human trafficking arrests—24 in Nassau, 34 in Suffolk.

Given the fact that the current administration continues to do nothing to address the migrant crisis, I am deeply concerned that this lack of resources and planning will lead to an increase in the number of individuals being trafficked.

Furthermore, in the Long Island area, gang activity can also contribute to the risk of individuals being trafficked. As highlighted in a *Washington Post* article from last year, the gang MS-13 has, “increasingly turned to sex trafficking over the past decade to generate income alongside drug trafficking.” MS-13, which has operated in the Long Island area since 2003, has been convicted of dozens of murders in the region, and is considered the most violent criminal organization on Long Island.

I hope for the sake of all those impacted by this crisis, that we are able to come together to find some meaningful solutions.

And with that, I yield back.

Mr. HIGGINS. Thank you, Chairman D’Esposito.

I now recognize myself for my opening statement. Today, we will be examining and uncovering how transnational criminal organizations commit heinous and incalculable horrors in their trafficking schemes across our Southwest Border and deep into the United States. Human traffickers are part of a large network of vicious, evil organizations that exploit vulnerable people for profit.

The Biden administration has unwittingly facilitated cartel operations at the Southern Border, and, as a result, we face a human trafficking crisis. Cartels have been emboldened, and migrants have been victimized. The most vulnerable, including children, have become targets for cartels and violent gangs who prey on them for forced labor or sexual exploitation and slavery.

It is important to recognize the key differences between human smuggling and human trafficking. Human smuggling is a crime of unlawful movement of human beings. On the other hand, human trafficking is a coercive crime against a victim by force usually through forced labor or sexual exploitation.

As criminal cartels continue to exploit our borders, human trafficking will only worsen. Smuggling can and does lead to trafficking. Transnational criminal organizations charge migrants thousands or even tens of thousands of dollars to be smuggled across the border with many being unable to pay and subsequently forced into sex, drug, and labor trafficking rings.

I would like to recognize that Border Security Subcommittee’s bipartisan effort to combat this evil. Earlier this year, Ranking Member Correa introduced H.R. 4574, the Cooperation on Combating Human Smuggling and Trafficking Act, which seeks to enhance border security by expanding partnerships with law enforcement entities in Mexico, Central America, and South America to combat human smuggling and trafficking operations.

In the last Congress, this committee introduced the Countering Human Trafficking Act of 2022, which provided statutory authority for the Center for Countering Human Trafficking within the Department of Homeland Security. The border crisis has facilitated an immigration crisis in the United States and has allowed criminal cartels to sprout—to prosper by exploiting the most vulnerable individuals.

Criminal cartels have expanded to operate global enterprises where each migrant is viewed as a commodity in which these criminal cartels are able to profit.

I look forward to working with my colleagues as we work to fight human trafficking, strengthen our border security, and bring these criminals at the border to justice.

I look forward to hearing from our witnesses, and I yield my own opening statement. Mr. Carter, the Ranking Member of the Subcommittee on Emergency Management and Technology, the gentleman from Louisiana, has not been able to join us yet today, but he will hopefully in the—while we are still in attendance here.

[The statement of Chairman Higgins follows:]

STATEMENT OF CHAIRMAN CLAY HIGGINS

NOVEMBER 14, 2023

Good afternoon and welcome to the Subcommittee on Border Security and Enforcement and Subcommittee on Emergency Management and Technology joint hearing on how transnational criminal organizations profit from the booming cartel business of human trafficking at the Southwest Border.

The purpose of today's hearing is to examine how transnational criminal organizations commit incalculable horrors and disregard for human life in their trafficking schemes and the effects that can be seen throughout Latin America and across our Southwest Border in the United States. Human traffickers are part of a larger network of vicious, evil organizations that exploit people for profit in the Western Hemisphere.

The border crisis has resulted in record-breaking illegal immigration to the United States, and as a result, the country is facing an unprecedented human trafficking crisis that has both emboldened cartels and victimized migrants. The border crisis has also presented a historic business opportunity for the cartel since each migrant is viewed as a commodity from which they can profit.

Even the most vulnerable of these people, including children, have become prime targets for these cartels and violent gangs who prey on them for forced labor or exploitation.

Make no mistake, humans are not merchandise and never should be sold into slavery. There is an untold number of men, women, and children who now live in modern day enslavement and suffer abuse from their captors when they were taken on their journey to the United States.

Not to mention, the Darien Gap—a major path on the migrant route in Central America—is increasingly seeing sexual violence used by transnational criminal organizations as an instrument of terror and coercion among travelers. Some of these migrants are forced into trafficking. Some of them will never see freedom.

However, we must recognize the key differences between human smuggling and human trafficking. Human smuggling is a crime of unlawful movement. On the other hand, human trafficking does not require movement and is a coercive crime against a victim by force, usually through forced labor or sexual exploitation. It is important to recognize, that human smuggling can lead to human trafficking as it often does.

The open-border policies of the current administration have empowered these transnational criminal organizations to control dangerous migrant routes and hold operational control over our Southwest Border. Unsurprisingly, cartels have expanded their empire and now their reach has spread to every part of the globe. Sadly, these cartels are further emboldened by the United States' failure to enforce immigration laws and secure the Southwest Border.

As many countless victims of human trafficking make their way to or operate in the United States, we must first ask ourselves why the demand for this industry continues to grow at home.

These open-border policies are undoubtedly contributing to the massive increase in the trafficking of children across the Southwest Border, and their on-going exploitation by the cartels and evil individuals posing as "sponsors" here in the United States.

Recently, an internal Health and Human Services audit found that basic screening safeguards had been removed from the sponsor vetting process "in an effort to expedite children's release from care." They found that these vulnerable children were often sent to the same address, or in some cases, "sponsors" were receiving dozens of minors.

We need to ensure that the most vulnerable are not falling victim to trafficking, abuse, and neglect under the watch of the Federal Government.

Reports have stated that the U.S. Government has been cutting certain corners while vetting sponsors for unaccompanied children who have crossed the border into the United States and placing emphasis on speed rather than ensuring the sponsors are legitimate and that the child is going to a safe situation is troubling.

As transnational criminal organizations continue to exploit our borders, human trafficking will continue to worsen. Smuggling can and does lead to trafficking. Transnational criminal organizations charge migrants thousands to tens of thousands of dollars to be smuggled across the border, with many being unable to pay and subsequently being forced into sex, drug, and labor trafficking rings.

How could a nation so prosperous and enshrined with the notion of freedom allow this to happen?

I would like to welcome our witnesses for being here today and I look forward to their testimony regarding their work to combat human trafficking of the most vulnerable from the hands of transnational criminal organizations.

Human trafficking is evil but transnational criminal organizations have no regard for human life, instead looking toward their profits, where they make billions of dollars exploiting human life.

I want to recognize the Border Security Subcommittee's bipartisan effort to combat this evil. Earlier this year, Ranking Member Correa introduced H.R. 4574 the "Cooperation on Combatting Human Smuggling and Trafficking Act" which seeks to enhance border security by expanding partnerships with law enforcement entities in Mexico, Central America, and South America to combat human smuggling and trafficking operations, and I am proud to have signed onto this bill and co-lead this effort with him.

And last Congress, this committee introduced the Countering Human Trafficking Act of 2022, which provided statutory authority for the Center for Countering Human Trafficking within the Department of Homeland Security.

Congress must work to ensure that the U.S. Government has the resources available to continue to lead in this global fight against human trafficking.

With that, I yield back the balance of my time and look forward to hearing from our witnesses.

Mr. HIGGINS. Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

#### STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

NOVEMBER 14, 2023

Addressing human smuggling and trafficking is a critically important challenge. Unfortunately, based on their politically-charged rhetoric and baseless accusations about the Biden administration's border policies, I doubt my Republican colleagues intend to use this hearing to help find meaningful solutions.

More likely, my Republican colleagues have convened this hearing to mislead the American public about what the administration is doing to combat human smuggling and trafficking at the border. In fact, the Biden administration and Secretary Mayorkas are going after the cartels and have implemented enhanced counter-trafficking and counter-smuggling efforts. They are not only investigating and prosecuting individuals involved in these crimes but also investing in prevention efforts and assisting victims.

My Republican colleagues will try to make the American people think that shutting our borders to asylum seekers would help stop human smuggling and trafficking. In fact, doing so would have the opposite effect, empowering cartels to exploit migrants further. We know that migrants are fleeing terrible conditions and will travel to the U.S. border no matter the obstacles placed in their way. But the more difficult the journey, and the more hurdles migrants have to overcome, the more the cartels can charge.

The reality is that we need legal pathways for migrants who are often fleeing conflict, persecution, or dire economic conditions in search of a better life. They seek the safety and the American dream, and knowingly embark on a treacherous journey to achieve it. We need to cut smugglers out and have safe and humane pathways for migrants to come to the United States under our laws.

It's also important to recognize how natural disasters can affect any community, regardless of background, but particularly the most vulnerable who have little choice but to set out in search of safety, security, and prosperity. Unfortunately, in desperation, people are sometimes taken advantage of.

After Hurricane Katrina, for example, many foreign workers were hired to rebuild oil rigs and facilities damaged by Hurricane Katrina. They were promised good jobs and permanent U.S. residency by recruiters who required them to pay up to \$10,000. Still, when they arrived at Signal Shipyards in Pascagoula, Mississippi, they discovered they would not receive the promised residency documents.

Instead, “they were charged \$1,050 per month to live in guarded labor camps where up to 24 men lived in single 1,800-square-foot (167-square-meter) units and were exploited to work.” They became victims of human trafficking, specifically labor trafficking. Such instances are a stark reminder that these issues have no business being tied to partisan maneuvering, but rather we must work together to end human trafficking and smuggling.

In the 117th Congress, then-Ranking Member John Katko of the Homeland Security Committee and I sought to enhance and streamline DHS’s ability to combat human trafficking by introducing the Countering Human Trafficking Act, which made the Department of Homeland Security (DHS) Center for Countering Human Trafficking (CCHT) permanent and increased coordination among DHS components.

I am grateful that President Biden signed the legislation into law last December. This bipartisan, bicameral law had the support of every CHS subcommittee Chair and Ranking Member. I hope we can get back to working together to provide real solutions to protect the most vulnerable and mitigate threats to our homeland.

I look forward to hearing from our witnesses today on how Congress can do more to combat human trafficking and human smuggling, as well as how we can better protect people from being exploited by bad actors.

Mr. CORREA. I wanted to ask unanimous consent to include Ranking Member Carter’s opening statement for the record.

Mr. HIGGINS. Without objection.

[The statement of Ranking Member Carter follows:]

#### STATEMENT OF RANKING MEMBER TROY CARTER

NOVEMBER 14, 2023

Let me say from the outset, that the issues of human trafficking and smuggling are important, so I am disappointed that in announcing this hearing, my Republican colleagues decided to make this hearing part of a multiple phase plan to impeach or smear the President and the Secretary of Homeland Security.

Human trafficking and smuggling are not new problems that the country is facing, sadly, we have had these problems for decades and the only real way to make headway is to work together. I hope that coming away from this hearing, we do more to approach these and other issues in a more bipartisan fashion and give a more balanced approach. And while much of the focus of today’s hearing for my Republican colleagues is on the border, we should also note that human trafficking can and frequently does occur without crossing any borders.

Human trafficking is an on-going challenge in my home State of Louisiana. In 2021, Governor John Bel Edwards signed into law a bill that established the Office of Human Trafficking Prevention. In February, the Office of Human Trafficking Prevention released a report for 2022 that had alarming statistics—70 percent of the reported trafficking victims in Louisiana were under 18 years old, 88 percent were female, 53 percent were African American, 39 percent were White, and the majority were U.S. citizens.

At the Federal level, multiple administrations have launched initiatives to address these issues. Congress has been active on these issues as well. Last year, Congress passed the Countering Human Trafficking Act of 2021, which authorized and expanded the Center for Countering Human Trafficking. With this bill signed into law by President Biden, Congress institutionalized the DHS counter-trafficking mission ensuring that DHS can investigate human trafficking and disrupt cross-border illicit networks. I look forward to hearing from our witnesses today about how the Countering Human Trafficking Act has been implemented.

I would like to acknowledge the Biden administration’s efforts to end human trafficking and smuggling through the 2022 launch of the Counter Human Smuggler Campaign, which conducted over 6,700 disruptions to the human smuggling infrastructure. These efforts included raids on smugglers’ stash houses and impounding trailers used to unlawfully transport migrants. In May 2023, the administration launched a digital ad campaign to combat smuggler-driven disinformation on social media platforms. These ads included simple images and language about U.S. immigration laws and were geotargeted for migrants along the migratory path in Central and South America.

Human trafficking and smuggling are complex issues, which is why Congress needs to address the root causes and eliminate a fractured immigration system that has negatively impacted millions of migrants and subjected them to unimaginable abuse. We need to work on a bipartisan front to keep the Government open, enable our law enforcement to keep going after traffickers and smugglers, and assist the victims of these terrible crimes.

I look forward to speaking to our witnesses today about human trafficking and smuggling and, more importantly, what Congress can do to help victims and dismantle systems that make people more susceptible to being victims of trafficking and smuggling.

Mr. HIGGINS. I thank the Ranking Member.

I am pleased to welcome our panel of witnesses. I ask that our witnesses please rise and raise your right hand.

[Witnesses sworn.]

Mr. HIGGINS. Let the record reflect that the witnesses have answered in the affirmative. Thank you, and please be seated.

I would like now to formally introduce our witnesses. Ambassador John Cotton Richmond is an attorney and diplomat focused on ethical business, human rights, democracy, and the rule of the law. Previously, Ambassador Richmond served as a U.S. Ambassador to monitor and combat trafficking in persons from 2018 to 2021. Serving in the Nation's highest-ranking position dedicated to human trafficking, he led U.S. foreign policy related to modern slavery and coordinated the U.S. Government's response to these crimes.

Our next witness, Mr. Pablo Villeda, is International Justice Mission's regional president of Latin America, and the gentleman oversees their work to rescue children who have been victimized by sexual violence and to secure justice against human traffickers and those who would exploit the vulnerable for sexual trade. Mr. Villeda joined International Justice Mission as Guatemala's field office director where he led a team to achieve significant convictions against perpetrators of sexual violence, and he pioneered new ways of combating child sexual assault by equipping officials within the Guatemala justice system with what they needed to fight back.

I would like to recognize the gentleman from California, Mr. Correa, to introduce a Minority witness, Mr. Terry FitzPatrick.

Mr. CORREA. Thank you, Mr. Chairman Higgins and Chairman D'Esposito, it is my honor to introduce Mr. Terry FitzPatrick. A journalist by training, Mr. FitzPatrick has been involved in the fight against human trafficking for over a decade. He has award-winning coverage on human rights and criminal justice. He has also helped produce films about human trafficking in 14 countries around the world. He currently serves as the director of the Alliance to End Slavery and Trafficking, also known as ATEST, a coalition advocating for solutions and human trafficking.

Thank you, Mr. FitzPatrick, for being here today. I look forward to hearing your statement, sir.

Mr. Chairman.

Mr. HIGGINS. I thank the Ranking Member.

Our final witness, Dr. Jarrod Sadulski has over 20 years of law enforcement experience, including counter-human trafficking, counterterrorism, homeland security, and local law enforcement. Dr. Sadulski has spent time in Central America and South America researching both human trafficking and international narcotics trafficking.

I thank the witnesses for being here today. The witnesses' full statements will appear in the record.

I now recognize Ambassador Richmond for 5 minutes to summarize his opening statement.

**STATEMENT OF HONORABLE JOHN COTTON RICHMOND,  
FORMER U.S. AMBASSADOR TO MONITOR AND COMBAT  
HUMAN TRAFFICKING; CHIEF IMPACT OFFICER, ATLAS  
FREE**

Mr. RICHMOND. Chairman Higgins, Ranking Member Correa, Chairman D'Esposito, thank you for allowing us to appear here today. I currently serve as the chief impact officer for Atlas Free, a network of over 40 anti-trafficking organizations working to combat trafficking around the world. I'm also the president of the Libertas Council, a leadership community focused on combating human trafficking, advancing democracy, and affirming human dignity.

The Members have wisely highlighted that traffickers profit from human trafficking. This is not the noble profits of a market-based enterprise in a fair capitalist system. These are the illicit economic gains from treating inherently valuable people as disposable commodities. Whenever the issue of the border arises in conversations about human trafficking, I think it's wise to clarify the distinction between smuggling and trafficking. Smuggling is a crime of transportation. It can be voluntary or involuntary, and it violates the integrity of a country's borders. Trafficking, however, is always involuntary. Coercion is at the very heart of the crime, and there is no legal requirement that a person crosses a border to be a victim of human trafficking.

In fact, the United Nations estimates over 70 percent of all the victims in the world, that their traffickers actually exploit them in their own country of origin. This isn't to suggest that borders don't matter. They do. It's just that illegal border crossings do not cause human trafficking. They do, however, make people much more vulnerable. Traffickers prey on vulnerable people because traffickers believe that vulnerable people are easier to coerce and exploit.

Many things make people vulnerable. People who are in poverty, illiteracy, disabilities, lack of strong families. All of these things can make individuals vulnerable to crime, including the crime of trafficking. As Chairman D'Esposito said, border crossings are correlated, but they're not causal to trafficking. There's only one cause of human trafficking, one true root cause of trafficking, and that is the trafficker's decision to exploit another person.

When people talk about going upstream, they often focus on just reducing vulnerabilities. While noble, these efforts have at best an indirect impact on human trafficking because they're focused on the correlated vulnerabilities and not the true root cause of trafficking.

The Government's failure to enforce laws benefits criminals. This is true not only of border laws, but it's also true of trafficking laws.

The U.S. State Department highlighted the plummeting rate of human trafficking law enforcement last year. According to the State Department, the United States only initiated 162 new Federal human trafficking prosecutions last year. New prosecutions



had not been that low since 2014. U.S. Federal courts only convicted 256 human traffickers last year, a 48 percent decrease since 2019.

Although strong and effective criminal justice response to trafficking alone will not solve the problem, it is a necessary component of a holistic approach. The failure to fund and resource the hardworking people of the Department of Justice and Homeland Security to enforce our trafficking laws means that human traffickers are operating with impunity. Pair the awful reality with the dramatic increase in vulnerable, undocumented people, and human trafficking becomes a high-reward, low-risk, criminal enterprise.

We are not only dealing with the Government's failure to enforce border laws concerning individuals. The United States is also failing to stop companies from importing goods made by forced labor victims. The teams at DHS charged with enforcing both the Tariff Act and the Uyghur Forced Labor Prevention Act must be allowed to stop slave-made goods from tarnishing United States markets.

Congress must decide if it will take a consistent approach to human rights or only engage in soaring rhetoric when it's convenient to other priorities.

With almost all the solar panels crossing the United States borders having been sustained by China forcing Uyghur minorities to work, we have to ask if America wants to go green on the back of slave labor. We have to ask if chocolate Halloween treats are worth traffickers forcing children from Mali and Burkina Faso to work in fields. Forced labor interferes with free markets, and it undermines capitalism.

For individuals to flourish, people must be free to decide where they work and who touches their bodies. Congress should move quickly to reauthorize the international provisions of the Trafficking Victims Protection Act and to create vacature and expungement pathways for trafficking survivors.

The United States should screen every undocumented persons for indicators of trafficking as it humanely enforces its border laws and prevents the surge of vulnerable individuals for traffickers to target.

Thank you, and I look forward to your questions in this discussion today.

[The prepared statement of Hon. Richmond follows:]

PREPARED STATEMENT OF JOHN COTTON RICHMOND

NOVEMBER 13, 2023

Chairman Higgins, Ranking Member Correa, Chairman D'Esposito, Ranking Member Carter, and distinguished Members of the subcommittees, thank you for the opportunity to testify at this important hearing. I am grateful to testify with my thoughtful colleagues on this panel.

I serve as the chief impact officer of Atlas Free, a network of over 40 organizations fighting human trafficking around the world. I am also the president of the Libertas Council, a leadership community focused on combating human trafficking, advancing democracy, and affirming human dignity. For over 20 years, my work has focused on the global fight against human trafficking. I have worked for a number of amazing nonprofits, served as a Federal prosecutor and founding member of the Department of Justice's Human Trafficking Prosecution Unit, worked in the private sector, and led U.S. foreign policy on this issue as the U.S. Ambassador-at-Large to Monitor and Combat Trafficking in Persons. I have met and learned from many survivors over the years. I have also benefit from listening to traffickers—the

women and men who choose to commit this crime. Together these experiences shape my understanding and fuel my passion to ensure all people are free.

The Members have wisely highlighted that traffickers “profit” from human trafficking. This is not the noble profits of market-based enterprises in a fair capitalist system. These are illicit economic gains from treating inherently valuable people as disposable commodities.

Whenever issues of the border arise in conversations about human trafficking, I think it is wise to clarify the distinction between human smuggling and human trafficking. Smuggling is a crime of transportation. It can be voluntary or involuntary, and it violates border integrity. Human trafficking, however, is always involuntary. Coercion is at the very heart of the crime and there is no legal requirement that a person crosses a border. The United Nations estimates that traffickers exploit 77 percent of all victims in their country of origin without crossing a border.

This is not to suggest that borders do not matter. They do. It is just that illegal border crossings do not cause human trafficking. They do, however, make people more vulnerable. Traffickers prey on vulnerable people because the traffickers believe vulnerable people are easier to exploit—and undocumented individuals are exceptionally vulnerable. Many things make people vulnerable to those bent on evil: poverty, illiteracy, disabilities, lack of strong families—yet none of these vulnerabilities cause human trafficking. They are correlated but not causal. There is only one cause of human trafficking. The root cause of human trafficking is traffickers. When people talk about “going upstream” they focus on reducing vulnerabilities. While noble, these efforts have at best an indirect impact on human trafficking, because they focus on correlated vulnerabilities instead of trafficking’s true root cause.

The Government’s failure to enforce laws benefits criminals. This is true of border laws and trafficking laws. The U.S. State Department highlighted the plummeting rate of human trafficking law enforcement last year. According to State, the United States only initiated 162 new Federal human trafficking prosecutions last year. New prosecutions have not been that low since 2014. U.S. Federal courts only convicted 256 human traffickers last year, a 48 percent decrease since 2019. Although a strong and effective criminal justice response to trafficking alone will not solve the problem, it is a necessary component of a holistic approach. The failure to fund and resource the hard-working people at DOJ and DHS to enforce our human trafficking laws means human traffickers operate with impunity. Pair that awful reality with a dramatic increase in vulnerable undocumented people, and human trafficking becomes a high-reward/low-risk criminal undertaking.

We are not only dealing with Government’s failure to enforce border laws concerning individuals, the United States is also failing to stop companies from importing goods made by forced labor victims. The faithful teams at DHS charged with enforcing both the Tariff Act and the Uyghur Forced Labor Prevention Act must be allowed to stop slave-made goods from tarnishing United States markets.

Congress must decide if it will take a consistent approach to human rights or only engage in soaring rhetoric when it is convenient for other priorities. With almost all the solar panels crossing U.S. borders having been stained by China forcing Uyghur minorities to work, we have to ask if America wants to “go green” on the backs of slave labor. We have to ask if chocolate Halloween treats are worth traffickers forcing children from Mali and Burkina Faso to work in cacao fields. Forced labor interferes with free markets and undermines capitalism. For individuals to flourish, people must be free to decide where they work and who touches their bodies.

Congress should move quickly to reauthorize the international provisions of the Trafficking Victims Protection Act and create vacatur and expungement pathways for trafficking survivors. The United States should screen every undocumented person for indicators of trafficking as it humanely enforces its border laws and prevents the surge of vulnerable individuals for traffickers to target.

Thank you, and I welcome your questions.

Mr. HIGGINS. Thank you, Ambassador.

I now recognize Mr. Villeda for 5 minutes to summarize his opening statement.

#### **STATEMENT OF PABLO VILLEDA, REGIONAL PRESIDENT OF LATIN AMERICA, INTERNATIONAL JUSTICE MISSION**

Mr. VILLEDA. Chairman Higgins, Ranking Member Correa, Chairman D’Esposito, and distinguished Members of the sub-

committees, thank you for the opportunity to testify before you today.

My name is Pablo Villeda Ortiz, and I serve as regional president for Latin America at International Justice Mission. In Latin America, we work in Guatemala, El Salvador, Honduras, Peru, Colombia, Bolivia, and we recently concluded a 10-year project addressing sex trafficking of children in the Dominican Republic.

Before joining IJM, I was a Guatemala field office director in 2007. I practiced law inspired by my father, who dedicated his life as a lawyer to help many people in need, but I grew up in safety, free from fear of crime. But that—I knew that that was not the experience of millions of others. I witnessed this first when I worked as a law clerk in Guatemala’s justice system. I saw that those living in poverty didn’t have real access to justice. Then, in my capacity at RJM, I met many survivors of violence who expect little protection from their justice systems.

The title of this hearing suggests a broken path. If such a path exists, it is indeed broken, broken from the outset. Broken in the community of millions of people in Latin America for whom violence is an ever-present danger; the rule of law is only a notion, and actually impunity is the norm. So, in the face of these challenges, we must look to the source and then work to address factors that drive people to abandon their communities.

IJM’s experience in Latin America where we work in partnership with justice system officials is that progress is possible and has not been seriously undermined by leadership transitions or corruption.

Local governments, of course, must be held responsible for expanding the protection of the rule of law to all but especially those living in poverty so they are safe within their own communities. There are proven, effective ways to achieve this end.

For example, as a result of the IJM program in the Dominican Republic, we have seen a 78 percent reduction in a prevalence of sex trafficking of children in the Dominican Republic. We are convinced that when a justice system protects its most vulnerable and treats victims with dignity, they report crimes. Perpetrators are held accountable. Violence is impaired, and the cycle of abuse is broken. It is then when victims become survivors and flourish, and people can live peacefully within their own communities without the need to seek a life elsewhere.

The United States has a pivotal role to counter violence as a fundamental factor that creates instability, drives migration, and makes people vulnerable to trafficking.

Toward that end, and as I close, I would like to offer three recommendations: First, we encourage the United States to continue to partner with and invest in local governments in Latin America. Continued partnership between governments can significantly improve the performance of criminal justice systems so that they are responsive to violence.

Second, we encourage the United States to increase the diplomatic efforts to address violence against women and children in partnership with the government of Honduras.

In January 2023, the United States and Honduran Government announced their intention to sign a joint memorandum of understanding that defined specific actions against domestic and gender-

based violence, while also increasing support to survivors. IJM encourages the Department of State to the work with the government of Honduras to finalize and commence such a joint statement.

Finally, we urge Members of Congress to reauthorize the Trafficking Victims Protection Act. September 30 marked 2 years since the previous authorization of the international TVPA program has expired. But, last week, the bipartisan Frederick Douglas Trafficking Victims Prevention and Protection Act, H.R. 5856, was passed by the House Foreign Affairs Committee. If enacted, it would reauthorize key provisions of the TVPA. We encourage Members of this committee to cosponsor and vote in support of that bill.

Thank you, again, for the opportunity to testify before you, and I look forward to your questions.

[The prepared statement of Mr. Villeda follows:]

PREPARED STATEMENT OF PABLO VILLEDA ORTIZ

NOVEMBER 14, 2023

Chairman Higgins, Ranking Member Correa, Chairman D'Esposito, Ranking Member Carter, and distinguished Members of the subcommittees, thank you for the opportunity to testify at this important hearing. From my personal and professional experience, I hope to shed light on the all-too-common reality of violence and human trafficking in Latin America, as related to the situation at the Southwest Border of the United States.

My name is Pablo Villeda Ortiz. I serve as the regional president for Latin America at International Justice Mission (IJM). IJM is a global, non-governmental organization (NGO) that works to protect people in poverty from violence.<sup>1</sup> We partner with government authorities in 31 program offices in 16 countries to combat human trafficking, police abuse of power, violence against women and children and on-line sexual exploitation of children. Since 1997, IJM has worked to achieve this mission through the strengthening of justice systems and community support mechanisms that restore survivors to safety and strength, strengthen local law enforcement, and bring criminals to justice.

In Latin America, IJM currently works in Guatemala, El Salvador, Honduras, Colombia, Peru, and Bolivia to address violence against women and children (VAWC). Additionally, IJM recently concluded a 10-year project to address sex trafficking of children in the Dominican Republic.

I grew up in Guatemala City, Guatemala. Before joining IJM as Guatemala Field Office Director in 2007, I was a lawyer. I was inspired to enter the legal profession by my father, who was also a lawyer, and who not only used his career for personal gain but also to help many people in need. In my upbringing, my family was comfortable as part of the Guatemalan upper middle class. We lived in a secure home with high walls, free from fear of violent crime, physical or sexual assault, or any kind of abuse. However, I knew that this was not the experience of millions of others in Guatemala who face persistent insecurity and the threat of violence in their daily lives. In fact, I witnessed this reality first-hand. First, before practicing law, I worked as a law clerk in the Guatemalan court system. I saw that those living in poverty or those without influence, power or wealth could not afford legal representation, and did not have access to justice. Second, in my work at IJM, I have personally met many survivors of violence who expect little to no protection from their law enforcement and legal systems.

THE CHALLENGES

In many parts of Latin America, including my country of origin, Guatemala, violence is a common and ever-present danger for many women and children, particularly those living in poverty. For instance, the forthcoming results of IJM studies measuring the prevalence of violence against women and children in multiple Latin American countries show that:

- In both El Salvador and Guatemala, nearly 40 percent of women and 30 percent of adolescents have experienced physical or sexual violence in their life.

<sup>1</sup><https://www.ijm.org/>.

- Within the last 12 months alone, 6.2 percent of women and 6.9 percent of adolescents in El Salvador and 7.6 percent of women and 9.8 percent of adolescents in Guatemala have experienced this kind of violence.
- In Bolivia, over 50 percent of women and nearly 40 percent of adolescents and in the municipalities of Sucre, El Alto, and La Paz have experienced physical or sexual violence in their life. Nation-wide, 29.6 percent of women and 24.1 percent of adolescents have experienced life-threatening violence in their life—and a majority of these women and adolescents are vulnerable to being victimized again.

Studies conducted by other organizations show similarly high rates in other countries<sup>2</sup> and IJM will soon develop prevalence studies for Colombia, Peru, and Honduras.

In the face of such pervasive violence faced by Latin American communities, it is also important to note that government authorities responsible for addressing violence are often themselves a barrier to justice for the victim of a crime. Law enforcement and justice system officials respond slowly and with unprofessionalism that jeopardizes the quality of cases and protection of the victim. Instead, these officials inadvertently retraumatize the victim in their questioning and uncaring treatment, failing to counteract the fear and shame that the individual is experiencing. At the same time, systems for the reception and processing of cases are outdated, susceptible to corruption, and inefficient, creating significant backlogs that can last years before any sense of justice can be achieved. In the mean time, victims are left unsupported to navigate a complex and intimidating system and perpetrators continue to commit crimes in impunity, fearing little in the way of repercussions.

IJM studies evaluating the performance of the public justice systems in Bolivia, Guatemala, and El Salvador demonstrate the existence of these barriers to justice for victims. For example, a review of criminal case files in Bolivia in 2023, revealed that only 33.3 percent of cases contained complete information to be evaluated and only 39.6 percent allowed for the identification of the suspect and their location, reflecting a poor handling of the case from its initial intake and investigation. Most concerning, only 4 percent of reported cases reached any form of sentencing. In an assessment of official interactions with victims, only 6.55 percent of victim interviews were conducted in Gesell Chambers (private, nonthreatening spaces for taking victim testimony) and not a single interaction that took place within the court (hearings and preparation for the survivor to testify) was conducted with trauma-informed care, implying that 100 percent of these interactions resulted in re-traumatization for victims.

In Guatemala, of all the reported cases of violence against women and children in 2019, prosecution offices dismissed 40 percent of cases and had taken no action in 32 percent of cases by the end of 2022. In El Salvador, of all reported cases between 2016 and 2019, prosecution offices dismissed 46 percent of cases.

The title of this hearing suggests “a broken path.” If such a path exists, it is indeed broken and it is broken from the outset. It is broken in the homes and communities of millions of people in Latin America, for whom the rule of law is a notion and impunity is the norm.

Let’s consider the plight of those impacted by violence and the unbearable options before them. Where can they turn and what options do they usually have?

- One option is to suffer in silence and see their lives, the lives of their loved ones and communities deteriorate;
- A second option is to take matters into their own hands, which is why support for extrajudicial violence against alleged criminals by outraged mobs in poor communities is common in Latin America;<sup>3</sup>
- A third option, also unfortunately common in many places in the region, either by desperation or under extortion, sees many people resort to the “protection” offered by criminal gangs and cartels;
- And a fourth option is the difficult choice to leave their community and loved ones behind, flee, and attempt to migrate to a place of safety and opportunity.

<sup>2</sup>WHO: <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence>; U.N. Women: <https://caribbean.unwomen.org/en/materials/publications/2021/7/research-brief-intimate-partner-violence-in-five-caricom-countries>; The Lancet: [https://www.thelancet.com/article/S0140-6736\(21\)02664-7/fulltext](https://www.thelancet.com/article/S0140-6736(21)02664-7/fulltext).

<sup>3</sup>Cruz, J., & Kloppe-Santamaria, G. (2019). *Determinants of Support for Extralegal Violence in Latin America and the Caribbean*. *Latin American Research Review*, 54(1), 50–68. doi:10.25222/larr.212.

## THE SOLUTIONS

In recent years, a host of issues, including violence, have contributed to an upsurge of outmigration from Central America. In the face of these challenges, we must look to the source and then work to address the factors that drive people to abandon their homes, their families, and their communities. IJM's experience in Latin America, where we work in partnership with public justice system officials, is that progress is possible and has not been disrupted by changes in national leadership, nor has it been severely or seriously undermined by corruption. Local governments must be responsible for extending the benefits of protection of the rule of law to all citizens, but especially those in poverty, so that they are safe and secure within their own communities—and there are proven, effective ways to achieve this end.

For over 25 years, IJM has been countering the problem of violence through the strengthening of justice systems and mechanisms of community support for victims and survivors. In each context, IJM works alongside prosecutors on actual cases of violence and human trafficking, providing mentorship, technical resources, and training to address weaknesses and gaps in capacity. Through first-hand insight into these cases, IJM works to identify and address systemic issues that prevent the identification of victims and prosecution of perpetrators. In the process, IJM develops targeted, contextualized interventions that address the core, systemic issues that allow for impunity to continue unhindered, while mobilizing political will and social demand so that local governments increase their ownership and actions to strengthen the protection of those living in poverty from violence.

From IJM's programmatic experience in Latin America, we have seen the effectiveness of these interventions to address trafficking and violence:

#### *Dominican Republic*

IJM recently concluded a project in the Dominican Republic (DR) to combat sex trafficking of children.

Nearly a decade ago, a 2015 IJM study<sup>4</sup> showed sex trafficking of children in the Dominican Republic was a rampant crime, with children comprising 1 in 10 people who were observed in sexual exploitation—most as young as 13 to 15 years old. Traffickers operated with impunity in establishments like bars, brothels, and even private businesses, but the crime truly thrived in public settings. The prevalence of minors in sex trafficking in public spaces like parks, beaches, and streets surrounding private establishments was as high as 24 percent of individuals observed in sexual exploitation. Customers would work through either formal or opportunistic pimps—young men or women who work as trafficking facilitators and offer to find children for sex.

This had been the norm for years—studies carried out during the early 2000's consistently reported women and children as the most vulnerable to trafficking and sexual exploitation, particularly highlighting the number of children trafficked for the purpose of commercial sexual exploitation.<sup>5</sup>

As the scale of violence and impunity became clear, the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (J/TIP) funded an anti-trafficking program led by IJM. This strategic investment in U.S. foreign assistance leveraged IJM's years of experience assisting local law enforcement and justice sector authorities in the fight against sex trafficking. It helped transition the focus of the work to sustainable, long-term protection, ultimately strengthening the capacity of local authorities to proactively identify this crime and enforce laws.

According to the State Department, this programming sought to create “a measurable deterrence and a significant reduction in the prevalence of sex trafficking in the country” through “consistent apprehension and effective prosecution of perpetrators,” and provide “an effective response to sex trafficking that ensures the sensitive treatment of survivors and results in a deterrent effect that reduces the prevalence of the crime throughout the country.”

During this project, IJM and our partners:

- Developed investigation standards that ensure police respond to victims with trauma-informed care and gather the proper evidence to advance cases through the legal system.

<sup>4</sup> IJM (2015). *Commercial Sexual Exploitation of Children in the Dominican Republic*.

<sup>5</sup> UNICEF: <https://docplayer.es/20918363-Estudio-cualitativo-sobre-explotacion-sexual-comercial-de-ninos-ninas-y-adolescentes-en-republica-dominicana-resultados-preliminares.html>; Sorensen, & Claramunt, M.C. (2003). *Commercial sexual exploitation of children and adolescents in Central America, Panama and Dominican Republic: synthesis report*. ILO.

- Spurred a civil society movement to successfully advocate for a ban of child marriage, which had served as legal loophole that enabled perpetrators to act in impunity.
- Worked with the Dominican National Police to co-design the Nation's first electronic investigation system that will safeguard the integrity and documentation of collected evidence and enable the effective prosecution of sex trafficking cases.

As a result of these initiatives, we have seen a tremendous improvement in the performance of the Dominican justice system<sup>6</sup> and reduction in prevalence of violence<sup>7</sup> in cases of sex trafficking of children.

- From 2010 to 2013, the anti-human trafficking department of the Dominican National Police did not handle any cases of sex trafficking; while from 2014 to 2021, 130 cases were initiated. This crime was once unrecognized and unpunished—and now it is actively investigated and prosecuted.
- Similarly, the Attorney General's Office of the Dominican Republic only handled 8 cases from 2010 to 2013, while it registered a total of 90 cases between 2014 and 2021.
- The total prevalence of children involved in sex trafficking was reduced from 10 percent in 2014 to 2.2 percent in 2022. This represents a 78 percent decrease in children in sex trafficking over the course of 8 years. In other words, in 2014, 1 in 10 individuals involved in sex trafficking was a minor experiencing sexual exploitation. In 2022, one in 45 individuals involved in sex trafficking was a minor.

#### *Northern Triangle*

The effectiveness of this approach is not unique to the Dominican Republic and has generated promising results in other parts of Latin America. IJM has worked in Guatemala since 2005, beginning by partnering with justice system actors to address sexual violence against children. Over several years, our team in Guatemala:

- Provided field mentoring to police officers and case-based consultation to prosecutors to improve outcomes and quality of investigations and cases;
- Developed technological and data management tools to assess the criminality of perpetrators and identify gaps in the performance of the justice system;
- Assisted in the launch, training, and capacity building of the first-ever specialized sex crimes police units and crimes against children prosecution offices;
- Provided training on best practices in trauma-informed care for victims so that evidence collection and victim testimonies are non-threatening; and
- Made tangible contributions to the quality and expediency of forensic reports rendered by the National Institute of Forensic Sciences.

As a result, according to a 2018 external impact evaluation<sup>8</sup> commissioned by IJM, the Guatemalan justice system has more effectively responded to cases of child sexual abuse, as evidenced by:

- 357 percent more arrests—from 301 (2008–2012) to 1077 (2013–2017).
- 318 percent more charges brought by prosecutors—from 520 to 1,658.
- 335 percent more convictions—from 181 to 581.
- 80 percent of charges brought by prosecutors at endline (cases sent to trial) met legal requirements—from 28 percent at baseline.
- Increased victim sensitivity by justice system officials, including reducing the number of times victims give testimony, increasing in the use of pre-trial testimony, and increasing the use of victim-friendly spaces for child victims.

Based on this success, IJM expanded its program in Guatemala to the broader issue of violence against women and children (VAWC). IJM is making progress by:

- Strengthening the capacity of the recently-launched Victim's Institute as the primary government agency tasked with providing free, specialized assistance and accompaniment to victims of crime to ensure their access to justice, restoration, and dignified treatment throughout the process. IJM has been instrumental in assisting the Victim's Institute by co-developing its model of attention, protocols, best practices, case monitoring system, and victims' reparation policy, informed by consultation with actual survivors of violence.

<sup>6</sup>IJM (March 2023). *Study of the Dominican public justice system in response to sex trafficking and commercial sexual exploitation of children, 2010–2022*.

<sup>7</sup>IJM (January 2023). *Commercial Sexual Exploitation of Children in the Dominican Republic: Endline Study*.

<sup>8</sup>IJM (December 2018). *Final Evaluation of Program to Combat Sexual Violence Against Children and Adolescents in Guatemala, 2005–2017*.

- Improving the application of restraining orders so that perpetrators are kept from committing further violence, and women and children are protected from further harm.
- Piloting a Coordinated Community Response model, as a scalable and replicable model to enhance security based on building trust, cooperation and capacities in both State agencies and community actors.
- Organizing and equipping groups of survivors to amplify their voice, stories, and advocacy for sustainable change.
- Embedding training and best practices into justice and citizen security agencies' official curricula and training academies.

Additionally, in El Salvador, where IJM has worked since 2018, IJM has already seen a 78 percent increase in the number of police investigations that meet quality standards, including evidence collection and analysis and application of investigative techniques.

#### CONCLUSION

At IJM, we are convinced that when a justice system protects its most vulnerable, it will deter violence and break the cycle of abuse and crime. When a justice system protects its most vulnerable, victims report their cases and perpetrators experience real consequences for their crimes. When a justice system protects the most vulnerable, victims are treated with dignity and care so that they can heal and flourish. When a justice system protects the most vulnerable, people can live peacefully within their own communities without the need to seek help and opportunities elsewhere. When local governments increase their ownership, strengthen policies, and improve their law enforcement performance with support from effective international partners, change is accelerated, and wins are more sustainable. Our experience is evidence of this.

From IJM's experience, when strategic investments are made to strengthen the capacity of the government authorities to respond to violence and support survivors, substantial progress can be made in the performance of public systems responsible for the protection of their citizens. In both the 116th and 117th Congress, IJM was pleased to support the Central American Women and Children Protection Act—bipartisan legislation designed to strengthen public justice systems to protect women and children, support victims of violence, and hold perpetrators accountable. In the fiscal year 2022 appropriations bill, Congress appropriated funding “to support bilateral compacts with the governments of such countries for the specific purpose of strengthening their capacity to protect women and children from domestic violence, sexual assault, trafficking, and child abuse or neglect, including by holding perpetrators accountable.”

The United States has a pivotal role in this fight to counter violence as a fundamental factor that creates instability, drives migration and makes people vulnerable to trafficking and exploitation. Toward that end, I offer the following recommendations:

*1. Partnering with and investing in local governments in Latin America.*—Criminal justice systems can be unresponsive to reports of crimes of physical and sexual violence against women and children. Yet continued partnership between governments can significantly improve the performance of criminal justice systems for lasting change. While civil society and community members play an important role in child protection, the goal cannot and should not be for those actors to replace the crucial role of government officials and those institutions mandated to protect children in their communities. These include law enforcement, the judiciary, social welfare services, and local leaders; all of whom need more trauma and technical training, and practical resourcing to be able to build trust with those citizens and create sustainable systems that are accessible and reliable for those in the communities they serve. Accordingly, this requires funding for public justice system improvements, including:

*(a) Fair, transparent and efficient administration of justice.*—International NGO's such as IJM are playing a role in improving case management in courts, court-based victim support services and the use of technological tools to increase efficiency in criminal hearings. There is also an increasing need in this field to promote greater engagement from civil society organizations to foster accountability, integrity, and transparency in criminal processes.

*(b) Community-based services for women and children.*—Through MOUs and cooperative agreements, NGOs in Latin America can and do effectively partner with government agencies to enhance reporting, response, and restoration services. NGOs are part of the government's referral system for women and child victims and often provide support services to the most vulnerable popu-



lations, including women who had been forcibly displaced from their communities or reside in areas that are subject to the control of gangs.

(c) *Assisting government partners.*—It is essential to work alongside government partners to ensure a coordinated response to violence against women and children occurs, police protocols increase the safety and stability of victim’s access to justice, and all legal processes are trauma-informed and survivor centered.

- Training and mentoring justice officials including police, prosecutors, and social workers.
- Reforms to bolster witness accompaniment, to improve the process of “walking alongside” individual clients throughout the court process. (Lacking this, witnesses fall away, and violent criminals fail to be held accountable.)
- Mentoring and equipping local leaders, including civil society and survivor-led groups to serve as advocates for change.

2. *Increase U.S. diplomatic efforts to address violence against women and children in partnership with the government of Honduras.*—IJM welcomed the joint statement by the governments of the United States and Honduras<sup>9</sup> at the Strategic and Human Rights Dialogue in January 2023, in which both governments “reaffirmed their continued commitment to jointly address the root causes of irregular migration and forced displacement” and announced “their intention to sign a joint memorandum of understanding that defines specific actions against domestic and gender-based violence while also increasing support to survivors.” IJM encourages the Department of State to work with the government of Honduras to finalize and commence such a joint MOU, as soon as practicable. IJM recommends that a joint MOU specify particular government institutions that are responsible for implementation to maximize fiscal accountability and outcome-based measurement. We also recommend activities under a joint MOU be implemented by experienced NGO’s that support local authorities and provide technical assistance, mentorship, and training to police, prosecutors, courts, and social service agencies.

3. *Prioritize the reauthorization of the Trafficking Victims Protection Act (TVPA).*—Notably, Sept. 30, 2023, marked 2 years since the previous authorization of the international TVPA programs expired. It is past time for this important legislation, which guides U.S. programming and policy to combat human trafficking globally, to be reauthorized. Survivors, NGO’s, and governments world-wide look to the United States as a leader on this issue, and the TVPA is central to this fight. Last week, the bipartisan Frederick Douglass Trafficking Victims Prevention and Protection Act (H.R. 5856) was passed by the House Foreign Affairs Committee. If enacted, it would reauthorize key provisions of the TVPA. We encourage Members of this committee to consider co-sponsoring H.R. 5856 and to vote in support of the bill when it is considered on the House floor.

4. *As Congress negotiates a 2024 appropriations bill, it is essential that funding is sustained or increased for programs that combat trafficking and other forms of violence abroad.*—We can all agree that no child should be trafficked, exploited, or violently abused. U.S. Government programs that support the efforts of foreign governments to identify victims, prosecute traffickers and violent criminals, and support survivors in their journey of healing should continue to receive robust funding.

Mr. HIGGINS. Thank you, Mr. Villeda.

Mr. FitzPatrick, you are recognized for 5 minutes to summarize your opening statement.

#### **STATEMENT OF TERENCE FITZPATRICK, DIRECTOR, ALLIANCE TO END SLAVERY AND TRAFFICKING**

Mr. FITZPATRICK. Thank you, Chairmen Higgins, D’Esposito, and Ranking Member Correa, and to all the Members of the committee, for allowing me to speak today.

Just one thing to say about the Alliance to End Slavery and Trafficking, just so you know who we are. We are an alliance of organizations that conduct programs in more than 30 U.S. cities and 100

<sup>9</sup>*Joint Statement on the U.S.-Honduras Strategic and Human Rights Dialogues.* January 10, 2023.

countries. We advocate for stronger Federal laws and increased Federal funding to prevent and combat forced labor and human trafficking.

I think the most important thing that would be the takeaway from my remarks today is this: Whole-of-Government solutions, comprehensive, holistic solutions are needed to defeat trafficking. I would like to take a few moments to explain what we view that means at the border.

I have three issue areas and three recommendations. Issue No. 1 is some context. The more—some statistics I have seen is it's actually only 15 percent of trafficking victims around the world today are actually migrants. So not all forced labor and human tracking is related to migration. A significant number of individuals are trapped that way. That 15 percent adds up to about 4 million people world-wide. Not a small number, but putting it into a larger context.

Unfortunately, there are no authoritative numbers for inside the United States. The National Institute of Justice is doing some research on that. But it is known that migration-related trafficking reaches beyond undocumented individuals.

For example, the National Human Trafficking Hotline run by Polaris has received thousands of calls for help from migrants inside the United States legally on guest worker visas or already in asylee protected status.

Last, for context, it is American businesses who ultimately profit from transnational human trafficking. American farms and factories exploit migrant children in illegal child labor, and migrant adults trapped in illegal debt bondage are generating profits for American corporations.

Issue No. 2, the need for prevention and protection. Law enforcement isn't the only solution. Foreign assistance programs can help reduce the number of individuals fleeing their home countries, increasing the capacity to properly process migrants and reduce trafficking vulnerability. That's because long delays at legal points of entry can cause desperate individuals to seek irregular pathways and become trafficking targets.

There's an urgent need at the border for more asylum officers, immigration judges, child welfare specialists, and attorneys.

As well, to protect migrants already here, there is a need for increased workplace inspections by the Labor Department and reform of guest worker visa rules.

Issue No. 3, the protection of American values and leadership. Migrants not only seek opportunities in the United States; they seek safety and freedom. Our answer to those fleeing forced labor and human trafficking abroad must not be to go back. Congress has ensured that the United States, perhaps more than any other country, embraces a whole-of-Government vision for counter-trafficking programs. However, at the border in particular, our Nation is not living up to that holistic ideal.

Quickly, three recommendations: I will echo the recommendation to please pass the Trafficking Victims Protection Reauthorization Act, the TVPRA. To improve international trafficking prevention, this bill will require the integration of antitrafficking strategies into programs—all programs—at the U.S. Agency for International

Development with financial earmarks for countries in Central America, where a lot of the unaccompanied minor push factors are sending children to our Southern Border. To protect trafficking survivors in the United States, the bill reauthorizes programs at the Department of Health and Human Services. There's a companion bill in the Senate, S. 920, with additional provision to protect migrants. When it comes over for passage, we urge you to pass that as well.

Recommendation No. 2, enact key provisions of the fiscal year 2024 emergency supplemental appropriations request. The border supplemental includes additional asylum officers and immigration judges, increased social services, and tougher enforcement of U.S. child labor law. As well, please hold the line on trafficking funding throughout the Federal budget. With all the public attention with movies and news reports about child labor in American factories, the response from Congress cannot be "we're going to slash funding for antitrafficking programs."

Last, recommendation No. 3, do not roll back protections for unaccompanied child migrants. All children deserve screening by specially-trained border personnel, not streamlined screening by less-trained immigration adjudicators.

I look forward to explaining a little bit more about those recommendations and any questions you might have. Thank you much.

[The prepared statement of Mr. FitzPatrick follows:]

#### PREPARED STATEMENT OF TERRY FITZPATRICK

OCTOBER 24, 2023

Thank you for the opportunity to address the committee today. My name is Terry FitzPatrick. I direct the Alliance to End Slavery and Trafficking (ATEST). We are a nonpartisan coalition of organizations that conduct programs in more than 30 U.S. cities and 100 countries. ATEST advocates for stronger Federal laws and increased Federal funding to prevent and combat forced labor and human trafficking.

I think the most important takeaway from my comments today will be this: whole-of-Government solutions are needed to defeat trafficking. I'd like to articulate what that should look like regarding migration. I have three issue areas to discuss, and three recommendations.

#### ISSUE ONE: SOME CONTEXT

Not all forced labor and human trafficking is related to migration. The United Nations estimates that 15 percent of victims throughout the world today are migrants. That's 4 million people world-wide. Unfortunately, there are no authoritative trafficking statistics for the United States. The National Institute of Justice is currently conducting research.

But it is known that migration-related trafficking reaches beyond undocumented individuals. For example, the National Human Trafficking Hotline has received thousands of calls for help from migrants inside the United States legally on guestworker visas or already in asylee protected status.

Last, it's American businesses who ultimately profit from transnational human trafficking. American farms and factories exploit migrant children in illegal child labor. Migrant adults trapped in illegal debt bondage are generating profits for American corporations.

#### ISSUE TWO: THE NEED FOR PREVENTION AND PROTECTION

Law enforcement isn't the only solution. Foreign assistance programs can help reduce the number of individuals leaving their home countries. Increasing the capacity to properly process migrants can reduce trafficking vulnerability. That's because long delays at legal points of entry can cause desperate individuals to become traf-

ficking targets. There's an urgent need at the U.S. border for more asylum officers, immigration judges, child welfare specialists, and attorneys.

As well, to protect migrants already here, there needs to be increased workplace inspections by the Labor Department, and reform of guestworker visa rules.

#### ISSUE THREE: THE PROTECTION OF AMERICAN VALUES AND LEADERSHIP

Migrants not only seek economic opportunity in the United States; they seek safety and freedom. Our answer to those fleeing forced labor and human trafficking abroad must not be to go back.

Congress has ensured that the United States, perhaps more than any other country, embraces a whole-of-Government vision for counter-trafficking programs. However, particularly along the border, our Nation is not living up to that holistic ideal.

#### QUICKLY, THREE RECOMMENDATIONS:

*Recommendation One.*—Pass the Trafficking Victims Prevention and Protection Reauthorization Act, the TVPPRA. To improve international trafficking prevention, H.R. 5856 will require the integration of anti-trafficking strategies into programs at the U.S. Agency for International Development. To protect trafficking survivors in the United States, the bill reauthorizes programs at the Department of Health and Human Services. We also urge passage of a companion Senate bill, S. 920, with additional provisions to protect migrants and reauthorization of State Department anti-trafficking programs.

*Recommendation Two.*—Enact key provisions of the Fiscal Year 2024 Emergency Supplemental Appropriations Request. The Border Supplemental section includes additional asylum officers and immigration judges, increased social services, and tougher enforcement of U.S. child labor law. As well, hold the line on trafficking funding throughout the Federal budget. With all the public attention this issue is receiving at movie theatres and in the news media, the response from Congress must not be to slash support.

*Recommendation Three.*—Do not roll back protections for unaccompanied child migrants. All children deserve screening by specially-trained border personnel. Congress has specifically required this safeguard for children from Central America. However, H.R. 2, the Secure the Border Act, would strip this protection in favor of expedited review by lesser-trained staff. H.R. 2 has already passed the House; but I urge you to oppose efforts to attach it to appropriations bills or other legislation.

Thank you for your attention. I look forward to answering any questions that you have now or at any time in the future.

Mr. HIGGINS. Thank you, Mr. FitzPatrick.

Dr. Sadulski, you are recognized for 5 minutes to summarize your opening statement. Sir.

#### **STATEMENT OF JARROD SADULSKI, PH.D., ASSOCIATE PROFESSOR, AMERICAN MILITARY UNIVERSITY**

Mr. SADULSKI. Chairman Higgins, Ranking Member Correa, Chairman D'Esposito, thank you very much for the opportunity to be here today and provide this testimony on human trafficking.

As a doctor of criminal justice, a professor at American Military University, as well as a humanitarian, I had been conducting research on human trafficking trends in Latin America for several years.

This work has led me to in-country research in South America, Central America, and the United States, as a guest at INTERPOL and the National Police of Colombia. I've conducted in-country research on human trafficking originating in Colombia, and I've also conducted in-country research in 4 years of humanitarian work in Central America. Specifically, the humanitarian work that I've engaged in has involved leading teams to provide training to the staff and inmates of a prison in Latin America, specifically in Belize. Through this humanitarian work and working within the prison system of the Nation's only prison, I've had the opportunity to

interview and to speak with former convicted human traffickers, as well as, through my research, I've had the opportunity to speak to many human trafficking victims. So today the information that I'm presenting is a culmination of that research.

There's a dangerous nexus between human smuggling and trafficking, though they're very distinct. People who are initially attempting to be smuggled into the United States can end up as trafficking victims. This occurs because of the obstacles and delays that can occur on the smuggling route and resulting in the migrant owing more money than that what they have in order to pay. When that happens, they're forced into human trafficking as a means to pay off their debt once they arrive to the Southwest Border. This includes sex trafficking, packaging drugs in safe houses or stash houses near the border, and other forms of forced labor.

For groups of people that are being smuggled toward the Southwest Border, intelligence is collected within the group. For example, you'll have a coyote, which is a smuggler himself, mixed within the migrant group that is there to collect intelligence to see who actually has the money. Once it's determined that a migrant does not have the funds to continue the process of getting to the Southwest Border, they're often sold to actual sex traffickers—I'm sorry, human traffickers—for exploitation.

Stash houses have an important role in human trafficking along the Southwest Border. They occur on both the U.S. and the Mexican sides. TCOs use local gang members to manage the stash houses on both sides. Safe houses could be described as a triangle with the first house being a processing center where those forced into human trafficking are processed by having their photograph taken, the amount of debt owed is listed, as well as their personal items, passports, even clothing are taken away from them. From there, the second house that is part of this stash house triangle is where the actual exploitation occurs. A lot of that, although we focus on sex trafficking and forced labor, a lot of that involves packaging narcotics that are flowing through the Southwest Border.

Once the debt is paid, then the victim is transferred to a third safe house. It is there that they are given back their property as well given the opportunity to finish, to make it to their destination.

TCOs create an illusion that no crime's being committed, and instead they are just helping to find to have people—attempting to find people—attempting have people find a better life. The system is set up to detect illegal narcotics more so the southwest border than it is human smuggling or trafficking. Many TCOs depend on connections that aid in the facilitation of human trafficking that provide blanket security for everyone involved or tipping them off to law enforcements operations or other threats to their operations.

One element of the human trafficking that is not well is organ harvesting. Sadly, part of my humanitarian work in Central America has revealed that there's a market for juvenile organs.

One particular person that I had interviewed was involved in human trafficking at several different levels and was able to provide insight into some of these inner workings specifically with organ trafficking.

The reason why organ harvesting has become a market is due to buyer's personal needs. For example, if someone has a family mem-

ber that is dying and is unable to obtain that organ legally, they will basically provide a custom order for a specific organ. Organ traffickers view this exploitation as a job. The former gang member who was involved in the trafficking spoke of one organ trafficker out of Mexico, Venezuela, and the Philippines. The organ trafficker would frequent homeless shelters, other shelters, encampments, and drug houses where families camped with their children. It would offer money to the parents to take the children out of that environment, and the children would never return. In one particular case, there was a 12-year-old, and someone paid \$15,000 for his eye. This was several years ago. The organ trafficker explained that moving children from one point to another is easy because the trafficker doesn't have to show documentation, and he did not receive the resistance from the child because the parents gave permission for the child to be with the trafficker.

Human trafficking continues to be a global problem due to its profitability. When a drug dealer makes a profit through selling drugs, they have to obtain more product to make another sale. In the case of human trafficking, the same victim is exploited over and over, and the victim is able to transport themselves.

Thank you for the opportunity, and I welcome your questions.  
[The prepared statement of Mr. Sadulski follows:]

#### PREPARED STATEMENT OF JARROD SADULSKI

##### BACKGROUND

As a Doctor of Criminal Justice, professor at American Military University, and as a humanitarian I have been researching current trends in human trafficking for several years. This work has led me to in-country research in South America, Central America, and the United States to gain a deeper understanding of human trafficking trends. I have been a guest of INTERPOL and the National Police of Colombia to conduct in-country research on human trafficking originating in Colombia and I have provided human trafficking training to government officials in the United States and Central America to mitigate human trafficking. This training has included training to immigration, the Belize Defense Force, and other law enforcement officials in Belize to counter human trafficking. I have presented research at the International Human Trafficking and Social Justice Conference for two consecutive years on human trafficking trends and have peer-reviewed research published on the topic of human trafficking. I also engage in humanitarian work that involves leading teams to a prison in Central America where I provide training to the prison staff on various aspects of prison management and provide life-skills training to inmates. This has opened the door to hear the perspectives of those who were formally involved in human trafficking to gain unique and in-depth insight. The information presented below is a culmination of in-country research in Latin America involving human trafficking that leads to the Southwest Border and humanitarian work I have conducted in Central America.

##### HUMAN TRAFFICKING TRENDS

Typically, gangs focus on smuggling drugs and guns. Transnational Criminal Organizations (TCOs) and trafficking groups aid in moving people from around the world through Latin American attempting to come to the United States illegally across the Southwest Border. Human smuggling is transportation based on when someone pays to be smuggled to the United States. Human trafficking, which is labor-based, involves sex trafficking, domestic slavery, and forced labor. Being forced into human trafficking can be a consequence of human smuggling.

Economic conditions in Central America and around the world is the biggest factor that drives people to leave their homes and risk their lives to be smuggled across the Southwest Border. People who live in dangerous impoverished conditions spend all of the money that they have and often end up becoming victims of human trafficking through their attempt to come to the United States illegally. This occurs because delays and obstacles along the human smuggling route result in the migrant

owing more money than they or their family can afford to pay. Therefore, they are placed into human trafficking as a means to pay off the debt once they arrive at the Southwest Border. This may include sex trafficking, packaging drugs, or other forms of forced labor. There are unspeakable vulnerabilities for migrant children who are forced by armed human traffickers to pay off their debts.

#### THE ROLE OF COYOTES

When groups of people are smuggled to the United States, intelligence is collected from within the group. For example, you'll have a coyote [smuggler] mixed with those being transported as part of a smuggling operation for intel purposes. The victims are not aware that the coyote is among them and if the coyote finds that they don't have the money to be smuggled, he will sell them to the traffickers for sexual exploitation. TCOs exploit people who cannot pay to be transported, and they are sold into the sex trade or forced labor.

#### THE USE OF SAFE HOUSES

Safe houses have an important role in human trafficking along the Southwest Border. Safe houses are located both on the Mexican and United States sides of the border. TCOs use local gang members to manage safe houses in both countries. Safe houses can be described as a triangle with three different houses involved in a specific human trafficking ring. The first house is used as a processing center. When a migrant is brought to the border and does not have the money to pay for the transportation costs, the first house will act as a processing center where the person will be stripped of their clothing or personal items and provided different clothing by the gang members managing the safe house. They will typically be photographed and the total payment owed will be listed. It is during this phase that victims are likely to be verbally or physically abused as a form of coercion or to exert control over the victim. Passports and personal belongings are often retained by the trafficker to maintain control over the victim. The victim may be beaten or sexually assaulted. Victims are then moved to a second safe house. Within the second safe house is where the actual exploitation occurs, such as in the case of sex trafficking or drug packaging. The victim will remain at the second house until their debt for transportation to the United States is paid. Once that occurs, the victim will be moved to the third safe house. It is at the third safe house that the victim is provided any clothing and property that was taken at the first safe house. Victims are typically fed and better taken care of at the third safe house. Victims are permitted to remain at the third safe house until their transportation to their final destination can be arranged or they can leave. While being moved between safe houses, victims are blindfolded or other measures are taken to prevent the victim from seeing where the safe houses are located. Safe houses may be disguised as businesses with bedrooms in the back space. Typically at safe houses, security cameras will be used and extend surveillance to nearby intersections so that traffickers can see who may be approaching the safe houses. Reinforced windows are common along with handcuffs, chains, and modifications that include sound proofing. Traffickers may have an escape path developed at the safe house.

TCOs create an illusion that no crime is being committed and instead they are just helping people find a better life since the border system is set up to detect illicit narcotics instead of trafficked people. Many TCOs depend on outlets that aid in the facilitation of human trafficking by providing blanket security for everyone involved through tipping them off of law enforcement operations or other threats to their operations. People are put into place to monitor for threats to the trafficking operation. These connections exist from Central America through Mexico to the United States. Different TCOs have their own outlets that aid in the trafficking process, which exists for both human trafficking and drug trafficking. It is not uncommon for paperwork to be doctored to aid in trafficking people. If given false documentation, travel agencies can arrange travel that appears to be legitimate. For example, a husband and wife may move children from Central America through Mexico to San Diego under the guise that the children accompanying them are their own. Once in the United States, the children may be sold to another family that wants children but does not wish to go through the legal adoption process. Traffickers with these connections easily move people to the United States. Traffickers without these connections are more likely to be those moving people across the desert into the United States.

## TRAFFICKING ORIGINATING IN CENTRAL AMERICA

In Central America, smugglers will go to the immigration office and will sit there. They can tell where people are from. They will approach them and say, where you trying to go? Someone may say "L.A."

The smuggler will say, "how much money do you have?" The immigrants may say that they have \$2,500 and are trying to get their visa with that money. The smuggler will tell them they can be transported to L.A. for only \$1,000 and they have connections who will smuggle them through Mexico across the U.S. border to San Diego. Once the victim gives the smuggler money, demands are typically made for more money because the smuggler claims that there were unforeseen expenses. If the immigrants don't have a way of getting extra money, then they are sold to human traffickers. If they are women, they are often forced into sex trafficking. If they are men, they are often coerced into forced labor.

Human traffickers in Central America target public squares and migrant shelters. They exploit the vulnerabilities of victims by either promising false work opportunities or use physical force that compels victims to go along with traffickers out of fear that either they or their families will be harmed if they don't cooperate.

Often, human traffickers make threats to harm family members. Those threats compel adult and child victims to remain in the sex trade or other facets of human trafficking.

Also, human traffickers target the areas where migrants have been deported. They know that victims often have lost their money on failed smuggling attempts to the United States and are especially defenseless.

## PERILS OF BEING SMUGGLED TO THE UNITED STATES

Human smuggling is extremely dangerous for the people seeking to enter the United States along its Southwest Border. Smugglers are notorious for placing people in hazardous situations that can result in their deaths. During smuggling operations, women and children are especially at risk. They may suffer different forms of physical and emotional abuse, including rape, beatings, kidnapping, and robbery. When migrants are smuggled, they are often exposed to harsh conditions such as unsuitable and overcrowded sleeping accommodations, coercion, deceit, and verbal abuse.

Often, migrants pay the smugglers all of the money that they have for illicit transportation to the United States. Other times, family members already residing in the United States pay smuggler fees for their family members to be smuggled into the country.

## HUMAN TRAFFICKING INVOLVING JUVENILE ORGANS

One element of human trafficking that is not well-known is organ harvesting. Sadly, part of my humanitarian work in Central America has revealed that there is a market for juvenile organs.

While engaged in humanitarian work at a prison in Central America, I met with a former gang member who today is rehabilitated, but he has spent a significant part of his life in prison. He explained that the reason why organ harvesting has a market is due to buyers' personal needs. For instance, he said that a buyer may "have a family member who is dying, and they will pay anything for their loved one. It is like making a custom order. Organ traffickers view this exploitation as a 'job'."

I asked him how a child becomes a victim of human trafficking. He explained, "if someone does not love their child and allows them to wander on the street, and the trafficker has the opportunity to take them, then he will. If he doesn't, someone else will."

The former gang member spoke of one organ trafficker who operated out of Mexico, Venezuela, and the Philippines. This organ trafficker would frequent homeless places, shelters, encampments, and drug houses where families camped with their kids. He would offer money to the parents to take the kids out of that environment and would never return with those children.

To the former gang member's knowledge, the last child this organ trafficker kidnapped was 12 years old, and someone paid him \$15,000 for the child's eye. This was several years ago. Moving children from one point to another was easy because the organ trafficker never had to show documentation. He did not receive resistance from the kid because the child's parents had given permission for the child to be with him. They harvested the child's right eye in Mexico.

Human trafficking continues to grow as a global crime due to its profitability. When a drug dealer makes a profit through selling drugs, he has to continually ob-



tain more product to make another sale. In the case of sex trafficking, the same victim can be used repeatedly to make a profit.

Mr. HIGGINS. Thank you, Mr. Sadulski. Members will be recognized by order of seniority for their 5 minutes of questioning.

An additional round of questioning may be called after all Members have been recognized. I now recognize myself for 5 minutes of questioning.

Gentlemen, thank you for your opening statements. We are in a new era of impact from illegal crossings at our Southern Border. We are pushing 3 years now with change in policy. That's normal with the new administration. But the Biden administration inauguration, it seemed to coincide with perhaps the closing of the COVID era and an introduction of enhanced migration for various reasons across the world. But the policies of the Biden administration have, I believe, unwittingly facilitated the business models of the cartels who would thrive on human misery and human trafficking and drug trafficking. I think things are getting so bad in America that, even the existing criminal networks that have been around for decades, you know, in illegal sex trafficking business, a lot of which is semivoluntary. You know, people get pulled into criminal networks for various reasons in life, but it is just not the same as slavery. It is not the same as being pulled so deep into a criminal network that you no longer exist as a human being. You are being pulled from a human being that has been drawn into a life of crime on the street for—because of many factors. It is bad.

I had a CI call me a couple of years ago, a guy in New Orleans—and, as you gentleman know, most confidential informants, you know, they are on the edge of the criminal networks themselves. They're homeless. They have drug issues, et cetera. I had a CI call me and said, "Cap, something is happening out here that's real bad," that he has never seen before in all of his years on the street. He was offered in the middle of the night one night, he was offered a woman for \$2,500. He didn't understand that because it was a very high price to hear on the street. The man making that offer explained, "Well, that's to own the woman, like she's yours." He was selling a human being—not access to a human being or illegal sexual trafficking of that human being for a period of time. We are talking about owning human beings.

Even the criminal networks are recognizing that America is being pulled into a darkness we've never seen before.

Ambassador, you mentioned that traffickers operating with impunity.

Mr. Villeda, you mentioned a 70 percent reduction of child trafficking after a campaign of prosecution. I would like you two gentlemen, please, in the remainder of my time, a minute-and-a-half, beginning with you, Ambassador Richmond, please respond to what would happen with the cartels and criminal network's business model if we began aggressively prosecuting in the United States child trafficking and putting a lot of people behind bars that are currently operating, as you described it, with impunity? Mr. Richmond.

Mr. RICHMOND. Chairman, I think there is little doubt that, when there is no rule of law or when laws are not enforced, it benefits traffickers' business models. It takes away the risk. If prosecu-

tions were increased, if investigations were increased—particularly trauma-informed prosecutions where we have both agents as well as prosecutors who understand the impact of trauma on victims and understand how to investigate this economically-motivated crime, I think there could be a significant impact on traffickers' operations, particularly, if those increased prosecutions are papered with thoughtful, trauma-informed protection services for the survivors to make sure that they get the care they need and wrap-around services for those survivors. If you can do both, prosecutions and protection services, I think you'll see a much more successful—

Mr. HIGGINS. So a significant impact you mentioned. Mr. Villeda, you had cited a 78 percent reduction. Would you please touch on that briefly, sir.

Mr. VILLEDA. We notice in the Dominican Republic that with focused, targeted investments in capacity building of law enforcement and prosecution, the crime of human trafficking reacts and diminishes to the enforcement of the laws. So we actually saw a 78 percent reduction in the Dominican Republic in the sex trafficking of children. We have seen similar results in other projects around the world.

Mr. HIGGINS. Thank you, Mr. Villeda, and Mr. Richmond for your answers. My time has expired. I recognize the Ranking Member, my friend and colleague, Mr. Correa, for 5 minutes of questions.

Mr. CORREA. Thank you, Mr. Chairman. I have to say to the witnesses that your comments are very sobering and reminds us of the challenges ahead of us, the society as a country.

I agree with the Chairman, we have a new era, as you would say of impact.

Refugees. Is this a U.S. issue or a global issue? Colombia is now looking at not 2½, but 3 billion refugees. They're bursting at the seams. Costa Rica, I met with the President 2 weeks ago, said the same thing: "I have got a challenge with the refugees within our borders and how to deal with the maintenance sustainability." Mexico is saying the same thing. We have policy changes, possibly as the Chairman had said. We also have COVID that devastated a lot of countries in the world, especially in Latin America. Honduras, with all due respect to the Honduran President and the others, is really a failed economy right now. COVID devastated them, and they really don't have a plan on how to get out their economic woes. Things could be said for many other countries, especially in Latin America. We have a got wars, and they're driving people, the Middle East as well as in Europe.

A year, a year-and-a-half ago, I was in Tijuana receiving a lot of the Ukrainian refugees that are being processed into the United States. So I'm going to ask you, each one of you, with Ambassador Richmond, is this a U.S. challenge, or is this a world challenge? Very quickly, sir.

Mr. RICHMOND. Well, clearly, trafficking is a global challenge.

Mr. CORREA. Mr. Villeda.

Mr. VILLEDA. It is a global challenge. Countries—

Mr. CORREA. Mr. FitzPatrick.

Mr. FITZPATRICK. Global. Absolutely.

Mr. CORREA. Mr. Sadulski? I'm going off my notes because, frankly, like the Chairman says, new era of impact. I'm trying to figure out what's going to stop this. Building a wall. Do you think building a wall is going to help?

Mr. RICHMOND. I think we need every possible intervention to stop that.

Mr. CORREA. Mr. Villeda.

Mr. VILLEDA. We need comprehensive solutions, sir.

Mr. CORREA. Mr. FitzPatrick.

Mr. FITZPATRICK. Comprehensive wall might create more trafficking than it might stop.

Mr. CORREA. Mr. Sadulski.

Mr. SADULSKI. I believe it needs to be an all-hands-on-deck approach, and I think that would include a wall.

Mr. CORREA. Thank you. The reason I'm asking these questions of big global scale is that this thing is going to get worse before it gets better. You know, the more testimony we hear from you, the experts—these economies are not getting any better; they're getting worse. Chairman put together a trip to Central America to go see the Darien Gap just a few weeks ago, that had to be rescheduled. But, you know, I think the most dangerous part of this trip is not the Darien Gap; it is traveling through Mexico. By the time most of those victims reach the border—and I say victims of human trafficking and smuggling, 80 percent of those women are either raped or sexually assaulted. For people to be that desperate to take that trip north tells you people are in a dire situation, and I don't see things getting any better in Central America or a lot of those our Latin American countries.

So, you know, I'm going to ask each one of you again. What's the answer? Mr. Richmond.

Mr. RICHMOND. The answer is to bring hope to the victims by actually enforcing our laws and providing them—

Mr. CORREA. But you've got to feed them too. Hunger is a great motivator.

Mr. Villeda.

Mr. VILLEDA. Hunger is a motivator, but not the only one. If they would have the opportunity to feel safe in their own communities, many people would rather stay.

Mr. CORREA. Mr. FitzPatrick.

Mr. FITZPATRICK. I just want to make a comment about prosecution; it's who we're prosecuting. I think there's a lot of attention on prosecuting coyotes or transporters who are moving people for trafficking, but it's factory owners and agricultural farm owners who are actually exploiting people on the land. So prosecution needs to be thought of—

Mr. CORREA. What about the banking system? What about the financial services system that actually transact and transfer money from the victims to organized crime?

Mr. FITZPATRICK. Sure, the FinCEN system has been designed and the Liechtenstein Initiative has been designed to help look for illicit transnational transactions. So there—and there is a conference—

Mr. CORREA. Mr. Sadulski, my last 9 seconds.

Mr. SADULSKI. Yes, sir, I believe it comes down to international collaboration between governments as well as NGO's, as well as education to the migrants themselves. Because I think there's a misconception in some areas of Latin America of the dangers of coming across to the United States.

For example, a migrant that I recently spoke to explained that he was unaware of how dangerous it was going to be. He spoke of children and adult skeletal remains that he saw scattered throughout the route. These are things that a lot of migrants are not aware of in terms of the dangers. I believe that is one part of the solution.

Mr. CORREA. Mr. Chairman, I want to thank the witnesses for their testimony today, and I yield.

Mr. HIGGINS. I thank the Ranking Member. I recognize Chairman D'Esposito, the gentleman from New York, for 5 minutes for questioning.

Mr. D'ESPOSITO. Well, thank you, Mr. Chairman.

Thank you, again, for being here this afternoon.

Ambassador, in your witness testimony, you share how, although, you say, "poverty, illiteracy, disabilities, and lack of strong families," are conditions that create vulnerability, these conditions are not the causes of human trafficking; they were vulnerabilities that traffickers exploit. Can you elaborate on this for us? What are the root causes of human trafficking?

Mr. RICHMOND. I think it's a really important distinction. Vulnerabilities are real, and they matter. Many, many things can make communities and individuals vulnerable. We mentioned this, poverty. I think our foster care system leaves people quite vulnerable. I think there is illiteracy, the lack of strong families. All of these things make people vulnerable. Criminals target vulnerable people, and traffickers, as economically motivated criminals, are going to target the people that are easiest in their mind to coerce and control. People who are without legal status and present in the United States have a special vulnerability. When I was a Federal prosecutor at the Department of Justice and part of the Human Trafficking Prosecution Unit, I prosecuted traffickers that intentionally targeted undocumented vulnerable individuals because they believed they would be easier to control.

I think the important idea is that it is good to work to reduce vulnerabilities in general. But that is an indirect approach to stopping trafficking. Because the root cause of trafficking are the criminals who commit the crime, the women and men who decide they're going to treat inherently valuable people as disposable commodities.

Mr. D'ESPOSITO. Thank you. I think what's important here is—and the Chairman pointed out—is this is a—especially for many of the communities that we represent that are seeing human trafficking—this is a new era of crime. Both of us coming from law enforcement—you know, the Chairman mentions still speaking to some CIs, and I have had the same experiences. This is a new, again, a new era of crime. Even some of the most seasoned criminals and perps on the street do not understand how this is changing our community.

So, on that note, how do TCOs and traffickers benefit from the current lack of law enforcement and border security, especially on our Southern Border?

Mr. RICHMOND. I think that any criminal, whether it's an individual or it is a transnational criminal organization are going to benefit when laws are not enforced. I don't want to overstate that law enforcement alone is sufficient; it's just right now we have such stunningly low numbers of law enforcement in terms of people actually being arrested and prosecuted and held accountable for the heinous crime of human trafficking, that, in a sense, the lack of enforcing laws make it open season on vulnerable people. We have an increasing number of vulnerable people, which means that traffickers have an easier time identifying their next target.

Mr. D'ESPOSITO. Right. I think one of the biggest issues is not enforcing the law because law enforcement officials are told by the administration right now not to enforce those laws. That is part of the problem. How can the United States prevent TCOs from abusing and trafficking migrants?

Mr. RICHMOND. I think that targeting our investigative resources around the transnational criminal organizations, actually having more dedicated specialized units that are focused on that, where officers don't have an additional task to investigate trafficking crimes, but instead it's their primary task. If we had focused targeted specialized units focused on labor trafficking, as well as targeted units focused on sex trafficking, I think we would see a significant difference.

Mr. D'ESPOSITO. I know it was mentioned in some of the opening statements, especially Mr. Villeda, but perhaps you can expand, Ambassador, on—we should have coordination with Latin America in combating trafficking. How do you think we can do a better job of that?

Mr. RICHMOND. I think we need to continue engaging each country throughout Latin America, encouraging them to enforce their laws. They have signed up to the International Convention, the Palermo Protocol, on Trafficking Persons. Make sure that they are being held to account for enforcing their laws, both to protect and provide services but also hold traffickers accountable.

Mr. D'ESPOSITO. Thank you Mr. Chairman, I yield back the last 20 seconds of my time.

Mr. HIGGINS. The gentleman yields.

The gentleman from New Jersey, Mr. Payne, is recognized for 5 minutes for questioning.

Mr. PAYNE. Thank you, Mr. Chairman.

I think a point or question that I have in this whole scenario is, unfortunately, the demand for these human beings is very concerning for me in this country. I mean, we're supposed to be the beacon. Yet still traffickers are preying on more and more people because there has to be a demand. So that's very troubling to me.

But, Mr. Chairman, I want to thank you once again. Human trafficking impacts adults and children. Children have unique needs. Understanding that, I offered a bill called the Homeland Security for Children Act, which was enacted into law last Congress, and I drew a lot of my emphasis on this committee around children and

their needs. The law required all components of DHS to incorporate the needs of children in its planning and mission execution.

Mr. FitzPatrick, could you explain the importance of having DHS offices take into consideration the needs of children that are victims of trafficking and smuggling?

Mr. FITZPATRICK. Thank you for that question.

There was a bill that has passed the House, H.R. 2. Part of it, I believe it's title V, would streamline the screening of unaccompanied children at the Southern Border. Imagine you're 9 years old, and you don't have a lawyer. You don't have a social worker. You have a streamlined adjudication process. That should not be the way things are for children at our Southern Border. I don't think that the special protections that Central American children have should be the ceiling. That should be the floor, and others should be brought up to that.

So I think that looking at the push factors that cause these children to be sent by parents and to flee Central America or other countries and then the processing of those children to be sure that it's fair and thorough and holistic and trauma-informed and then also the protection of them once they're resettled in the United States and don't end up in meat-packing plants and car factories.

Mr. PAYNE. Yes. That's my other concern as well. You know, we have a situation here that, you know, requires a lot of concern and thought about what is it happening in those countries that a parent is willing to send their child. I mean, how devastating or distraught a parent must be to have to send your child in those circumstances.

So we really need to look at what's going on in those countries as well that makes people that desperate that they're willing to take that chance on their child making it alone.

Let's see, recent estimates indicate—let's see, I'm sorry. I lost my place. Recent estimates indicate that over 3 million children are in forced labor world-wide. The Department of Homeland Security has recognized the work done by the Center for Countering Human Trafficking as a Homeland Security mission in its Third Quadrennial Homeland Security Review. Other efforts, such as public awareness campaigns, have raised the salience of human trafficking in public.

Mr. FitzPatrick, in your testimony, you mentioned that we need to take a whole-of-Government approach to combat trafficking. Could you please highlight actions DHS has taken in this area and that other agencies can learn from?

Mr. FITZPATRICK. I've been really quite impressed with the early steps that the CCHT—that's Center to Counter Human Trafficking—has taken inside DHS. In particular, there is a dedicated team looking at just labor trafficking and not at sex trafficking.

I also think that DHS deserves great credit for its early steps in the implementation of the Uyghur Forced Labor Prevention Act. There have been thousands of shipments and millions of dollars of goods that are tainted by forced labor in China that have been prevented from getting into the U.S. economy.

Mr. PAYNE. OK.

Mr. FITZPATRICK. The victims of this crime are not just the individuals. The victims of this crime are factory owners in your Con-

gressional districts who have to compete with factories in China that are using slave labor, so thinking more holistically about this as an unfair trade practice and not just as a crime against individuals.

Mr. PAYNE. OK. Thank you. Thank you very much.

I yield back.

Mr. HIGGINS. The gentleman yields.

The gentleman from Alabama, Mr. Strong, is recognized for 5 minutes for questioning.

Mr. STRONG. Thank you.

Mr. Richmond, as we know, transnational criminal organizations are well-informed on U.S. immigration law. In fact, a Border Patrol Agent previously said that cartels even go as far to study it and to find any loopholes they can to exploit it.

I appreciate your comments about how exploitive vulnerability and lawlessness—how migrants crossing the Southwest Border are vulnerable to trafficking and abuse.

You briefly mentioned in your testimony, but I really want to drive this point home, would greater U.S. border security and law enforcement impact the cartels' human smuggling and trafficking business?

Mr. RICHMOND. I think increased law enforcement in enforcing all of our laws, border laws as well as trafficking laws, is going to have an impact on cartels' and traffickers' businesses.

I think we also want to look at the fact that where enterprises or companies are benefiting financially or otherwise from engaging in trafficking activities, they too can be held accountable under the existing Trafficking Victims Protection Act. So enforcing laws across the board will strengthen the Government's response and negatively impact traffickers. Meanwhile, the opposite is also true. Where we've refused to enforce our laws, that works to the benefit of traffickers.

Mr. STRONG. Thank you.

Mr. Sadulski, as you know, human smuggling is often a dangerous life-threatening process for migrants because they travel through international borders, gangs and cartel territory, or vast jungles.

Do you believe migrants traveling on human smuggling routes know the dangers of the journey to the United States and specifically the risk of being trafficked?

Mr. SADULSKI. No, sir, I most certainly don't believe they know the risk. I think that there's a big misconception about the routes, with the exception of the Darien Gap. With the exception of there, I think there's a misconception on what the route actually looks like and the dangers that it presents.

Mr. STRONG. Thank you.

How does the Biden administration's failure to secure the Southwest Border facilitate human trafficking?

Mr. SADULSKI. Well, human trafficking, it's a business. Right now there has been a change from drug trafficking to human trafficking because of the profitability. The border has presented an increased number of people coming across, which, as a result, has increased trafficking.

Mr. STRONG. We've never seen this number of trafficking in history. Do you believe the Biden administration has failed to secure the Southern Border?

Mr. SADULSKI. Yes, sir.

Mr. STRONG. I want to ask each of you the same.

Ambassador Richmond.

Mr. RICHMOND. I think it's clear that the Southern Border is not secure and hasn't been for a long time.

Mr. STRONG. Thank you.

Sir.

Mr. VILLEDA. I'm not in a position to make such categorizations, sir. But what I do know is that the U.S. administration can certainly do more.

Mr. STRONG. Thank you.

Mr. FitzPatrick.

Mr. FITZPATRICK. Depends on your definition of "secure." If zero contraband and zero undocumented migrants is secure, then the border has never been secure in the history of the United States, and it will never be. So, depending on what you mean by "secure" I think is an important point to take.

Mr. STRONG. Thank you.

Mr. Chairman, I yield back.

Mr. HIGGINS. The gentleman yields.

The gentlelady from Texas, Ms. Jackson Lee, is recognized for 5 minutes for questioning.

Is she prepared? Would you like me to move on?

Ms. JACKSON LEE. I'm prepared.

Mr. HIGGINS. Yes, ma'am, you are always prepared, one of the hardest-working Members of Congress. We'll recognize the gentlelady from Texas.

Ms. JACKSON LEE. Thank you so very much.

This is an area that many of us have confronted for many, many years. Mr. FitzPatrick, I held a hearing on human trafficking in 2014 with then-Chairman McCaul. Certainly it is going on a decade ago, but we know that this is—we have confronted this issue over and over again.

I'm about to sign a letter dealing with two rules offered by DHS and the Department of Labor dealing with H-2A visas, those of farm workers. For many of us, our concept and many of the friends we grew up with or traveled from different places came as farm workers. Remember the partnership between Dr. King and Cesar Chavez, and they were trying to find—work together for the equal rights of farm workers and, at the time, rights for Negroes or colored people in the South, across the Nation. That's what we viewed America as giving opportunity where there is need.

I think that we will find that those persons who fall into the depths of being trafficked really are trying to come here to work. They are trying to come here for opportunity. Unfortunately, we hear from the proposed viewpoint of a President that says he's running again that he will have deportation camps. I can only imagine the nightmares as the world watches and wonders what has happened to America.

Unfortunately, I lived through the separation of families a few years ago under the previous Trump era, and I'm very grateful that



we have a court settlement filed Monday by the Biden administration, American Civil Liberties Union, concluding a years-long legal dispute after thousands of children were separated from their family at the Southern Border. I literally witnessed those children when they were making a tempered effort to reunite children and parents, mostly mothers. The children were in shock. They did not gravitate toward those mothers. It was lasting damage that occurred. They didn't recognize who they were.

So I'm as anxious about cartels, the viciousness of cartels and trafficking for people who are really trying to come here to be able to contribute. Our farms say that they need more workers. Various other places need workers.

So I just want to pose some questions to you very quickly. This is a bigger framework than just talking about who doesn't have resources. We need resources, and I hope my friends will join me as we do the Department of Homeland Security appropriations and we do the border security package that we have resources to fight the cartels and the traffickers. That's a big part of it. But we also have to recognize that people are trying to come here to work, to work.

Mr. FitzPatrick, you mentioned in your testimony that child migrants need to be screened by specially-trained border personnel. What are the risks of an expedited screening of child migrants by lesser-trained staff?

Let me add something else to it. What are the best ways we can aid the countries in curbing the amount of migrants leaving their countries? So, one, how do we deal with the children? Then how do we deal with migrants? I laid the groundwork. I think they're coming mostly not to bring fentanyl. That's another fight, and I will stand with my colleagues, Republicans and Democrats, at the gate fighting those who bring the devastation of fentanyl, which we know is coming through China and then in through the southern half of the United States. But, if you can answer those two questions, children and then migrants coming from other countries and curbing the amount of migrants.

Mr. FITZPATRICK. Thanks for those questions, and thank you for your work on helping to reform the H-2 visa system, because it may be most, certainly many, if not most, people who are human trafficking who are migrants in the United States came here legally on H-2 visas and find themselves exploited in those situations as domestic workers, home health care workers, even life guards at swimming pools, and farm hands working in the migrant labor system.

As I mentioned, it's just when children have lawyers or when trafficking victims have lawyers, then they have rights. When they don't and have to stand before an adjudicator without a social safety net, social workers or lawyers, they don't—the outcome is not so good. It's hard for them to articulate that they have a credible fear of trafficking if returned to their home country, which is a qualification for asylum status.

So we all deserve lawyers. I mean, we have the right to an attorney, so to speak. So children have the right for those levels of services.

Ms. JACKSON LEE. Then migrants—the Chairman is being kind—migrants and them coming to the United States?

Mr. FITZPATRICK. Yes. It's just—trying to streamline so that children can be turned around quickly to deal with numbers is no way to treat a child.

Ms. JACKSON LEE. Migrant families I mean.

Mr. FITZPATRICK. They should not be separated from their families because the *Flores* settlement requires that the children receive different treatment than their parents or that there's some suspicion that children aren't legitimately the children of those parents. I think there's—if you would increase the funding for the adjudicators, the social workers, the judges as included in the border supplemental, there's plenty of border guards and other kind of hardened police and border security provisions that are in that bill. I would urge you to please include the other elements that are in the border supplemental as well.

Ms. JACKSON LEE. Thank you.

Mr. Chairman, I would like to ask unanimous consent to put into the record the *Forbes* article, dated October 16, 2023, "Biden Administration Promises Benefits and Path to Asylum to Migrant Families Separated Under Trump." This was a settlement, so this is a responsibility that the administration has to engage in.

Thank you so very much.

Mr. HIGGINS. Without objection.

[The information follows:]

BIDEN ADMINISTRATION PROMISES BENEFITS AND PATH TO ASYLUM TO MIGRANT  
FAMILIES SEPARATED UNDER TRUMP

*Forbes*, Last Updated: Updated Oct 16, 2023, 03:22pm EDT By: Ty Roush  
<https://www.forbes.com/sites/tylerroush/2023/10/16/biden-administration-promises-benefits-and-path-to-asylum-to-migrant-families-separated-under-trump/?sh=3zac84c256e9>

**TOPLINE**

Migrant families separated under a Trump-era policy will be allowed to request asylum in the U.S. and get benefits like housing and legal counsel, as part of a court settlement filed Monday by the Biden Administration and the American Civil Liberties Union—concluding a years-long legal dispute after thousands of children were separated from their families at the southern border.

**KEY FACTS**

A settlement proposal filed jointly by the American Civil Liberties Union and the Biden Administration would provide previously separated families with a special request for asylum in the U.S., regardless of whether they were denied in the past. Any families that are granted asylum under the agreement will have access to government-funded housing benefits, legal counsel and medical and mental health services. The settlement also prevents U.S. border officials from deliberately separating future families for the next 8 years if parents illegally enter the country with their children.

Under the terms of the deal, families will only be separated in cases in which the parent was previously convicted on charges that "demonstrate a threat to national security or public safety," or if the child is being abused. Separated parents and children living in the U.S. will also be able to petition to bring their immediate family members from their home countries.

The settlement does not provide monetary compensation for the families, an idea that was previously discussed, despite some other lawsuits accusing the government of negligence, abuse and inflicting emotional distress.

**BIG NUMBER**

3,881. That's how many children were separated from their families between 2017 and 2021, according to the Department of Homeland Security. Of these, 74 percent have been reunited with their families.

*CRUCIAL QUOTE*

"It is our intent to do whatever we can to make sure that the cruelty of the past is not repeated in the future," Homeland Security Secretary Alejandro Mayorkas told the Associated Press.

*WHAT TO WATCH FOR*

District Judge Dana Sabraw—who issued an injunction on the policy in 2018—will hold a hearing on the settlement in December. Anyone opposed to the settlement will be allowed to raise objections to Sabraw before the hearing.

*KEY BACKGROUND*

Family separation at the U.S.-Mexico border began en masse after the Justice Department announced in 2018 it had implemented a "zero tolerance" policy for migrants who cross the border illegally. All migrants were referred to the DOJ for prosecution, while thousands of children under the age of 18 who crossed the border with their parents were sent to separate shelters. The policy was denounced by advocacy groups like the ACLU, and President Donald Trump—who acknowledged the separations were meant to deter unlawful migration—signed an executive order to halt the policy, though investigations determined that families continued to be separated throughout his term, according to the *Washington Post*. President Joe Biden issued an executive order in 2021 to reunite families that were separated under the policy. Mayorkas estimated in February that an interagency task force had reconnected 689 children, while the ACLU estimates between 500 and 1,500 migrant children are still separated from their families.

Mr. HIGGINS. The gentlewoman's time has expired.

The gentleman from Oklahoma, Mr. Brecheen, is recognized for 5 minutes for questioning.

Mr. BRECHEEN. Thank you, Mr. Chairman.

It should be no surprise that policies that encourage the explosive number of illegal immigrants coming across our Southern Border are also a correlation tied into human smuggling increases, human sex trafficking increases. We went from, in 2019, 45-year lows of illegal immigration to now the highest number in our Nation's history, 270,000 in the last month reported coming across our Southern Border.

There is a power differential. We cannot address the world's problems. It's not the job of the United States to solve the world's problems on this. It is our job as Members of Congress to address what we can, and what we can do is change those incentives that are leveraging the Southern Border to be a place where the cartel and other individuals are making money heightened because of policies that have dramatically changed in the last several years.

I was shocked—and I'm going to butcher your name. My last name "Brecheen" is often mispronounced. I'm going to do my best here. Sadulinski?

Mr. SADULSKI. Sadulski, sir.

Mr. BRECHEEN. I'm so sorry.

Mr. SADULSKI. That's OK.

Mr. BRECHEEN. I was shocked—you represent the American Military Academy. You're a professor there. You talked about in your interviews, your work on human smuggling about interviewing a person that was involved in human smuggling who had kidnapped a 12-year-old child, saw the procedure to extract that young adult's eye, to then let it be sold into the interior of the United States.

Mr. SADULSKI. Well, sir, to clarify, the trafficker—or the former trafficker that I had spoke with, who had been incarcerated and gotten out of prison, he was speaking about another trafficker. He wasn't the one responsible for the organ harvesting. This was another trafficker that he was associated with, and he was explaining

the process of how that works, and the surgery occurred in Mexico. I don't know what happened to the eye.

Mr. BRECHEEN. So I want to follow up on that. I mean, we talk about the, you know, heinous activity of sexual trafficking, but organ harvesting of children.

Mr. SADULSKI. Right.

Mr. BRECHEEN. Mr. Richmond, you'd said something that was intriguing to me.

So this eye was sold for \$15,000, according to your recollection.

Mr. SADULSKI. That's correct, sir.

Mr. BRECHEEN. Fifteen thousand dollars for an eye. We know that there's been a failure. Not only do we have the highest number in 45 years of illegal—or 50 years of illegal immigration in this country down from the 45-year low in 2019, you used a statistic that I thought was astounding. You said, since 2019, it's gone the opposite direction in the enforcement of our laws on convictions in the Department of Justice of human trafficking cases. How is that possible? How do we have the highest number in our Nation's history of enforcement—or of illegal immigration. We know there's a direct correlation to increase in human smuggling and human trafficking, and yet we now have the lowest number of convictions involving human smuggling. How is that possible?

Mr. RICHMOND. Yes. There's certainly been a significant drop, I think 48 percent.

Mr. BRECHEEN. Forty-eight percent, including your—

Mr. RICHMOND. In U.S. Federal courts. So that wouldn't cover State courts, but Federal courts we've seen that drop.

Mr. BRECHEEN. Can I interrupt you? Because I want to be clear on this. A 48 percent decrease in Federal convictions involving human trafficking since 2019. In 2019, we had the lowest number of illegal immigration crossings in our country's—you know, they had seen in that time period. So how is it that those numbers have flipped?

Mr. RICHMOND. I think there's a number of reasons why we've seen a decrease in global investigations and prosecutions, and it has been all over the world, but it has been true here in the United States as well. I think one reason is a lack of specialized—funded specialized units focused on both labor trafficking and sex trafficking that could combat these crimes. Specialized—

Mr. BRECHEEN. Because my time is short, can I ask you a question? Is it also possible that the ability to identify the criminals has also been less than—I'll give you a quick example if you could respond to this.

The Trump administration initiated something in 2019—I keep going back to that year—where it said we're actually going to extract DNA evidence to find out if this young adult coming with you across the border is actually related to you or not. As a result of that, in that small sample, they saw—the DNA testing showed that 30 percent of the adults arriving with children were not the children's parents as they had initially claimed.

That simple procedure, trying to verify if this child being brought into the United States by this adult was theirs or not, has been discarded by this administration. Is it possible that we don't have the

tools now to identify and backtrack—back map back to those that are doing these criminal activities?

Mr. RICHMOND. I think it's worth noting—because when you talk about identification, if we have 27.6 million victims in the world and last year governments globally identified about 115,000, the governments around the world are identifying less than half of 1 percent of all the victims we estimate to exist. We have to radically increase our investment in combating human trafficking if we're going to make a dent.

Mr. BRECHEEN. Thank you.

I yield, Mr. Chairman.

Mr. HIGGINS. The gentleman yields.

The gentleman from Michigan, Mr. Thanedar, is recognized for 5 minutes for questioning.

Mr. THANEDAR. Thank you, Mr. Chair.

A few months ago, after a lengthy 16-hour mark-up, my Republican colleagues passed the Border Reinforcement Act of 2023 without accepting a single Democratic amendment. They claim the bill is about border security, but it abandons CBPs, ICEs, and DHS nongovernmental partners who provide essential support for migrants.

Maybe my colleagues to the right should listen to the agents because they have said that NGO's are critical to their mission in border communities. NGO's elevate the pressure on our border services freeing up resources for other vital activities. We also know that NGO's offer enhanced stability to migrants so they do not become even more vulnerable or susceptible to human trafficking.

Mr. FitzPatrick, can you touch on the important role that NGO's play in combating trafficking crimes and how basic support and stabilization can help prevent someone from being trafficked?

Mr. FITZPATRICK. Thanks for that question.

Since I'm direct in alliance with NGO's, from large shelter operators to groups that work on leadership in this sector, on both sides of the aisle, from the McCain Institute to Vital Voices, we're a non-partisan organization that looks at all the different parts of the problem.

There's actually a funding crisis that's going to come like—I don't know if you know it, but there's something called VOCA, Victims of Crime Act, which has a funding cliff ahead of it. We're going to start seeing next year nonprofits having to close operations and lay off staff because it's funded by penalties from Federal courts, and those penalties from all sorts of civil society is not enough to meet the current need.

Border guards don't want to be social workers, and adjudication judges don't want to be lawyers for the defense or have to perform that role. This is where civil society workers come in to help do the support and the processing of individuals as they determine whether or not they have a lawful right to enter the United States as an asylum seeker or trafficking victim.

So civil society is indispensable because you couldn't possibly do that with all of the them being FTEs at the Department of Homeland Security. You need nonprofit groups that get funding, and matching funding is required from other sources and foundations

and individual contributors. So it's a cost-effective way to help get the job done to make sure that people's rights are protected.

Mr. THANEDAR. Thank you.

You know, as an immigrant, I came to this country at the age of 24, and often, you know, I had to take shelter with nonprofits when I couldn't hold on to a room in a rooming house or had issues otherwise, and I got a lot of help as an immigrant, and I owe it to them for what I was able to do later.

So, instead of attacking nonprofits and religious organizations doing humanitarian work, what should we be doing in Congress to support NGO's and fight human trafficking?

Mr. FITZPATRICK. Pass the Trafficking Victims Protection Reauthorization Act that actually reauthorizes—Ambassador Richmond's old department, his job—which has tens of millions, 96—I can't quite remember the number, but it's a substantial amount. Most of their budget goes out the door to government implementers, almost all of them nonprofit organizations, like IJM, that do the work upstream in field around the world to do what they can on reducing the push factors and also improving the judicial systems in those countries.

So it's a cost-effective way to address the problem.

Mr. THANEDAR. Thank you, Mr. FitzPatrick.

I yield back.

Mr. HIGGINS. The gentleman yields.

The gentleman from New York, Goldman, is recognized for 5 minutes for questioning.

Mr. GOLDMAN. Thank you, Mr. Chairman. Thank you for calling this hearing today.

We're here I think appropriately focused on a significant problem, which is the human trafficking and corollary of the fentanyl trade that is predominated and controlled by transnational criminal organizations called TCOs.

Mr. Richmond, would you agree that the most powerful TCOs on the Southern Border are the Mexican drug cartels?

Mr. RICHMOND. I would certainly think that the drug cartels have a significant impact.

Mr. GOLDMAN. Understand you don't want to declare without having any background, but the drug cartels have significant control over human trafficking. Correct?

Mr. RICHMOND. I think we've definitely seen cases where drug cartels or gangs have shifted to not just selling drugs but also moved into selling illegal commercial sex as well as forcing people to work.

Mr. GOLDMAN. As well as the fentanyl trade that is running rampant, correct?

Mr. RICHMOND. Indeed.

Mr. GOLDMAN. Now, we've had witness after witness come before this committee and testify that the Mexican drug cartels are able to control the border and the human trafficking and fentanyl enterprises because of their access to and possession of guns, especially AR-15 weapons of war.

I assume none of you disagree that the cartels derive so much of their power from their possession of guns, correct? Anyone disagree?

All right. Seeing none, I will move on.

Mr. Villeda, do you know how many gun stores there are in Mexico?

Mr. VILLEDA. IJM has no information on that matter, Mr. Congressman.

Mr. GOLDMAN. OK. The answer is one, one single gun store. It takes months to get a gun.

Do you know how many American manufactured guns are exported from the United States across the Southern Border to Mexico every year, Mr. Villeda?

Mr. VILLEDA. I don't know that.

Mr. GOLDMAN. Well, would you be surprised if I said as many as 500,000 per year?

So it follows then, right, Mr. FitzPatrick, that one important strategy to combat the cartels and disrupt human trafficking and fentanyl trade would be to prevent the cartels from getting access to weapons of war that give them strength and power. Is that right?

Mr. FITZPATRICK. I would have to consult my organizations that work on the border in order to give an opinion.

Mr. GOLDMAN. All right. Well, it's fairly common sense—and I'm sure the two subcommittee Chairmen who have law enforcement backgrounds would agree—that weapons can give a significant source of power to the Mexican drug cartels.

Now, if Congress were going to pass laws to stop human trafficking and the fentanyl trade and secure our border against the Mexican drug cartels, wouldn't it follow, Mr. Sadulski, that we would want to stop the exportation of American-made guns going to Mexico?

Mr. SADULSKI. Yes, it would.

Mr. GOLDMAN. Well, unfortunately, H.R. 2, which Republicans have repeatedly pointed to as their toughest ever border security bill, does not mention guns one time, not once. So we Democrats are taking action. We are trying to identify real solutions that can get real results.

That's why today, along with my colleagues, Mike Thompson and Joaquin Castro, I introduced the Disarming Cartels Act. This bill would dramatically increase and intensify the Homeland Security's efforts—the Department's efforts to combat the trafficking of firearms and ammunition produced by American companies and exported over the Southern Border. My bill would ensure that the Department of Homeland Security increases interagency collaboration to disrupt the flow of arms trafficking and that we work with our partners in Mexico to identify U.S.-based gun traffickers so we can stop that flow.

Now, my Republican colleagues repeatedly sit here hearing after hearing after hearing pointing fingers at the Biden administration for all of the border security issues. Well, here's an opportunity to actually do something. I urge each and every one of my friends on the other side of the aisle to join me and support this legislation that every expert agrees will help to secure our border.

With that, I yield back, Mr. Chairman.

Mr. HIGGINS. The gentleman yields.

The gentleman from California, Mr. Garcia, is recognized for 5 minutes for questioning.

Mr. GARCIA. Thank you, Mr. Chairman.

I also want to continue some of this conversation around what's really giving the cartels power at the Southern Border as well.

Now, we know that cartels and our TCOs are destructive. We know what they're doing around human trafficking. What's happening along not just the border but human trafficking in general is horrific. We can all and we should all condemn just the horror that's happening to so many families and particularly so many young women.

But it's also important that we also focuses on ways these cartels maintain their power. One of the ways that they maintain their power is, like, what was just said is weapons and arms smuggling. So I think that's also very important to talk about.

Now, each year, according to *CBS* news reporting, between half a million and 1 million weapons enter Mexico illegally from the United States, from us. We know that many of these weapons are military grade weapons of war, including belt-fed mini guns, grenade launchers, and a variety of other types of weapons, and the overwhelming majority, of course, end up in the hands of drug cartels.

So it's about 1 million weapons a year that actually get smuggled into Mexico from the United States, and we have allowed the cartels to essentially amass arsenals. These are the weapons they often use to traffic human beings, to kill innocent Mexicans and U.S. civilians and, of course, that they use to attack law enforcement on both sides of the border.

Now, Mexico has been doing their part to solve the avalanche of guns. Like was just mentioned, there is one gun store in all of Mexico, and actually that one gun store only issues 50 permits a year. So we know the guns are not coming from Mexico. They're coming from us.

It shouldn't surprise anyone that, according to a variety of reports anywhere between 70 and 90 percent of all of the guns that are recovered in crime scenes in Mexico are actually traced back to U.S. gun sales. So, if we're going to fight an effective fight against the cartels, we need to make sure they cannot get their hands on U.S. firearms.

Now, without even including ammunition and gear, the retail value of U.S. weapon sales which go to the cartels is around a half a billion dollars a year. So, given that, it's unsurprising that according to the Council on Foreign Relations, over 50 percent of all U.S. firearm dealers and up to 80 percent of border safe Federal firearms license dealers are actually dependent on Mexican cartel demand for their economic existence. So, if you think about it, one-half of all U.S. gun dealers would essentially go out of business if not for gun sales that end up in the hands of the cartels.

So this is actually a huge public policy and public health crisis. Both sides of the border need to be involved. For those who want to take on human trafficking, the illegal guns that are coming through the United States play a huge role in fronting these cartels that, of course, are trafficking all of these families from Central and South America and Mexico.



Now, we know that there's been a strong support from the Biden administration. The bipartisan Safer Communities Act took an important step in combating firearm straw purchasing and trafficking. That was obviously the first reform we've seen in decades, but we need to do a lot more.

I also recently introduced legislation that takes on ammo. It's called the AMMO Act to reform the way we license, sell, regulate, and oversee large ammunition sales in this country. We also need to crack down on direct access to these guns by the cartels.

Just really briefly I would like to go down through all of our witnesses, and I want to thank you all for being here. Would you agree, yes or no, that U.S.-trafficked guns are critical to the cartels in maintaining their power?

We'll start with Mr. Richmond.

Mr. RICHMOND. I think, given the fact this is a human trafficking hearing, it's important to note that Congress wisely and innovatively in 2000 passed the Trafficking Victims Protection Act which focuses on nonviolent—

Mr. GARCIA. Sir, just back to my question. Yes or no, would you say that guns that are trafficked are critical to cartels maintaining their power? Yes or no.

Mr. RICHMOND. I think that most traffickers in the world use nonviolent coercion to exploit their victims.

Mr. GARCIA. So you can't answer the question? You don't think that trafficked guns are critical to cartels maintaining their power?

Mr. RICHMOND. I think this hearing is about human trafficking—

Mr. GARCIA. So yes or no, sir?

You won't answer the question. OK.

Mr. Villeda, do you think it's—it's not a hard question. Do you think that trafficked guns are part of cartels continuing their power? Yes or no.

Mr. VILLEDA. Part of the problem is there, but not the only one.

Mr. GARCIA. OK. Thank you.

Mr. FitzPatrick.

Mr. FITZPATRICK. I couldn't say one way or the other.

Mr. GARCIA. You couldn't say if guns and gun sales have anything to with cartels maintaining their power?

Mr. FITZPATRICK. Trafficked guns.

Mr. GARCIA. Trafficked guns.

Mr. FITZPATRICK. That's a subset of gun sales, and I couldn't say.

Mr. GARCIA. Mr. Sadulski.

Mr. SADULSKI. Yes, guns are a problem.

Mr. GARCIA. Thank you very much.

I don't think that was a very hard question. It's unfortunate that it can't be answered.

Finally, just one other question for everybody. To effectively fight against cartels, do we need a whole-of-Government approach, which also should include addressing the smuggling of guns? Addressing the smuggling of guns should also be addressed by cartels.

Mr. Richmond, yes or no?

Mr. RICHMOND. We should enforce all our laws regarding guns, as well as human trafficking.

Mr. GARCIA. Mr. Villeda.

Mr. VILLEDA. The U.S. administration should cooperate with local governments.

Mr. GARCIA. Mr. FitzPatrick.

Mr. FITZPATRICK. Sure, yes.

Mr. GARCIA. Mr. Sadulski.

Mr. SADULSKI. Yes, sir.

Mr. GARCIA. Well, thank you.

Mr. Chairman, I'll yield back. Again, I want to say that we've got to really focus on also guns and ammo sales if we want to take on the human-trafficking issue.

Thank you.

Mr. HIGGINS. The gentleman yields.

The gentlewoman from Illinois, Mrs. Ramirez, is recognized for 5 minutes for questioning.

Mrs. RAMIREZ. Thank you, Chairman Higgins and Ranking Member Mr. Correa.

Look, we've been in this committee hearing now for almost 2 hours, and I think we all agree that human smuggling and trafficking is terrible, especially when we're inflicting this pain, this trauma on children. Honestly, it disgusts us.

I am the oldest sister to a little sister who crossed the border in search of her biological mother at the age of 12 weighing 65 pounds. So I will tell you that I have a little personal experience to what happens when a young person is in search of their parent and is coming through a coyote.

I also feel like it's a deplorable policy when being trafficked or smuggled seems to be the only way that people can come to seek asylum in this country. Time and time again, I've heard from some of my colleagues here that, "Well, what is the root cause of migration?" I also haven't seen any humane pathways for people to come into this country legally so that traffickers don't continue to marginalize, oppress, abuse, rape, and do the things—the deplorable things that they do.

So I want to come back to what I always usually come back to, which is the morality of human life here.

Mr. Villeda, you heard one of my colleagues ask the question, what is the root cause of human trafficking? I heard one of the witnesses mention, "Well, look, poverty, vulnerability. If they think they can take advantage of this individual, they will, and they do."

So, Mr. Villeda—this is also like Congressman Garcia, it's a yes-or-no question—do you believe that we should pass comprehensive protections that give survivors of human trafficking permanent protection to stay and work in the United States and seek the resources they need to thrive?

Mr. VILLEDA. Appropriately-screened migrants who have been identified as victims should be given the opportunity to receive proper care—

Mrs. RAMIREZ. So it's a yes. Thank you.

Thank you, Mr. Villeda.

Mr. FitzPatrick, what do you think? Yes or no?

Mr. FITZPATRICK. That program already exists. There's a system for that, and it just needs to be expanded and properly funded, yes.

Mrs. RAMIREZ. So expanded and properly funded, but the answer is yes. OK.

Well, Mr. FitzPatrick, my colleagues on the other side talk about how they care about children. I hear about it all the time here. I hear it on the House floor, but the legislation that they passed in this committee, H.R. 2—I call it the Child Deportation Act—was passed in the House this spring that threatens to shut the Government down over what they propose to be the set amount of time where a child will spend more time in jail—currently I think they were talking about custody in CBP from 3 days to up to 30 days.

Now, my little sister talks to me about the amount of time she spent waiting to be sponsored and the trauma she's still dealing with now at the age of 29. So I don't believe any children should have to spend 1 single hour in a jail-like setting, but the legislation is asking that that happen and then also talks about deporting undocumented people, and that includes children.

So, Mr. FitzPatrick, would forcing unaccompanied children to remain in unsafe conditions without a guardian make them more vulnerable to trafficking?

Mr. FITZPATRICK. Yes, it would. I don't believe that Congress can by act of Congress undo a court settlement that the United States has agreed to, the *Flores* settlement in particular.

So, to the extent that the law tries to get around what the Government has already said it's going to do in a consent decree in court, I'm not sure—I'm not a lawyer, but I'm not sure that Congress can just simply say, "We're not going to honor that *Flores* agreement."

Mrs. RAMIREZ. Yes. Thank you, Mr. FitzPatrick.

So let me ask you one other yes-or-no question. Would sending children back to dangerous and deadly situations in Mexico protect them or make them more vulnerable?

Mr. FITZPATRICK. Is that a question to me?

Mrs. RAMIREZ. That's a question. Yes or no, would sending children back to Mexico in a dangerous, deadly situation protect them?

Mr. FITZPATRICK. I'm against sending children back, period, whether it's to Mexico or whether it's to their country of origin. I think sending them to an intermediate country could be even riskier than sending someone back to their country of origin.

Mrs. RAMIREZ. Yes, I agree.

So, look, I just want to conclude. I want to see human trafficking end. I think we all do here. We also have to ask ourselves why are people crossing the border to begin with?—and I think a couple of people brought that up here. I think the final part of that is it is a policy choice that we don't actually pass legislation that addresses the reason that people need to migrate and create legal pathways.

So I'm not going to back down in the face of relentless attempts to criminalize the right to seek asylum and endanger children in the process. I really hope that if we're going to be saying we care about children that we actually address it by policy and create legal pathways so that human traffickers no longer have business.

With that, I yield back, Mr. Chairman.

Mr. HIGGINS. The gentlewoman yields.

Seeing no further Members present for questioning, I thank the witnesses for their valuable testimony and the Members for their questions.

Members of the subcommittees may have additional questions for the witnesses, and indeed we do. We would ask that the witnesses respond to these in writing. We'll be submitting these questions in writing.

Pursuant to committee rule VII(D), the hearing record will be held open for 10 days.

Without objection, the committee stands adjourned.

[Whereupon, at 3:48 p.m., the subcommittees were adjourned.]

