

**DENYING TERRORISTS ENTRY TO THE UNITED
STATES: EXAMINING VISA SECURITY**

HEARING

BEFORE THE

**TASK FORCE ON DENYING
TERRORISTS ENTRY
TO THE UNITED STATES**

OF THE

**COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES**

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

MAY 3, 2017

Serial No. 115-15

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PUBLISHING OFFICE

27-293 PDF

WASHINGTON : 2017

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
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DENYING TERRORISTS ENTRY TO THE UNITED STATES: EXAMINING VISA SECURITY

Wednesday, May 3, 2017

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
TASK FORCE ON DENYING TERRORISTS
ENTRY TO THE UNITED STATES,
Washington, DC.

The task force met, pursuant to notice, at 2:30 p.m., in Room HVC-210, Capitol Visitor Center, Hon. Mike Gallagher [Chairman of the task force] presiding.

Present: Representatives Gallagher, Higgins, Rutherford, Garrett, Fitzpatrick, Katko, McCaul (ex officio), Watson Coleman, Jackson Lee, Barragán, and Keating.

Mr. GALLAGHER. The Committee on Homeland Security's Task Force on Denying Terrorists Entry into the United States will come to order. The task force is meeting today to examine the security of the visa process, and the Visa Waiver Program. I will now recognize myself for an opening statement.

I want to start by welcoming back our expert witnesses to the Capitol, and thank him for being here doing double-duty for joining us yesterday for a Classified hearing. I look forward to following up on some of the broader themes of the briefing in order to inform the American people of the security of the visa process and the Visa Waiver Program.

I also want to thank Chairman McCaul and Ranking Member Thompson for prioritizing this task force and its mission. Last Congress, this committee's task force on combating terrorist and foreign fighter travel was not only successful in producing legislative change, but also eye-opening in what it revealed. The work done by Members and staff on both sides of aisle under Chairman Katko's leadership raised awareness about gaps in screening and information sharing, both at home and with our foreign partners, which ultimately led to positive reforms for protecting the homeland against terrorists and foreign fighters.

This, of course, includes the Visa Waiver Program Improvement and Terrorist Travel Prevention Act that enacted major VWP reforms into law in 2015. I hope that this task force, Task Force on Denying Terrorists Entry into the United States, will be as successful in its investigation and in its final recommendations.

I also look forward to working with Ms. Watson Coleman from New Jersey, and all the Members on both sides to ensure that it is a success, and I thank you for the time that you spent, and I really am looking forward to this.

This is a critical time for our Nation's security. The previous task force rightly focused on the tens of thousands of jihadist fighters traveling from the West to join the fight on the ground in Iraq and Syria. Now, however, we see that number dropping as these fighters seek to expand their actions beyond Iraq and Syria. While coalition forces continue to advance and squeeze ISIS territory, the threat against the West continues to rise as the fighters leave the so-called caliphate.

As FBI Director Comey said this past September, "Through the fingers of that crush are going to come hundreds of very, very dangerous people. There will be a terrorist diaspora sometime in the next 2 to 5 years like we have never seen before." Those chilling words should serve as a wake-up call.

Just last week, it was reported that two British nationals and a U.S. citizen were detained by Turkish border police after spending over 2 years in ISIS territory. With hundreds of American fighters, and thousands of European fighters seeking to return to their home countries, armed with lawful passports, terrorist training, and jihadist connections, we must be able to prevent them from gaining entry into the United States by abusing our immigration system.

ISIS has already planned, conducted, or inspired more than 180 plots against the West, including the 2015 attacks in Paris and the 2016 attacks in Brussels, Nice, and Berlin. The majority of these attackers were European citizens with valid passports, so it is easy to imagine any one of them gaining access to the country through a valid visa or through the Visa Waiver Program.

As Secretary Kelly recently said, the United States is the prime terrorist target, especially since so many of these fighters are citizens of VWP countries. But that is why we are here today, to ensure our defenses are strong and to protect the homeland as it continues to be targeted.

While there are numerous benefits to our country that stem from our welcoming immigration system, like tourism, trade, and business, we should never cease to examine our processes through the lens of a terrorist in search of potential gaps. We must always strive to stay one step ahead.

That is what we learned in the wake of September 11, where all of the attackers entered the United States through legal means, mainly through lawful tourist visas. This, of course, prompted an overhaul of our immigration and transportation security systems, as well as the creation of our Department of Homeland Security.

But our work is not yet done. We still have a lot to learn and a lot to adapt to. Despite the reforms undertaken in the wake of 9/11, there are still gaps and weaknesses in our system. One of the attackers who killed 14 people in San Bernardino in 2015 legally entered the country on a K-1 fiancé visa, raising questions about the level of scrutiny given to visa applications.

There are also remaining gaps in vetting and screening a VWP applicant, and in information sharing with other countries, which are both vital in the fight against a terrorist diaspora.

I look forward to hearing from our expert witnesses on what the Department of Homeland Security and the Department of State are doing to ensure that visa and VWP applicants are receiving suffi-

cient screening and vetting before they are allowed to enter into this country. I thank the witnesses again for being here and for their service, as well as the many men and women who serve our Nation, both at DHS and the State Department.

With that, the Chair now recognizes the Ranking Member of the task force, the gentlelady from New Jersey, Ms. Watson Coleman, for any statement she may have.

[The statement of Chairman Gallagher follows:]

STATEMENT OF CHAIRMAN MIKE GALLAGHER

MAY 3, 2017

I want to start by welcoming back our expert witnesses to the Capitol and thank them for being here today, as well as for the Classified briefing we had yesterday. I look forward to following up on some of the broader themes of the briefing in order to inform the American people of the security of the visa process and the Visa Waiver Program. I also want to thank Chairman McCaul and Ranking Member Thompson for prioritizing this task force and its mission.

Last Congress, this Committee's Task Force on Combating Terrorist and Foreign Fighter Travel was not only successful in producing legislative change, but also eye-opening in what it revealed. The work done by Members and staff on both sides of the aisle, under Chairman Katko's leadership, raised awareness about gaps in screening and information sharing—both at home and with our foreign partners—which ultimately led to positive reforms for protecting the homeland against terrorists and foreign fighters. This of course includes the Visa Waiver Program Improvement and Terrorist Travel Prevention Act that enacted major VWP reforms into law in 2015. I hope that this Task Force on Denying Terrorists Entry into the United States will be as successful in its investigation and final recommendations. And I look forward to working with Ms. Watson Coleman and all the Members on both sides to ensure that it is a success.

This is a critical time for our Nation's security. The previous task force rightly focused on the tens of thousands of jihadist fighters traveling from the West to join the fight on the ground in Iraq and Syria. Now, however, we see that number dropping as those fighters seek to expand their actions beyond Iraq and Syria. And while coalition forces continue to advance and squeeze ISIS territory, the threat against the West continues to rise as the fighters leave the so-called caliphate. As FBI Director Comey said this past September, "through the fingers of that crush are going to come hundreds of very, very dangerous people. There will be a terrorist diaspora some time in the next 2 to 5 years like we've never seen before."

Those chilling words should serve as a wake-up call. Just last week, it was reported that two British nationals and a U.S. citizen were detained by Turkish border police after spending over 2 years in ISIS territory. With hundreds of American fighters and thousands of European fighters—armed with lawful passports, terrorist training, and jihadist connections—seeking to return to their home countries, we must be able to prevent them from gaining entry into the United States by abusing our immigration system. ISIS has already planned, conducted, or inspired more than 180 plots against the West, including the 2015 attacks in Paris, and the 2016 attacks in Brussels, Nice, and Berlin. The majority of these attackers were European citizens with valid passports, so it is easy to imagine any one of them gaining access to this country through a valid visa or through the Visa Waiver Program. And as Secretary Kelly recently said, the U.S. is "the prime terrorist target," especially since so many of these fighters are citizens of VWP countries. But that is why we are here today—to ensure that our defenses are strong and to protect the homeland as it continues to be targeted.

While there are numerous benefits to our country that stem from our welcoming immigration system—like tourism, trade, and business—we should never cease to examine our processes through the lens of a terrorist in search potential gaps. We must always strive to stay one step ahead. That is what we learned in the wake of September 11, where all of the attackers entered the United States through legal means, mainly through lawful tourist visas. This of course prompted an overhaul of our immigration and transportation security systems, as well as the creation of the Department of Homeland Security. But our work is not done. We still have a lot to learn and adapt to.

Despite the reforms undertaken in the wake of 9/11, there are still gaps and weaknesses in our system. One of the attackers who killed 14 people in San

Bernardino in 2015 legally entered into this country on a K-1 “fiancé” visa—raising questions on the level of scrutiny given to visa applications. There are also remaining gaps in vetting and screening of VWP applicants, and in information sharing with other countries, which are both vital in the fight against the terrorist diaspora.

I look forward to hearing from our expert witnesses on what the Department of Homeland Security and the Department of State are doing to ensure that visa and VWP applicants are receiving sufficient screening and vetting before they are allowed to enter into this country. I thank the witnesses for being here and for their service—as well as the many men and women who serve our Nation at both DHS and the State Department.

Ms. WATSON COLEMAN. Thank you, Mr. Chairman, and I am delighted to be here and share this very important task with you. I look forward to working with you.

I am pleased to join in holding today’s hearings on denying terrorists entry into the United States. I welcome the opportunity to work with you and our colleagues on the task force to examine how the Federal Government can continue to strengthen our Nation’s security, and do so in a way that upholds our American values.

Since the terrorist attacks of September 11, 2001, Congress has established the Department of Homeland Security, and directed the implementation of significant and wide-ranging new programs and policies to help prevent terrorist travel to this country.

For example, U.S. Immigration and Customs Enforcement has deployed visa security units to our embassies and consulates overseas, supporting the State Department in vetting visa applicants. U.S. Customs and Border Protection now utilizes the Electronic System for Travel Authorization, ESTA, to screen Visa Waiver Program travelers before they are permitted to board a plane to the United States.

These agencies now also conduct recurrent vetting of all visa and ESTA holders to check against any new derogatory information. These are just a few examples of the security initiatives that have been implemented in the aftermath of 9/11 on an on-going basis as other potential vulnerabilities have been identified.

Of course, more work remains to be done to ensure we continue to stay ahead of those who might seek to do us harm. That work must be done on a bipartisan basis in the interest of all Americans, and in keeping with our principles as a Nation of immigrants.

Using rhetoric that divides us and alienates our foreign partners is counterproductive to the security of the United States. Banning certain groups of people from entering this country based on their faith, whether explicitly or implicitly, is unconstitutional.

Playing on people’s fears and prejudices for political gain is just downright un-American. As a country, we can do better, and I hope that on this task force, we will do better. America is always at its strongest when we stand together in support of our common good and our shared values.

I appreciated hearing from our Government witnesses yesterday in a Classified setting about the good work the Departments of Homeland Security and State are doing to further enhance our security. I hope to hear from these witnesses today about what more can be done to identify and thwart attempted terrorist travel on an individualized basis and how Congress can support their efforts.

I also hope to hear from our Government Accountability Office witness about what their work on these visa issues tells us about the path that we must go forward. I look forward to a very produc-

tive hearing today, and to working alongside my colleagues on the task force and with you, Mr. Chairman, as we go forward. Again, I thank you for holding today's hearing, and I thank the witnesses for joining us, and I yield back.

Mr. GALLAGHER. The Chair now recognizes the Chairman of the full committee, the gentleman from Texas, Mr. McCaul, for any statement he may have.

Mr. McCAUL. Thank you, Chairman Gallagher and Ranking Member Watson Coleman. In June 2000, three of the 9/11 hijackers flew from European cities to Newark International Airport, and were admitted into the United States. Their names were Mohamed Atta, Marwan al-Shehhi, and Ziad Jarrah. Sadly, we know the rest of the story.

In the years following the 9/11 attacks, the U.S. Government went to great lengths to identify gaps in our vetting systems, and in how our agencies share intelligence. The Department of Homeland Security was created by the Bush administration and Congress to help protect America from terrorists by connecting the dots.

Now we face a new and growing threat to the homeland. In his speech on April 18, Secretary Kelly described us as a Nation under attack facing the highest terror threat level in years. Due to our brave servicemen and women, ISIS and al-Qaeda have incurred great losses in Syria and Iraq. Yet as territory under their control shrinks, we are seeing an exodus of foreign fighters returning to their homelands, 10,000 of which are in Europe.

Our committee is taking a serious look at foreign fighters. Last Congress, we pulled together a bipartisan task force to examine the threat posed to the United States by foreign fighters, especially those traveling in and out of Europe. Through this extensive 6-month review, the task force produced more than 50 actionable recommendations to safeguard the homeland, and this committee and the House passed legislation to address those recommendations.

Those which became law include the Foreign Fighter Travel Review Act, which requires the President to review all Americans who traveled to Iraq and Syria to join a foreign terrorist organization, and the National Strategy to Combat Terrorist Travel Act, which requires the administration to develop a substantive strategy to combat the threat posed by extremists and prevent them from entering our country undetected.

Significantly, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 ramped up the security of the Visa Waiver Program by improved intelligence information sharing through HSPD-6 agreements and keep terrorists from entering the United States undetected. It also includes major provisions that will make it harder for terror suspects to cross borders, including enhanced counterterrorism screening of travelers and measures to crack down on passport fraud.

This new task force will pick up where the last one left off. Addressing the readiness of the homeland in light of the foreign fighter exodus, I was pleased to name Congressman Mike Gallagher of Wisconsin as the chair of this initiative. As a former combat veteran and Middle East issue expert, I know he will tackle these urgent issues with seriousness and dedication. Together with the

other seven members of this bipartisan task force, I know that this will be equally productive and essential for America's security.

I look forward to hearing from our witnesses on the important work performed by the Department and the State Department to prevent terrorists from gaining access to our homeland. With that, Mr. Chairman, I yield back.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

MAY 3, 2017

In June 2000, three of the 9/11 hijackers flew from European cities to Newark International Airport and were admitted into the United States. Their names were Mohamed Atta, Marwan al Shehhi, and Ziad Jarrah. Sadly, we know the rest of the story.

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Now we face a new and growing threat to the homeland. In his speech on April 18, Secretary Kelly described us as a "Nation under attack" facing the highest terror threat level in years. Due to our brave service men and women, ISIS and al-Qaeda have incurred great losses in Syria and Iraq. Yet as the territory under their control shrinks, we are seeing an exodus of foreign fighters returning to their homelands, 10,000 of which are in Europe.

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I look forward to hearing from our witnesses today on the important work performed by DHS and the State Department to prevent terrorists from gaining access to our homeland.

I yield back the balance of my time.

Mr. GALLAGHER. Thank you, Mr. Chairman. Other Members are reminded that opening statements may be submitted for the record.

[The statement of Honorable Jackson Lee follows:]

STATEMENT OF HONORABLE SHEILA JACKSON LEE

MAY 3, 2017

Chairman McCaul and Ranking Member Thompson, thank you for your leadership in convening the Task Force on Denying Terrorist Entry into the United States.

On this the inaugural hearing of the task force, I recognize and thank Chairman Mike Gallagher and Ranking Member Bonnie Watson Coleman for leading this task force as we consider the important question of “Denying Terrorists Entry to the United States: Examining Visa Security.”

I welcome today’s witnesses: John Wagner, Deputy Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; Clark E. Settles, Assistant Director, National Security Investigation Division, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and Michael Dougherty, Acting Assistant Secretary for Border, Immigration, and Trade, Office of Policy, Department of Homeland Security.

In February 2017, Chairman McCaul with the consultation with Ranking Member Benny Thompson announced the formation of this task force.

The purpose of this task force is to examine all pathways by which extremists might infiltrate the homeland and will seek to identify gaps in U.S. Government information-sharing and vetting procedures.

As for those of us who are senior Members of this committee, we understand how important it is to protect the security of our homeland from those who would do it harm.

The route that the terrorist used on September 11, 2001 was commercial aircraft that they turned into improvised explosives that killed over 3,000 people, and caused life-changing injuries to hundreds of others.

If they could have killed more innocent people they would have, and we know they would have sought to do so.

The Committee on Homeland Security is committed to ensure that no terrorists will have the opportunity to do such great harm to neither the United States nor its people ever again.

As a former chair of the Homeland Security’s Subcommittee on Transportation Security and Ranking Member of this subcommittee my commitment to air travel security and protecting the homeland from terrorist attacks remains unwavering.

The Department of Homeland Security and the Department of State share the critical responsibility of identifying and preventing foreign fighters who may seek to enter the United States.

Since September 11, 2001, it has been a priority of this Nation to prevent terrorists or those who would do Americans harm from boarding flights whether they are domestic or international.

For this reason, in the last Congress I introduced H.R. 48, the “No Fly for Foreign Fighters Act,” which requires the director of the Terrorist Screening Center to review the Terrorist Screening Database and the terrorist watch list to determine if an individual boarding a U.S.-bound or domestic flight poses a terrorist threat or is suspected of being a member of a foreign terrorist organization.

H.R. 48 ensures that the Terrorist Screening Database is kept up-to-date and that the watch list is as effective as possible in preventing travel by those who would do harm to our Nation or its people.

The No Fly for Foreign Fighters Act also directs that the DHS report findings to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs.

The visa waiver program nations are long-time allies, which include:

- Australia, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, South Korea, Spain, Sweden, United Kingdom.

The visa waiver program nation participants also provide vital intelligence on terrorist threats and those who may work against the safety and security of our people.

However, I want to point out several important facts that Task Force should consider regarding visa waiver program nations as we consider this issue:

- Several nations who are listed as part of the visa waiver program also have serious social and cultural tensions among minority populations that have erupted into violence;
- Travelers from Europe and elsewhere around the globe are no longer traveling along predictable routes to reach the battle fields of Syria and Iraq; and

- The exact number and identities of those who have traveled to the region controlled by ISIS/ISIL to engage in the conflict is still unknown.

An example of the tension that exists just underneath the surface in the nation of France came to light in 2005.

Two youth, one Malian and other Tunisian, were electrocuted as they fled police. Following the tragedy the nation of France experienced 3 weeks of riots that engulfed 274 towns throughout the nation.

The rioters were mostly unemployed minority youth from destitute suburban housing projects. At the end of the 3 weeks of riots:

- 9,000 cars were torched;
- Dozens of buildings were destroyed;
- 2,900 rioters were arrested; and
- 129 police and firefighters were injured.

In January 2006, another riot occurred this time lead by French youth opposed to a new law that they believed would decrease job security, cause lower wages, and weaken worker rights.

The riots were extensive and violent as a result the French government revoked that law.

There was no similar redress of the issues that caused the 3 weeks of riots by immigrant youth in October 2005.

The problems that are the underlying cause of the riots in 2005 are systemic and still present.

The issues before the Task Force transcend geography.

Where there is poverty and systemic disparity in living conditions and insurmountable forces to resist upward mobility by poor immigrant communities of color therein lays the fundamental indisputable threat to the United States' security.

We cannot solve these problems for other nations alone these nations must be committed to working with groups within their population to remove barriers that cause tensions.

The United States continues to struggle with its own scars from its battles to bring justice, equality, and opportunity to persons of color, women, and poor persons who were hindered by segregation as well as social and economic barriers.

Our work as Members of this committee and this task force should focus on making sure the Terrorist Screening Center Database and the watch list used by DHS receives the full benefit of our relationships with the intelligence agencies of the visa waiver program countries.

I am a firm supporter of the visa waiver program and believe that it provides economic, cultural, and social exchanges that enrich the Nation in many ways.

I thank the Members of the task force who will work toward a better understanding of the threats posed by terrorist and how this committee and Nation may better prepare to repel them.

I am looking forward to hearing what our witnesses have to say and I am sure they have important testimony.

Mr. GALLAGHER. We are honored to be joined by a very distinguished panel of witnesses: Mr. Michael Dougherty, acting assistant secretary for border, immigration, and trade at the Office of Policy at the Department of Homeland Security; Mr. John Wagner, deputy executive assistant commissioner at U.S. Customs and Border Protection at the Department of Homeland Security; Mr. Clark Settles, assistant director for the National Security Investigation Division at Immigration and Customs Enforcement at the Department of Homeland Security; Mr. Edward Ramotowski, deputy assistant secretary for visa services at the Department of State; and Ms. Rebecca Gambler, director of homeland security and justice issues at the Government Accountability Office. I thank you for being here today. The witnesses' full written statements will appear in the record.

The Chair now recognizes Mr. Dougherty for 5 minutes for an opening statement.

STATEMENT OF MICHAEL DOUGHERTY, ACTING ASSISTANT SECRETARY, BORDER, IMMIGRATION, AND TRADE POLICY OFFICE OF POLICY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. DOUGHERTY. Chairman Gallagher, Ranking Member Watson Coleman—

Mr. GALLAGHER. Just turn on your mic there. I did that five times in my first week here.

Mr. DOUGHERTY. Thanks.

Mr. GALLAGHER. Don't worry about it.

Mr. DOUGHERTY. Chairman Gallagher, Ranking Member Watson Coleman, and distinguished committee Members, thank you for the opportunity to appear before you today with my DHS State Department and GAO colleagues.

The Visa Waiver Program, or the VWP, was created by Congress in 1986 to allow citizens of qualifying countries to enter the United States for business or pleasure without having to secure a visa, but only after necessary security clearances were performed.

In addition to promoting and easing travel to the United States, the VWP relieved the Department of State from having to interview low-risk applicants from program countries at our consulates overseas. The VWP has evolved since that time with Congress having legislatively modified it five different times.

Today, the program can properly be viewed not just as a means of easing travel to the United States, but as a means to improve our security posture, modernizing screening and vetting processes, increasing information sharing within our Government and with foreign partners.

As the committee is aware, DHS Secretary Kelly has emphasized that blocking terrorists ensures criminals from entering the United States is a top priority of our Department, and we are committed to working closely with Congress and our interagency and foreign partners to protect our homeland.

Currently, 38 countries are approved to participate in the VWP, which allows their nationals to travel to the United States for up to 90 days. Travelers are required to complete an on-line application in advance of travel. That is known as the Electronic System for Travel Authorization, or ESTA.

Looking at the ESTA application, CBP conducts automatic vetting to assess whether the individual is eligible to travel under the VWP, or could pose a risk to the United States or to the public at large.

To participate in the VWP, countries must share information on terrorists and serious criminals, timely report lost and stolen passports, have robust border and travel document security practices, and engage in effective traveler and migrant screening.

Looking at the criteria for lost and stolen passports, for example, VWP countries have to report that loss or theft no later than 24 hours after they become aware of it, and VWP countries have contributed over 50 million such records to INTERPOL, which accounts for 70 percent of the INTERPOL holdings.

Rigorous National-level assessments of program countries are conducted by the Department of Homeland Security to ensure that they meet the security standards required for continued participa-

tion in the program. The bottom line is that to join or to continue in the VWP, a country cannot represent a threat to the United States and must be working as a partner to prevent terrorist travel.

The committee has contributed to the strengthening of the Visa Waiver Program through its leadership in developing the VWP Improvement and Terrorist Travel Prevention Act of 2015. I would like to take a moment to highlight several important changes that have resulted from DHS's implementation of the act.

We have increased the sharing of terrorist and criminal identity information. Several countries have increased the frequency of their reporting of lost and stolen passports to INTERPOL. Several countries have agreed to adopt new technologies for vetting asylum, refugee, and other immigration applications.

All VWP countries now are issuing and using for travel to the United States fraud-resistant electronic passports that meet or exceed international standards, and DHS has implemented enhanced restrictions on travel under the VWP for individuals who have traveled to certain countries of concern since March 2011 or are dual nationals of particular countries.

DHS manages the on-going statutorily-required monitoring and regular assessment process to ensure the VWP countries are consistently meeting program requirements. These assessments are performed in consultation with DHS's component agencies, the State Department, and other interagency partners, as well as the intelligence community and the governments of VWP countries themselves.

Be assured that the Department engages in regular monitoring of all VWP countries to identify emerging threats and vulnerabilities and to take appropriate action. As Secretary Kelly recently indicated, we have to ensure the VWP is prepared to counter the threat of foreign fighters returning from the battlefields of Syria and Iraq. Under his leadership, DHS will continue to look at ways to work with this committee to strengthen the security of the program.

Thank you, again, for the opportunity to appear before you today. I will look forward to answering any of your questions.

Mr. GALLAGHER. Thank you, sir.

Mr. Wagner, you are recognized for 5 minutes.

STATEMENT OF JOHN WAGNER, DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. WAGNER. Thank you. Chairman Gallagher and Ranking Member Watson Coleman and distinguished Members of the committee, thank you for the opportunity to speak today about U.S. Customs and Border Protection's role in securing international travel.

Our agency works around the clock to adjudicate U.S.-bound travel, and we have developed mechanisms to address National security risks and other questions as far in advanced of arrival on U.S. soil as possible. To provide a sense of scale, last year, CBP inspected over 390 million arriving international travelers, of which

about 119 million flew into our airports. That is about 327,000 international air passengers each day, and that is just inbound.

Visitors make up about 50 percent of these arrival numbers, and they are generally split into two categories: Visa and visa waiver. Visitors from countries that need a visa go to the U.S. embassy overseas, and work with Department of State to get a visa. My colleague from the State Department will describe that process in more detail in a few minutes.

For the Visa Waiver Program travelers, CBP has developed an on-line application process known as the Electronic System for Travel Authority, or ESTA, for short. These travelers must have an approved ESTA in order to board the plane overseas, and we have built a verification system with the airlines to support this.

Now, CBP adjudicates ESTA applications against a series of law enforcement and intelligence databases. For the first half of this fiscal year, we have approved about 6.9 million ESTA applications, and denied over 35,600. Of these denials, about 1,050 were due to National security concerns.

Following the enactment of the VWP Improvement Act of 2015, CBP took several steps to apply the new restrictions for individuals who would travel to the 7 countries and individuals who are dual nationals. So far, this fiscal year, we have denied ESTAs to about 13,000 people due to travel restrictions and nearly 3,000 for the dual nationality.

Now, once a visa or ESTA is issued, CBP's National targeting center conducts continuous vetting against a host of law enforcement and intelligence databases to ensure travelers remain eligible. If any issues arise, CBP may revoke the ESTA, or work directly with Department of State to have the visa revoked.

For the first half of this fiscal year, over 1,800 visas have been revoked as a result of this, and over 450 of these were due to National security concerns. Now, once the travel is actually booked, CBP conducts predeparture vetting on all international travelers coming to the United States.

By law, airlines provide CBP with advanced passenger manifest information and access to their reservation systems. CBP reviews this data along with previous crossing information, intelligence reports, and law enforcement databases to identify any potential risk factors.

When risk factors are identified, we built several mechanisms to address those questions while the traveler is still overseas: Preclearance operations, immigration advisory program, and our regional carrier liaison groups. Let's start with preclearance.

We have 15 air preclearance locations in six countries. This is where uniformed CBP officers have legal authorities to complete the same immigration, customs, and agriculture inspections of travelers at a domestic airport. This is our highest level of capability overseas. If found ineligible to travel to the United States at a preclearance location, CBP has the authority to deny entry on foreign soil.

In fiscal year 2016, CBP officers processed 18.3 million travelers for entry into the United States at our preclearance locations, totaling over 15 percent of our U.S.-bound travelers. Of this total, CBP

prevented 6,400 inadmissible travelers from boarding U.S.-bound flights.

Now, second, we have the Immigration Advisory Program and the Joint Security Program. This is where we have plainclothes CBP officers at major gateway airports in Western Europe, Mexico, Central America, Asia, and the Middle East. Using advanced information from our National targeting center, IAP officers work in partnership with the host governments and the airlines to address any National security risk and immigration issues. If any concerns remain after our interview of the passenger, CBP can issue a no-board recommendation to the air carrier, and refer the traveler back to the U.S. embassy for a more thorough review of their status.

Last year we recommended over 4,500 no-boards to the airlines. Now, for foreign locations not covered by preclearance or the IAP officers, we have regional carrier liaison groups that work directly with the airlines to issue no-board recommendations in cases where there is any National security concerns or any immigration questions.

Now, once passengers arrive in the United States, all people are inspected by CBP officers. The experience and the intuition of each individual officer is invaluable, and this provides the final piece to the prearrival vetting and all the background checks. CBP officers review travel documents, review the results of prearrival vetting, collect biometrics, if required, and then interview all travelers to determine the purpose and their intent of travel.

If there is any questions about their admissibility, their customs declaration, agricultural concerns, or any National security issues, the person is referred into secondary inspection for more thorough examination.

So we continually strive to improve our vetting and our intervention initiatives to identify and close any security vulnerabilities, and remain closely engaged and coordinated with our Government counterparts, foreign governments, and our private-sector stakeholders.

So thank you again for the opportunity, and I look forward to answering any of your questions.

Mr. GALLAGHER. Thank you, Mr. Wagner.

Mr. Settles, you are recognized for 5 minutes.

**STATEMENT OF CLARK E. SETTLES, ASSISTANT DIRECTOR,
NATIONAL SECURITY INVESTIGATIONS DIVISION, IMMIGRATION
AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF
HOMELAND SECURITY**

Mr. SETTLES. Chairman Gallagher, Ranking Member Watson Coleman, and distinguished committee Members, thank you for the opportunity to discuss the efforts of U.S. Immigration and Customs Enforcement to enhance U.S. visa security and to prevent the travel of terrorists and other criminal actors.

Visa security is an essential component of our responsibility to protect the homeland, shared by both the Department of State and the Department of Homeland Security, which includes the Offices of Homeland Security Investigations, HSI, and U.S. Customs and Border Protection, CBP.

At HSI, we strive to uphold our Homeland Security responsibility by confronting dangerous challenges on a global stage, with particular focus on those emanating from beyond America's physical borders. I am honored to highlight our security programs that protect the United States against an ever-evolving diverse and global threat.

HSI special agents investigate transnational crime by conducting a wide range of criminal investigations in coordination with our foreign and domestic partnering agencies, targeting the illegal movement of people, merchandise, monetary instruments into, within, and out of the United States.

The agency has extremely broad authorities and jurisdiction over the investigation of crimes with a nexus to U.S. borders and ports of entry. HSI's three operational priorities are border security, public safety, and National security. In an effort to augment and expand visa security operations, HSI is honored to manage the Visa Security Program in partnership with CBP, the Department of State, the intelligence community, and other DHS agencies and holdings.

The VSP's primary purpose is to identify terrorists, criminals, and other individuals who pose a threat, or are otherwise ineligible for a visa at the earliest possible point in the visa application process, thereby pushing the U.S. borders out as far as we possibly can.

Visa Security Program operations are currently conducted at 30 visa-issuing posts in 25 countries. The Visa Security Program is currently scheduled to expand to two visa-issuing posts in fiscal year 2017 and plans to expand as resources allow every year thereafter. We understand that one of our most important priorities is to detect and prevent threats before they reach our Nation's borders.

To achieve this objective, HSI's international operations, in parallel with the Visa Security Program, also deploy highly-trained personnel to 66 offices in 49 countries. The HSI special agents deployed to the 30 visa-issuing posts world-wide utilize available and investigative resources, in-person interviews, and collaboration between U.S. agencies and foreign government counterparts in order to investigate and disrupt the travel of suspect individuals during the visa application process.

Experience has shown the Department that there is no technological tool available that can substitute for having highly-trained and experienced investigators deployed overseas to conduct informed interviews, enhance the information we have of terrorists and other criminal networks, and share that information with our foreign partners.

HSI's Visa Security Program is supported by the preadjudicated threat recognition and intelligence operation team, PATRIOT. PATRIOT is an interagency endeavor with CBP's National targeting system. Through PATRIOT system, VSP conducts automated screening of visa applicants' information against DH holdings, as well as holdings of other U.S. agencies prior to the visa applicant's interview and visa adjudication. Derogatory information discovered during automated screening is manually vetted by domestic PATRIOT personnel in the National capital region utilizing law enforcement, open-source, and Classified systems.

PATRIOT analysts then provide deployed VSP personnel with the most enhanced information available well in advance of the visa applicant's in-person interview. Following this enhanced analysis of all known derogatory information, collaboration with foreign government partners, and participation in the in-person visa applicant interview, HSI-deployed special agents provide a unified DHS recommendation on visa eligibility to the Department of State.

In fiscal year 2016, VSP personnel facilitated the screening and vetting of more than 2.2 million visa applicants, recommended the refusal of 85,000 visas, and submitted 1,669 watch list nominations for counterterrorism reasons. We also facilitated the legitimate trade of 442 visa applicants.

Honorable Members, if I may, I would like to recognize this month we celebrate police week, a time to honor all law enforcement officers who lost their lives in the line of duty, to include a fellow HSI brother, Special Agent Jeremy Scott McGuire, who lost his life in the line of duty last year, and whose name we will be honoring and adding to the National Law Enforcement Officers Memorial. I just want to say: Rest in peace, Scott.

Thank you for the opportunity to appear before you today and for your continued support out of our law enforcement mission. I would be pleased to answer any questions. Thank you.

[The joint prepared statement of Mr. Dougherty, Mr. Wagner, and Mr. Settles follows:]

JOINT PREPARED STATEMENT OF MICHAEL DOUGHERTY, JOHN WAGNER, AND
CLARK E. SETTLES

MAY 3, 2017

INTRODUCTION

Chairman Gallagher, Ranking Member Watson Coleman, and distinguished committee Members. Thank you for the opportunity to appear before you today to discuss the efforts of the Department of Homeland Security (DHS) to prevent terrorists and other criminal actors from entering the United States, either by acquiring U.S. visas or traveling through the Visa Waiver Program (VWP). This work involves close interagency collaboration and partnership with foreign governments. Ultimately, traveler screening and vetting is an integral component of our responsibility to protect the homeland, and DHS employs a multi-layered strategy to do so.

Furthermore, as called for in Section 5 of the President's Executive Order (EO) 13780, *Protecting The Nation From Foreign Terrorist Entry Into The United States*, DHS is diligently working with the Departments of State (DOS) and Justice and the Office of the Director of National Intelligence (ODNI) to implement a uniform baseline for screening and vetting standards and procedures. These standards seek "to identify individuals who seek to enter the United States on a fraudulent basis, who support terrorism, violent extremism, acts of violence toward any group or class of people within the United States, or who present a risk of causing harm subsequent to their entry."

DHS Secretary John F. Kelly has made clear that blocking terrorists and criminals from accessing the United States is one of his highest priorities, and the administration is undertaking serious and sustained efforts to ensure that we keep bad actors from reaching our shores and endangering our people. As part of this effort, we are modernizing screening, expanding information sharing within our Government and with foreign partners, and exploring innovative approaches for detecting threat actors. By focusing on better obstructing terrorists and criminals, we can more effectively facilitate legitimate trade and travel.

PUSHING OUT THE ZONE OF SECURITY

Secretary Kelly noted in his remarks at George Washington University on April 18, 2017, that "[t]he more we push our borders out, the safer our homeland will be." The Secretary went on to highlight in those remarks the importance of knowing who

is coming into the country and what their intent for coming is prior to their arrival “at our doorstep.” There are a multitude of activities, efforts, and programs that DHS and its component agencies undertake to do just that.

In fiscal year 2016, U.S. Customs and Border Protection (CBP) inspected over 390 million travelers at 328 ports of entry (POE), of which over 119 million flew into air POEs. CBP’s pre-departure strategy is one of the ways by which DHS assists our interagency, foreign government, and private-sector partners to deny international travel to potential terrorists and criminals. A major component of this strategy is the recommendation of denial of visas, as well as denial and/or revocation of visa waiver approvals to individuals who may present a risk to National security or public safety. It is a risk-based, intelligence-driven strategy that extends our border security efforts outward to detect, assess, and mitigate, at the earliest possible point in the travel continuum, any risk posed by travelers before they reach the United States. As threats evolve, CBP works in close partnership with our foreign counterparts—including those in Europe, North Africa, and the Middle East—to develop greater situational awareness of emerging threats, leverage partner capabilities to affect threat networks, and coordinate enforcement actions. These concerns are not limited to the United States and there is a growing international commitment to combating these shared threats to our security.

U.S. Immigration and Customs Enforcement (ICE) also actively works to push our defenses outward. To achieve this goal, ICE forward deploys personnel to 66 offices in 49 countries. ICE’s international staff works in conjunction with overseas law enforcement counterparts to detect, disrupt, and dismantle transnational criminal groups and individuals who seek to harm our country and people. Furthermore, ICE special agents investigate transnational crime by conducting a wide range of criminal investigations in coordination with our foreign and domestic partner agencies, targeting the illegal movement of people, merchandise, and monetary instruments into, within, and out of the United States.

Visa and Travel Authorization Security

As President Trump has stated, “Homeland Security is in the business of saving lives, and that mandate will guide our actions.” Since taking office this administration has worked tirelessly to enhance border security, promote public safety, and minimize the threat of terrorist attacks by foreign nationals in the United States. Part of this process is ensuring the security of international travel by preventing dangerous persons from obtaining visas, travel authorizations, and boarding passes. Before boarding a flight or vessel destined for the United States, most foreign nationals must obtain a non-immigrant visa from the DOS—issued at a U.S. Embassy or Consulate. The visa process involves multiple security checks, including screening of applicants against a wide array of criminal and terrorist databases to verify the individual’s identity and to detect derogatory information that might lead to an inadmissibility determination, as well as an in-person interview with the applicant.

CBP also conducts vetting of all valid immigrant and non-immigrant visas. Although the visa application and adjudication processes rest with the DOS, CBP’s National Targeting Center (NTC) conducts continuous vetting of U.S. immigrant and nonimmigrant visas that have been recently issued or revoked. Recurrent vetting ensures that changes in a traveler’s admissibility and eligibility for travel are identified in near-real time, allowing CBP to immediately determine if it is necessary to take action prior to subject’s arrival to the United States, such as a “no-board” recommendation to a carrier, and/or a recommendation to the DOS to revoke the visa.

In an effort to augment and expand visa security operations, ICE manages the Visa Security Program (VSP) for DHS. VSP’s primary purpose is to identify terrorists, criminals, and other individuals who pose a threat or are otherwise ineligible for visas prior to visa adjudication or application for admission to the United States. VSP operations are currently conducted at 30 visa-issuing posts in 25 countries.

Through the VSP, ICE deploys special agents to visa-issuing posts world-wide to utilize available investigative resources, in-person interviews, and collaboration between U.S. agencies and our foreign counterparts, in order to investigate and disrupt the travel of suspect individuals during the visa application process. Experience has shown the Department that there is no technological substitute for having experienced ICE special agents deployed overseas to apply law enforcement capabilities to the visa process through investigative measures, informed interviews with suspect applicants, and leveraging local contacts for information.

Special agents assigned to international VSP posts are supported through domestic-based screening and vetting of visa applicants, the Pre-Adjudicated Threat Recognition and Intelligence Operations Team (PATRIOT). PATRIOT is an interagency endeavor between ICE and CBP’s NTC. Through PATRIOT, VSP conducts auto-

mated screening of visa application information against DHS holdings, as well as holdings of other U.S. agencies, prior to the visa applicant's interview and visa adjudication. Derogatory information discovered during automated screening is manually vetted and analyzed by domestic PATRIOT personnel using law enforcement, open source, and Classified information. PATRIOT analysts then provide deployed VSP personnel with relevant information prior to interviews and other investigative activities. Following an analysis of all known derogatory information, deployed ICE special agents provide a unified DHS recommendation on visa eligibility to DOS consular officers.

In fiscal year 2016, VSP deployed special agents and PATRIOT personnel facilitated the screening and vetting of more than 2.2 million visa applicants, recommended the refusal of more than 8,500 visas, and submitted 1,669 Terrorist Screening Center Database nominations. The VSP will expand to two additional posts in fiscal year and is tentatively scheduled to add an additional two posts in fiscal year 2018.

If travelers are eligible to travel under the VWP, they must apply for and be approved for a travel authorization via the Electronic System for Travel Authorization (ESTA). Through ESTA, CBP conducts enhanced vetting of potential VWP travelers to assess whether they are eligible to travel under the VWP or could pose a risk to the United States or the public at large. All ESTA applications are screened against security and law enforcement databases, and CBP automatically refuses authorization to individuals who are found to be ineligible to travel to the United States under the VWP. Similarly, current and valid ESTAs may be revoked if concerns arise through recurrent vetting.¹

In November 2016, CBP launched the Electronic Visa Update System (EVUS). Similar to ESTA, EVUS is an on-line system used by visa holders to periodically update their biographic information to facilitate their travel to the United States.² To maintain a valid visa for purposes of seeking admission to the United States, travelers with designated nonimmigrant visas from identified countries are required to maintain a valid EVUS enrollment before traveling to the United States. Enrollments generally last for 2 years or when the traveler's visa or passport expires, whichever comes first. Data collected through EVUS helps us determine whether such travel poses a law enforcement or security risk by checking against select law enforcement databases and queries law enforcement databases that include terrorist screening, lost/stolen passports, INTERPOL wants/warrants, and immigration violations.

Finally, thanks to the support of Congress, the Department of Homeland Security Appropriations Act of 2015³ provided the necessary funds for CBP to initiate counter-network operations within the NTC. The newly established Counter Network Division's (CND) mission supports CBP, other DHS components, and inter-agency law enforcement and intelligence community partners to develop an interoperable counter-network process that provides a comprehensive understanding of emerging threats, including those emanating from terrorism, special interest aliens, transnational organized crime and illicit trade networks. Informed through identification of the tactics, techniques, and procedures of adversarial networks—including their efforts to exploit legitimate travel pathways and processes such as the visa process and the VWP—the CND quickly develops analytic solutions and makes those available across DHS components to mitigate further risk.

Visa Waiver Program

An important way in which DHS is pushing out the zone of security is to work with our international partners, including those countries who are members of the VWP. DHS's focus and priority for the VWP is to make it a comprehensive security partnership with America's closest allies. The VWP must be a security program first and foremost—merging together best practices in National security, law enforcement security, and immigration security; and providing the United States with an effective tool for fostering and deepening our National security relationships with key partner countries. As Secretary Kelly recently indicated, we have to continue to look at ways to strengthen the security of the VWP given the threat of foreign

¹ Recurrent vetting is on-going throughout the period of validity of the ESTA. ESTA applicants who are denied may apply for a nonimmigrant visa.

² At this time, EVUS is only a requirement for individuals traveling on passports issued by the People's Republic of China who have been issued unrestricted, maximum validity B-1 (visitor for business) or B-2 (visitor for pleasure) visas, generally valid for 10 years, Chinese nationals. The requirement is new, and the U.S. Government expects that it may be applied to additional countries or nonimmigrant categories may be designated in the future.

³ Pub. L. No. 114-4.

fighters returning from the battlefields of Syria and Iraq. DHS is committed to fully ensuring that the VWP is serving the security interests of the United States.

Currently, 38 countries^{4 5} participate in the VWP, which allows their nationals to travel to the United States for business or tourism for stays of up to 90 days (with certain exceptions) after applying and being approved through the ESTA.⁶ In return, these countries must prove that measurable and consistently high requirements are met, including: That information-sharing practices enable the rapid relay of information concerning known and suspected terrorists and serious criminals; that lost and stolen passport information is consistently and timely reported; that robust border and travel document security practices are in place; and that effective traveler and migrant screening practices are standard operations. VWP countries also undergo regular, in-depth security assessments conducted by DHS in consultation with DOS to ensure compliance with these requirements.

The assessments of a VWP country's security standards and operations are among the broadest and most consequential reviews conducted under any U.S. Government program. Rigorous National-level assessments are used to ensure that countries meet the security standards required for continued participation in the program. DHS, in coordination with the DOS and the intelligence community, conducts statutorily-required reviews of each VWP country at least once every 2 years. The VWP assessment evaluates the country's counterterrorism and law enforcement capabilities, immigration enforcement policies and procedures, passport production and issuance processes, and border security traveler screening capabilities. As needed, the review may also include a site visit where an integrated U.S. Government team conducts thorough inspections of airports, seaports, land borders, and passport production and issuance facilities in the VWP country and holds discussions with the host government, counterterrorism, intelligence, law enforcement, border security, and immigration officials. DHS submits a Report to Congress upon the completion of the assessment. Notably, both the Government Accountability Office (GAO) and the DHS Office of the Inspector General (OIG) have reviewed and written favorably of the methodology DHS uses in conducting these assessments.⁷

Separately, DHS also conducts an annual assessment of all 38 VWP countries against the risk criteria defined in the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (VWP Improvement Act), passed under this committee's leadership, and engages in on-going monitoring of member countries to rapidly identify emerging threats and vulnerabilities.

The bottom line is that in order to join or continue in the VWP, a country cannot represent a threat to the United States and must be working as a partner to prevent terrorist travel. In all instances, the Secretary of Homeland Security retains the statutory authority to suspend or terminate a country's participation in the VWP if there is a credible threat originating from that country that poses an imminent danger to the United States or its citizens.

Under the VWP Improvement Act, VWP countries are now required to issue high-security electronic passports (e-passports); implement information-sharing arrangements to exchange criminal and terrorist identity information; establish mechanisms to validate e-passports at each key POE; report all lost and stolen passports to INTERPOL or directly to the United States no later than 24 hours after the country becomes aware of the loss or theft; conclude a U.S. Federal Air Marshals agreement; collect and analyze Advance Passenger Information (API)/Passenger Name Record (PNR) information to identify high-risk travelers; screen international travelers against the INTERPOL Stolen and Lost Travel Documents (SLTD) database and notices; report foreign fighters to multilateral security organizations, such as INTERPOL or EUROPOL; and cooperate with the United States in the screening of refugees and asylum seekers.

⁴ VWP-eligible countries: Andorra, Australia, Austria, Belgium, Brunei, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, The Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Taiwan, United Kingdom.

⁵ Per the Taiwan Relations Act of 1979, all references to "country" or "countries" in this document also apply with respect to Taiwan.

⁶ Exceptions include citizens of countries under other visa exempt authority, such as Canada. Citizens of countries under visa exempt authority traveling to entering the United States via air are subjected to CBP's vetting and inspection processes prior to their departure for the United States. In the land environment, they are subject to CBP processing upon arrival at a U.S. port of entry.

⁷ DHS report OIG-13-07 "The Visa Waiver Program," November 2012. GAO report GAO-16-498 "Visa Waiver Program," May 2016.

Since passage of the Act, DHS has confirmed the following changes among VWP countries:

- An increase in the sharing of terrorist and criminal identity information;
- Several countries⁸ have increased the frequency of their reporting of lost and stolen passports—VWP countries account for over 70 percent of the almost 73 million lost and stolen travel documents reported to INTERPOL;
- Several countries have agreed to adopt new technologies to work with DHS to jointly vet asylum, refugee, and other immigration applications against each other's data, establishing a formidable force multiplier for detecting criminals, terrorists, and unqualified applicants; and
- All VWP countries are now issuing and using for travel to the United States fraud-resistant e-passports that meet or exceed the International Civil Aviation Organization standards.

In addition, following the enactment of the VWP Improvement Act, DHS has taken several steps to apply enhanced restrictions on visa-free travel under the VWP for individuals who have traveled to Iran, Iraq, Sudan, Syria, Libya, Somalia, or Yemen or individuals who are dual nationals of Iran, Iraq, Sudan, or Syria. Beginning January 13, 2016, CBP initiated a protocol to identify ESTA holders who had travelled to Iraq, Syria, Iran, or Sudan since March 1, 2011 who may be ineligible for future travel if they do not meet the criteria for a waiver allowed for under the Act. On February 18, 2016, DHS announced that individuals who had travelled to Libya, Somalia, and Yemen also may be ineligible for future travel if they do not meet the criteria for a waiver.⁹ Additionally, on January 21, 2016, CBP began denying new ESTA applications and revoking existing ESTAs for individuals who indicated dual nationality with Iran, Iraq, Sudan, or Syria.

In November 2014, in response to increasing concerns regarding foreign terrorist fighters, DHS strengthened the security of the VWP through the addition of new data elements to the ESTA application. These enhancements included a series of additional questions a VWP traveler must answer on the ESTA application, to include other names/aliases, citizenships, contact information, and city of birth.

ARRIVAL PROCESSING

CBP's use of advance information, its pre-departure targeting operations, and its overseas footprint all comprise critical parts of CBP's multi-layered security strategy to address concerns long before they reach the physical border of the United States. U.S. law requires all private and commercial air and sea carriers operating routes to, from, or through the United States to provide API and PNR data to CBP. These data, which include travelers' biographic and travel reservation information, are screened against U.S. and international law enforcement and counterterrorism databases to identify high-risk individuals before they fly to the United States. Even if issued a visa or other travel authorization, however, it is important to note that upon arrival in the United States, all persons are subject to inspection by CBP officers. CBP officers review entry documents, query CBP and other law enforcement databases, collect biometrics (including from VWP travelers),¹⁰ and interview all travelers to determine the purpose and intent of their travel, and whether any further inspection is necessary based on, among other things, National security, admissibility, customs, or agriculture concerns.

Of note, CBP's Tactical Terrorism Response Teams (TTRT) are deployed at U.S. POEs and consist of CBP officers who are specially trained in counterterrorism response. TTRT officers utilize information derived from targeting and inspection to mitigate possible threats. TTRT officers are immersed in the current and developing threat picture through the continuous review of information, and are responsible for the examination of travelers identified within the Terrorist Screening Database, and other travelers suspected of having a nexus to terrorism who arrive to a POE. For fiscal year to date,¹¹ as a result of the dedicated efforts of the men and women serving on CBP's TTRT, and the information discovered during secondary inspection, nearly 600 people who had been granted visas or other travel documents, or had an approved ESTA, have been refused admission to the United States. CBP officers and agents remain our last line of defense against those who would seek to enter the country to do us harm.

⁸ Including Brunei, Greece, Hungary, and Portugal.

⁹ In fiscal year 2016, since implementing the new travel and dual nationality restrictions to the Visa Waiver Program, CBP denied, canceled, or revoked 39,303 ESTA applications. These individuals would not be eligible to travel under the VWP.

¹⁰ Biometrics are collected for most foreign nationals arriving at U.S. airports.

¹¹ As of April 19, 2017.

In addition, CBP officers remove from circulation counterfeit, fraudulent, and altered travel documents, as well as lost or stolen travel documents presented for use by an individual other than the rightful holder, such as those presented by impostors. CBP currently uses 1:1 facial comparison technology at select primary lanes at John F. Kennedy International Airport and Washington Dulles International Airport on U.S. and non-U.S. travelers arriving in the United States. This technology enables CBP officers to use facial recognition technology as a tool to assist in determining whether an individual presenting a valid e-passport is the same individual whose photograph is contained in that passport. In those cases where the CBP officer is unsure of the traveler's true identity, the traveler is referred for additional checks to confirm identity or to document fraudulent use of a passport. Since this technology was deployed in early 2016, over 400,000 travelers have had their identities confirmed with the use of 1:1 facial comparison technology.

Finally, CBP's Fraudulent Document Analysis Unit (FDAU) serves as the central repository and point of analysis for all fraudulent travel documents interdicted or recovered by CBP personnel. FDAU analysis of fraudulent documents provides intelligence, alerts, and training back to the field, as well as serves as a mechanism to remove fraudulent documents from circulation to prevent their further use—a lesson learned from the 9/11 Commission Report. This cyclical process adds a layer of security to the homeland by removing an additional opportunity for misuse.

IDENTIFYING AND APPREHENDING THREATS TO NATIONAL SECURITY AND PUBLIC SAFETY WITHIN THE UNITED STATES

An important mission of DHS is to actively identify and initiate enforcement action on persons who have overstayed their terms of admission in the United States and who pose a threat to national security, border security, or public safety. ICE undertakes this very important activity for DHS. Within ICE, there are dedicated units, special agents, analysts, and systems in place to address nonimmigrant overstays. Through investigative efforts, ICE analyzes and determines which overstay leads may be suitable for further National security investigation. Once leads are received, ICE conducts both batch and manual vetting against Government databases, public indices, and social media (when appropriate). This vetting helps determine if an individual who overstayed has departed the United States, adjusted to a lawful status, has a pending immigration benefit application, or would be appropriate for an enforcement action.

As part of this tiered review, ICE prioritizes nonimmigrant overstay cases through risk-based analysis. ICE Homeland Security Investigation's (HSI) Counterterrorism and Criminal Exploitation Unit (CTCEU) oversees the National program dedicated to the investigation of nonimmigrant visa violators who may pose a National security risk and/or public safety concern. Each year, CTCEU analyzes records of hundreds of thousands of potential status violators after preliminary analysis of data from various Government systems, including the Student and Exchange Visitor Information System (SEVIS) and CBP's Arrival and Departure Information System (ADIS), along with other information. After this analysis, CTCEU establishes compliance or departure dates from the United States and/or determines potential violations that warrant field investigations.

CTCEU proactively develops cases for investigation in furtherance of the overstay mission, monitors the latest threat reports, and addresses emergent issues. This practice, which is designed to detect and identify individuals exhibiting specific risk factors based on intelligence reporting, travel patterns, and in-depth criminal research and analysis, has contributed to DHS's counterterrorism mission by initiating and supporting high-priority National security initiatives based on specific intelligence.

In fiscal year 2015, CTCEU reviewed 971,305 leads regarding potential overstays. Numerous leads were closed through an automated screening and vetting process. The most common reason for closure was subsequent departure from the United States. A total of 9,968 leads were sent to HSI field offices for investigation. As a result in fiscal year alone, HSI made 1,910 arrests, secured 86 indictments, and obtained 80 convictions.

CTCEU refers leads that do not meet ICE HSI criteria for further investigation to ICE Enforcement and Removal Operations' National Criminal Analysis and Targeting Center.

CONCLUSION

The men and women of DHS and its component agencies do a tremendous job every day to protect our country. As terrorists and criminals change their methods and tactics and technologies continue to evolve, DHS will work with its interagency

and foreign partners—as well as private-sector partners—to adapt and respond swiftly and effectively to prevent their entry into the United States.

Thank you again for the opportunity to testify today. We look forward to answering your questions.

Mr. GALLAGHER. Thank you, Mr. Settles.

Mr. RAMOTOWSKI. Am I saying it right? Ramotowski or Ramotowski.

Mr. RAMOTOWSKI. That is absolutely right, Ramotowski.

Mr. GALLAGHER. Ramotowski. I apologize if I butchered that before. You are recognized for 5 minutes.

STATEMENT OF EDWARD J. RAMOTOWSKI, DEPUTY ASSISTANT SECRETARY, OFFICE OF VISA SERVICES, U.S. DEPARTMENT OF STATE

Mr. RAMOTOWSKI. Thank you, Chairman Gallagher, Ranking Member Watson Coleman, and distinguished Members of the committee. I am pleased to assure you that the Department of State takes our commitment to protect America's borders and citizens very seriously. Toward this end, we constantly analyze and update our screening and clearance procedures.

Mr. Chairman, the U.S. visa system is a layered interagency effort focused first and foremost on National security. Beginning with a petition to DHS, or a visa application submitted to a consular section abroad, during the interview, prior to travel, upon arrival in the United States, and while the traveler is in the United States, the Department of State works together with our National law enforcement and intelligence partners to protect our borders.

The vast majority of visa applicants and all immigrant visa applicants are interviewed in person by a consular officer. Each consular officer completes an extensive training program which has a strong emphasis on border security, fraud prevention, interagency coordination, and interviewing techniques.

In addition to that, 122 assistant regional security officer investigators at 107 diplomatic posts world-wide work with consular officers to bring additional law enforcement and antiterrorism expertise to the visa process.

All visa applicants are vetted against databases, which contain millions of records of individuals found ineligible for visas in the past or regarding whom potentially derogatory information exists on terrorist, criminal, or other grounds. We collect 10 fingerprint scans from nearly all these applicants, and screen them against the DHS and FBI databases of known and suspected terrorists, wanted persons, immigration law violators, and criminals.

All visa applicants are screened against photos of known or suspected terrorists and prior visa applicants. When an interview raises any concerns that the applicant may be a threat to National security, or the interagency screening process shows potentially derogatory information, the consular officer suspends the visa processing and submits a request for a Washington-based interagency security advisory opinion review, which is conducted by Federal law enforcement and intelligence agencies, as well as the Department of State.

As my colleague noted, the Department of Homeland Security's PATRIOT system and the Visa Security Program provide addi-

tional protections at certain of our overseas posts. DHS Immigration and Customs Enforcement special agents assigned to 29 embassies and consulates in high-threat locations provide on-site vetting of visa applications, as well as other law enforcement support and training to consular officers.

But security reviews do not stop when the visa is issued. The Department and partner agencies continuously match new threat information with our records of existing visas, and we use our authority to revoke those visas when warranted. We refuse more than 2 million visa applications each year. Since 2001, the Department has revoked more than 160,000 visas based on information that surfaced after the issuance of the visa. This includes nearly 11,000 visas potentially revoked after information emerged, post-issuance, suggesting possible links to terrorism. Notice of these revocations is shared across the interagency in near-real time.

Executive Order 13780 on Protecting the Nation from Terrorist Attacks by Foreign Nationals signed by the President of March 6, 2017, and the Presidential Memorandum on Heightened Screening articulate the administration's commitment to rigorously and continuously upgrade and refine our screening and vetting processes to keep this country safe.

These actions range from interagency efforts to harmonize screening and vetting standards across multiple immigration programs to focusing on ways to improve our ability to deport criminal aliens.

Additionally, the Department recently instructed posts worldwide to develop criteria for identifying sets of visa applicant populations that warrant increased scrutiny. We have likewise heightened vetting for any visa applicant who was ever present in any ISIS-controlled territory.

Mr. Chairman and distinguished Members of the committee, the Department of State's highest priority is the safety of our fellow citizens at home and overseas. Every visa decision is a National security decision. We appreciate the support of the Congress as we constantly work to strengthen our system. I would encourage you to visit our consular sections when you are abroad to see how we do this on a daily basis. I look forward to your questions.

[The prepared statement of Mr. Ramotowski follows:]

PREPARED STATEMENT OF EDWARD J. RAMOTOWSKI

MAY 3, 2017

Good morning Chairman McCaul, Ranking Member Thompson, and distinguished Members of the committee, and thank you for this opportunity to testify at today's hearing. The Department of State is fully dedicated to the protection of our borders. We have no higher priority than the safety of our fellow citizens at home and overseas. We and our partner agencies throughout the Federal Government have built a layered visa and border security screening system, and continue to refine and strengthen the five pillars of visa security: Technological advances, biometric innovations, personal interviews, data sharing, and training. We are the first line of defense in border security, as the Department of State is often the first U.S. Government agency to have contact with foreign nationals wishing to travel to the United States, and we fully share your commitment to preventing individuals from exploiting the visa process as a means of entering our country with the intent to do harm.

This layered approach enables the Department of State to track and review the visa eligibility and status of foreign visitors from their visa applications to their entry into the United States. Lessons learned through the years have led to significant improvements in procedures and capabilities. At the same time, recent terror

incidents both overseas and at home have demonstrated the changing nature of threats and our obligation to constantly analyze, test, and update our clearance procedures. We will never stop doing so.

A LAYERED APPROACH TO VISA SECURITY

In coordination with interagency partners, the Department has developed, implemented, and refined an intensive visa application and screening process. We require personal interviews in most cases, including all immigrant and fiance cases, employ analytic interviewing techniques, and incorporate multiple biographic and biometric checks in the visa process. Underpinning the process is a sophisticated global information technology network that shares data among the Department and Federal law enforcement and intelligence agencies. Security is our primary mission. Every visa decision is a National security and public safety decision. The rigorous security screening regimen I describe below applies to all visa categories.

Visa applicants submit on-line applications—the on-line DS-160 nonimmigrant visa application form, or the on-line DS-260 immigrant visa application form. On-line forms enable consular and fraud prevention officers, and our intelligence and law enforcement partners, to analyze data in advance of the visa interview, including the detection of potential non-biographic links to derogatory information. The on-line forms offer foreign language support, but applicants must respond in English, to facilitate information sharing among the Department and other Government agencies.

Consular officers use a multitude of tools to screen visa applications. No visa can be issued unless all relevant concerns are fully resolved. The vast majority of visa applicants—including all applicants for which there are any concerns—are interviewed by a consular officer. During the interview, consular officers pursue case-relevant issues pertaining to the applicant's identity, qualifications for the particular visa category in question, and any information pertaining to possible ineligibilities including those related to criminal history, prior visa applications or travel to the United States, and/or links to terrorism and other security threats.

Consular officers also employ a variety of statutory tools to adjudicate visa applications. Under the law that applies to most nonimmigrant visa classifications, if the consular officer believes a nonimmigrant visa applicant may fail to abide by the requirements of the visa category in question, the application will be refused under section 214(b) of the Immigration and Nationality Act (INA). A consular officer may also initially refuse a case under INA section 221(g) to confirm information presented in the application, request additional information from the applicant, request a security or legal review from Washington, or pursue local leads or other information to determine whether the applicant is subject to a security or non-security-related ineligibility. In fiscal year 2016, consular officers denied 2,980,271 visas (includes both final and administrative refusals), conducted 138,324 fraud case reviews, and sent 36,258 requests for reconsideration to USCIS for petitions previously approved.

As a matter of standard procedure, all visa applicant data is reviewed through the Department's Consular Lookout and Support System (CLASS), an on-line database containing approximately 36 million records of persons, including those found ineligible for visas and persons who are the subjects of potentially derogatory information, drawn from records and sources throughout the U.S. Government. CLASS is populated, in part, through an export of the Terrorist Screening Database (TSDB), the Federal terrorism watch list. CLASS employs sophisticated name-searching algorithms to identify accurate matches between visa applicants and any derogatory information contained in CLASS. We also run all visa applicants' names against the Consular Consolidated Database (CCD, our internal automated visa application record system) to detect and respond to any derogatory information regarding visa applicants and visa holders, and to check for prior visa applications, refusals, or issuances. The CCD contains more than 181 million immigrant and non-immigrant visa records dating back to 1998. This robust searching capability, which takes into account variations in spelling and naming conventions, is central to our procedures.

We collect 10-print fingerprint scans from nearly all visa applicants, except certain foreign government officials, diplomats, international organization employees, and visa applicants over the age of 79 or under the age of 14. Those fingerprints are screened against two key databases: First, the Department of Homeland Security's (DHS) IDENT database, which is a database of available fingerprints of known and suspected terrorists, wanted persons, and those who have committed immigration violations; and second, the Federal Bureau of Investigation's (FBI) Next

Generation Identification (NGI) system, which contains more than 75.5 million criminal history records.

All visa photos are screened against a gallery of photos of known or suspected terrorists obtained from the FBI's Terrorist Screening Center (TSC), and against visa applicant photos contained in the Department's CCD.

In 2013, in coordination with multiple interagency partners, the Department launched the "Kingfisher Expansion" (KFE) counterterrorism visa vetting system. While the precise details of KFE vetting cannot be detailed in this document, KFE supports a sophisticated comparison of multiple fields of information drawn from visa applications against intelligence community and law enforcement agency databases in order to identify terrorism concerns. If a "red-light" hit is communicated to the relevant consular post, the consular officer suspends the application and submits it for a Washington-based interagency Security Advisory Opinion (SAO) review by Federal law enforcement and intelligence agencies. In addition to this KFE "red-light" scenario, consular officers are required to submit SAO requests in any case with applicable CLASS name-check results, and for a variety of interagency-approved policies developed to vet travelers that raise security concerns, including certain categories of travelers with a particular nationality or place of birth. In any case in which reasonable grounds exist to question visa eligibility on security-related grounds or when otherwise required by interagency policy, regardless of name-check results, a consular officer suspends visa adjudication and requests an SAO. Consular officers receive extensive training on the SAO process, which under the aforementioned circumstances, requires them to deny the visa per INA section 221(g) and submit the case for interagency review via an SAO for any possible security-related ineligibilities. An applicant subject to this review may be found eligible for a visa only if the SAO process resolves all concerns.

DHS's Pre-adjudicated Threat Recognition and Intelligence Operations Team (PATRIOT) and Visa Security Program (VSP) provide additional law enforcement review of visa applications at designated overseas posts. PATRIOT is a pre-adjudication visa screening and vetting initiative that employs resources from DHS/Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and the Department of State. It was established to identify National security, public safety, and other eligibility concerns prior to visa issuance. A team of agents, officers, and analysts from ICE and CBP perform manual vetting of possible derogatory matches.

PATRIOT works in concert with the Visa Security Units (VSU) located in 29 high-threat posts, and we are working with ICE to deploy VSUs to more visa-issuing posts as rapidly as available resources will support. ICE special agents assigned to VSUs provide on-site vetting of visa applications and other law enforcement support to consular officers. When warranted, DHS officers assigned to VSUs conduct targeted, in-depth reviews of individual visa applications and applicants prior to issuance, and can recommend refusal or revocation of applications to consular officers. The Department of State works closely with DHS to ensure that no known or suspected terrorist inadvertently receives a visa or is admitted into our country.

TRAINING

Consular officers are trained to take all prescribed steps to protect the United States and its citizens when making visa adjudication decisions. Each consular officer completes an intensive, 6-week Basic Consular Course. This course features a strong emphasis on border security and fraud prevention, with more than 40 classroom hours devoted to security, counterterrorism, fraud detection, and visa accountability programs which are supplemented by computerized self-study tutorials to review this information. Adjudicators receive extensive classroom instruction on immigration law, Department policy and guidance, and consular systems, including how to review background data checks and biometric clearances.

Students learn about the interagency vetting process through briefings from the Bureau of International Security and Nonproliferation; Consular Affairs' (CA) Office of Screening, Analysis, and Coordination; CA's Counterfeit Deterrence Laboratory; Diplomatic Security; and the DHS/ICE Forensic Document Laboratory.

In addition, officers receive in-depth interviewing and name-check technique training, spending more than 30 classroom hours critiquing real consular interviews, debriefing role plays, and participating in other in-class activities. Basic interviewing training includes instruction in techniques for questioning an applicant to elicit information relevant to assessing visa eligibility. Officers practice analyzing verbal and non-verbal cues to judge an applicant's credibility and the veracity of the applicant's story. They examine and assess documentation, including electronic ap-

plication forms, internal background check information, passports, and required supporting documents during the interview.

Officers receive continuing education in all of these disciplines throughout their careers. All consular officers have top-secret clearances, and most speak the language of the country to which they are assigned and receive training in the culture of the host country.

VISAS VIPER PROGRAM

U.S. missions overseas report information about foreign nationals with possible terrorist connections through the Viper reporting program. Following the December 25, 2009 attempted terrorist attack on Northwest Flight 253, we strengthened the procedures and content requirements for Viper reporting. Chiefs of Mission are responsible for ensuring that all appropriate agencies and offices at post contribute relevant information for Viper nominations. Viper cables must include complete information about all previous and current U.S. visas. On December 31, 2009, we updated instructions regarding procedures and criteria used to revoke visas. We added specific reference to cases that raise security and other concerns to the guidance regarding consular officers' use of the authority to deny visa applications under INA section 214(b), if the applicant does not establish visa eligibility to the satisfaction of the consular officer. Instruction in appropriate use of this authority has been a fundamental part of officer training for several years.

CONTINUOUS VETTING AND VISA REVOCATION

Federal agencies have been matching new threat information against existing visa records since 2002. We have long recognized this function as critical to managing our records and processes. This system of continual vetting evolved as post-9/11 reforms were instituted, and is now performed in cooperation with the TSC, the National Counterterrorism Center (NCTC), FBI, DHS/ICE, and DHS/CBP's National Targeting Center (NTC). All records added to the TSDB and Terrorist Identities Datamart Environment (TIDE) are checked against the CCD to determine if there are matching visa records. In addition to recurrently vetting against biographic data taken during the visa process, biometric data taken during the visa process is likewise available to interagency partners in their counterterrorism and law enforcement efforts. Vetting partners send these matches electronically to the Department of State, where analysts review the hits and flag cases for possible visa revocation. We have information-sharing agreements under which we widely disseminate our data to other agencies that may need to learn whether a subject of interest has, or has ever applied for, a U.S. visa.

The Department of State has broad authority to revoke visas, and we use that authority widely to protect our borders. Cases for revocation consideration are forwarded to the Department of State's Visa Office by embassies and consulates overseas, NTC, NCTC, and other entities. As soon as information is established to support a revocation (i.e., information that surfaced after visa issuance that could lead to an ineligibility determination, or otherwise indicates the visa holder poses a potential threat), a code showing the visa revocation, and lookout codes indicating specific potential visa ineligibilities, are added to CLASS, as well as to biometric identity systems, and then shared in near-real time (within approximately 15 minutes) with the DHS lookout systems used for border screening. As part of its enhanced pre-departure screening, CBP uses these records, among other lookout codes, to recommend that airlines not board certain passengers on flights bound for the United States. Every day, we receive requests to review and, if warranted, revoke visas for aliens for whom new derogatory information has been discovered since the visa was issued. The Department of State's Operations Center is staffed 24 hours a day, 7 days a week, to address urgent requests, such as when a potentially dangerous person is about to board an aircraft. In those circumstances, the Department of State can and does use its authority to revoke the visa immediately. We continue to work with our interagency partners to refine the visa revocation and associated notification processes.

Revocations are typically based on new information that has come to light after visa issuance. Since individuals' circumstances change over time, and people who once posed no threat to the United States can become threats, continuous vetting and revocation are important tools. We use our authority to revoke a visa immediately in circumstances in which we believe there is an immediate threat, regardless of the individual's location, after which we will notify the issuing post and interagency partners as appropriate. We are mindful, however, not to act unilaterally, but to coordinate expeditiously with our National security partners in order to avoid possible disruption of important investigations. In addition to the millions of visa

applications we refuse each year, since 2001, the Department has revoked approximately 160,000 visas, based on information that surfaced following visa issuance, for a variety of reasons. This includes nearly 11,000 visas prudentially revoked after information emerged post-issuance suggesting possible for suspected links to terrorism.

GOING FORWARD

We face dangerous and adaptable foes. We are dedicated to maintaining our vigilance and strengthening the measures we take to protect the American public. We will continue to apply state-of-the-art technology to vet visa applicants. While increasing our knowledge of threats, and our ability to identify and interdict those threats, the interagency acts in accordance with the rules and regulations agreed upon in key governance documents. These documents ensure a coordinated approach to our security and facilitate mechanisms for redress and privacy protection.

Executive Order 13780 on Protecting the Nation from Foreign Terrorist Entry into the United States (E.O.) signed by the President on March 6, 2017, and the Presidential Memorandum on Heightened Screening, articulate the administration's commitment to rigorously enforce our immigration laws and continuously upgrade and refine our screening and vetting processes to keep the people of the United States safe. These actions range from interagency efforts to harmonize screening and vetting standards across multiple immigration programs to focusing on ways to improve our abilities to deport criminal aliens. Additionally, the Department recently instructed posts globally to develop criteria for identifying sets of visa applicant populations warranting increased scrutiny. We have likewise heightened vetting for any visa applicant that was ever present in ISIS-controlled territory, for example. In addition, we are working with the Departments of Homeland Security and Justice to implement these steps in compliance with all relevant court orders.

We are taking several measures to confront developing threats and respond to recent terrorist incidents both overseas and in the United States.

We constantly analyze our current processes, including security vetting, to identify areas where we could improve. We are working closely with DHS and the interagency to explore and analyze the use of social media screening of visa applicants. At the same time, we continue to explore methods and tools that could assist in this type of screening and potentially provide new methods to assess the credibility of certain information from applicants. We believe these endeavors will provide us insights to continue to ensure the visa process is as secure, effective, and efficient as possible.

Information sharing with trusted foreign partners is an area that has seen significant development in recent years. For example, beginning in 2011 the Departments of State and Homeland Security implemented arrangements for systematic information sharing with Canada. The established processes provide for nearly real-time access to visa and immigration data through matching of fingerprints, as well as through biographic name checks for information that an applicant previously violated immigration laws, was denied a visa, or is a known or suspected terrorist. Canadian officers currently access the U.S. records of Syrian nationals seeking refugee resettlement in Canada, among other populations of visa and immigration applicants.

As part of our long-term strategic planning to improve efficiency and accuracy in visa adjudications, we are investigating the applicability of advanced technology in data analysis, risk screening, and credibility assessment. Keeping abreast of high-tech solutions will help us reduce threats from overseas while keeping the United States open for business.

I assure you that the Department of State continues to refine its intensive visa application and screening process, including personal interviews, employing analytic interview techniques, incorporating multiple biographic and biometric checks, and interagency coordination, all supported by a sophisticated global information technology network. We look forward to working with the committee on issues addressing our National security in a cooperative and productive manner.

VISA WAIVER PROGRAM

The Visa Waiver Program (VWP) was established as a pilot program in 1986 to more efficiently use U.S. Government resources. Since then, it has been steadily strengthened. The program enables nationals of 38 participating countries to travel to the United States for tourism or business stays of 90 days or less without obtaining a visa but subject to vetting through the Electronic System for Travel Authorization (ESTA) that is equivalent to the checks done when issuing a visa. Approximately 20 million people enter the United States each year under this program, en-

abling the Department of State to focus more resources on visa applicants from countries that do not meet VWP's high security standards. The VWP enables the Department of State to focus more resources on visa applicants who merit additional scrutiny. It also allows us to benefit from information sharing with VWP countries.

All travelers coming to the United States under the VWP undergo the same checks for ties to terrorism and are subject to the same multiple layers of security reviews as visa applicants, including fingerprint screening. While VWP travelers do not undergo a consular interview, they are required to provide certain biographic information for screening prior to travel through the Electronic System for Travel Authorization. Only citizens of VWP countries with an ESTA approved by DHS can travel to the United States under this program. Refugees, asylum seekers, and non-citizen residents of VWP countries cannot travel under VWP. The Department of State annually publishes the visitor visa refusal rates for every country. This information garners significant interest from countries aspiring to join VWP, as the refusal rate is the most visible of the VWP requirements.

Members of the Visa Waiver Program are our closest and most essential partners on counterterrorism. They are currently Andorra, Australia, Austria, Belgium, Brunei, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Taiwan, and the United Kingdom.

VISA WAIVER PROGRAM IMPROVEMENT AND TERRORIST TRAVEL PREVENTION ACT OF
2015

Under the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, nationals of VWP countries who are also nationals of Iran, Iraq, Sudan, or Syria, or have traveled to or been present in Iran, Iraq, Sudan, Syria, Libya, Yemen, or Somalia on or after March 1, 2011 are no longer eligible for VWP travel and require a visa to travel to the United States.

Those nationals who travelled to these countries for official or military service on behalf of a VWP country are statutorily exempt from the new requirement. Also, under the new Act, the Secretary of Homeland Security may waive these travel-related VWP restrictions if he determines that such a waiver is in the law enforcement or National security interests of the United States. As a general matter, certain types of travelers whose travel is in the U.S. National security interest might include employees of humanitarian organizations, journalists, and individuals who travel to Iraq or Iran for legitimate business purposes. Such waivers are granted only on a case-by-case basis. In fiscal year 2016, the Secretary of Homeland Security approved 211 such waivers.

Visa applications have increased by approximately 8 percent in Visa Waiver Program countries since these legislative changes took effect in early 2016. Our data indicate that through December 2016, we facilitated visa services for 60,000 travelers affected by them. For example, for those who need a U.S. visa for urgent business, medical, or humanitarian travel to the United States, U.S. embassies and consulates provide visa interview appointments on an expedited basis.

Mr. GALLAGHER. Thank you, Mr. Ramotowski. We look forward to doing just that.

Ms. Gambler, you are recognized for 5 minutes.

STATEMENT OF REBECCA GAMBLER, DIRECTOR, HOMELAND SECURITY AND JUSTICE, GOVERNMENT ACCOUNTABILITY OFFICE

Ms. GAMBLER. Good afternoon, Chairman Gallagher, Ranking Member Watson Coleman, and Members of the task force. I appreciate the opportunity to testify at today's hearing to discuss GAO's work reviewing DHS's efforts to screen and inspect travelers seeking to come to the United States. Each year, millions of visitors legally enter the United States. Some of them enter with a non-immigrant visa, while others enter the country under the Visa Waiver Program. Under this program, nationals from 38 countries can apply for admission to the United States as temporary visitors for business or pleasure for up to 90 days without obtaining a visa.

GAO has a body of work addressing DHS and other agencies' efforts to screen travelers and manage and oversee the visa process and the Visa Waiver Program. My remarks today reflect our findings and recommendations related to these programs and efforts.

First, with regard to CBP's screening efforts, CBP screens travelers coming to the United States and seeks to identify potentially high-risk travelers at the earliest point in the travel life cycle. CBP also operates three predeparture programs to help identify and interdict high-risk travelers before they board U.S.-bound flights. These three programs are preclearance, the immigration advisory and joint security programs, and the regional carrier liaison groups.

Preclearance locations operate at foreign airports and serve as U.S. ports of entry. CBP officers at these locations inspect travelers and make admissibility determinations prior to an individual boarding a plane to the United States. Under the immigration advisory and joint security programs, CBP officers posted at foreign airports partner with air carriers and host country government officials to help prevent terrorists and other high-risk individuals from boarding U.S.-bound flights. Regional carrier liaison groups are located and operate at domestic airports, and among other things, assist air carriers with questions regarding U.S. admissibility requirements and travel documents.

CBP data indicated that in fiscal year 2015, these programs identified and interdicted approximately 22,000 high-risk air travelers. However, we found that while CBP has data and statistics on these programs, the agency has not evaluated the effectiveness of these programs as a whole, including having performance measures and baselines to assess whether the programs are achieving their stated goals. We recommended that CBP develop and implement such measures and baselines to better measure the effectiveness of these predeparture programs, and DHS concurred.

Second, with regard to the Visa Security Program, we reported on efforts to expand the program and address challenges in its operations. Under this program, ICE deploys personnel to certain U.S. embassies and consulates to assist the Department of State's consular officers with security reviews of visa applications, among other things.

In our 2011 report on this program, we identified various management and oversight challenges, such as limited guidance regarding interactions between ICE officials and consular officers, lack of comprehensive data for performance measures to accurately evaluate the program, and variation from post to post in the training of consular officers by ICE agents. We also found that ICE did not track information on the time ICE agents spent on non-Visa Security Program activities. We have on-going work reviewing the Visa Security Program and visa security efforts more broadly, and we plan to report on the results of our work later this year.

Third, with regard to the Visa Waiver Program, last year we reported on DHS's oversight of the program. In particular, we reported that all 38 countries had entered into three agreements required under the program to: No. 1, report lost and stolen passports; No. 2, share identity information about known or suspected

terrorists; and No. 3, share criminal history information. However, not all countries had shared such information.

In August 2015, DHS established a new requirement for Visa Waiver Program countries to implement the latter two agreements. However, DHS did not establish time frames for instituting these requirements.

We recommended that DHS specify time frames for working with participating countries to address additional program requirements, including the requirement to fully implement these agreements, and DHS concurred with our recommendation.

In closing, our work on DHS's efforts to screen travelers and manage the Visa Security Program and the Visa Waiver Program has identified findings and recommendations to help strengthen management and oversight of these programs and efforts. DHS has actions planned or under way to address a number of our recommendations, and we will continue to monitor DHS's efforts.

This concludes my oral statement, and I am pleased to answer any questions Members have.

[The prepared statement of Ms. Gambler follows:]

PREPARED STATEMENT OF REBECCA GAMBLER

MAY 3, 2017

Chairman Gallagher, Ranking Member Watson Coleman, and Members of the task force:

I am pleased to be here today to discuss GAO's body of work on U.S. Government programs and activities related to screening foreign nationals seeking to travel to the United States on a temporary basis—either with a nonimmigrant visa, or in some cases, without a visa.¹ Each year, millions of such temporary visitors legally enter the United States. From fiscal year 2010 through fiscal year 2015, the Department of State (State) issued more than 52 million visas for business travel, pleasure, or for foreign and cultural exchange student programs, among other things. In addition, from fiscal year 2010 through fiscal year 2015, more than 116 million visitors were admitted to the United States under the Visa Waiver Program (VWP), which allows nationals from 38 countries to apply for admission to the country as temporary visitors for business or pleasure without first obtaining a visa from a U.S. embassy or consulate abroad.²

The Department of Homeland Security (DHS) seeks to identify and interdict travelers who are potential security threats to the United States, such as foreign fighters and potential terrorists, human traffickers, drug smugglers, and otherwise inadmissible persons, at the earliest possible point in the travel life cycle to make the Nation's physical borders the last, not the first, line of defense.³ DHS adjudicates petitions for certain visa categories, and also has certain responsibilities for

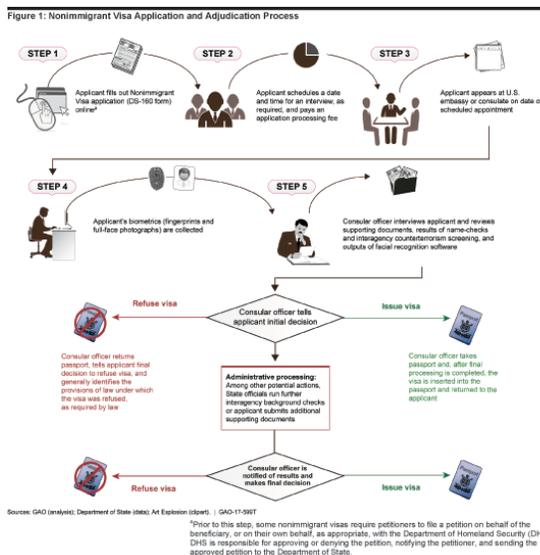
¹ Throughout this statement we generally use the term "foreign national" to refer to an "alien," which is defined under U.S. immigration law as any person who is not a U.S. citizen or national. See 8 U.S.C. § 1101(a)(3). In addition, temporary visitors are foreign nationals present in the United States on a temporary basis pursuant to a specific nonimmigrant category (see 8 U.S.C. § 1101(a)(15); see also 8 C.F.R. § 214.1(a)(1)–(2)), including those who are allowed to seek admission without a visa, such as Mexican nationals and citizens of Canada and the British Overseas Territory of Bermuda (and certain residents of other adjacent islands, such as the Bahamas) under certain circumstances, as well as Visa Waiver Program (VWP) participants. See 8 C.F.R. §§ 212.1, 214.6(d); 22 C.F.R. §§ 41.0 to 41.3. Foreign nationals seeking permanent status in the United States must generally obtain an immigrant visa, which provides a path to lawful permanent residency. For the purposes of this statement, we use the term "visa" in reference to a nonimmigrant visa.

² See 8 U.S.C. § 1187. The VWP was established in 1986 as a pilot program, under which the nationals of up to eight designated countries which extended reciprocal privileges to U.S. citizens and nationals and fulfilled certain other program criteria, would not need a visa for admission to the United States as temporary visitors during the pilot program period. See Immigration Reform and Control Act of 1986, Pub. L. No. 99–603, tit. III, pt. B, § 313, 100 Stat. 3359, 3435–39. VWP became a permanent program in October 2000. See Visa Waiver Permanent Program Act, Pub. L. No. 106–396, tit. I, § 101, 114 Stat. 1637 (2000).

³ Foreign fighters are individuals who leave home, travel abroad to terrorist safe havens, and join or assist violent extremist groups.

strengthening the security of the visa process, including establishing visa policy and managing the VWP. In particular, DHS's U.S. Customs and Border Protection (CBP) is tasked with, among other duties, securing U.S. borders and processing all travelers on U.S.-bound flights; inspecting all people entering or applying for admission to the United States; and screening VWP applicants to determine their eligibility to travel to the United States under the program. In addition, DHS's U.S. Immigration and Customs Enforcement (ICE) oversees the Visa Security Program (VSP) under which it deploys officials to certain U.S. embassies and consulates to strengthen the visa process by working with State officials in reviewing visa applications. State is responsible for visa adjudication and issuance for foreign nationals seeking admission to the United States and is responsible for managing the consular officer corps and its functions at over 220 visa-issuing posts overseas.

Foreign nationals who wish to come to the United States on a temporary basis and are not citizens or nationals of countries that participate in the VWP must generally obtain a visa authorizing their travel. U.S. law provides for the temporary admission of various categories of nonimmigrants, such as tourists, foreign students, diplomats, and temporary workers, who are admitted for an authorized period of stay, consistent with any time limitation and other terms of admission. The process for determining who will be issued or refused a visa contains several steps, including document reviews; collection of biometrics (fingerprints and full-face photographs); cross-referencing an applicant's name and biometrics against multiple databases maintained by the U.S. Government; and in-person interviews. Personal interviews with consular officers are required by law for most foreign nationals seeking visas. For an overview of the visa process, see figure 1.



Prior to this step, some nonimmigrant visas require petitioners to file a petition on behalf of the beneficiary, or on their own behalf, as appropriate, with the Department of Homeland Security (DHS). DHS is responsible for approving or denying the petition, notifying the petitioner, and sending the approved petition to the Department of State.

The VWP was established in 1986 to facilitate the legitimate travel of visitors for business or pleasure to the United States. Qualifying nationals from the 38 countries participating in the VWP—for example, France, Germany, and Hungary—may travel without a visa to the United States for business or pleasure stays of up to 90 days.⁴ In 2007, Congress passed the Implementing Recommendations of the

⁴ The 38 VWP countries include Taiwan. Although the United States does not have diplomatic relations with Taiwan, the Taiwan Relations Act provides that “[w]henver the laws of the United States refer or relate to foreign countries, nations, States, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.” Pub. L. No. 96–8, § 4(b), 93 Stat. 14, 15 (1979) (classified at 22 U.S.C. § 3303).

9/11 Commission Act of 2007, which mandated several changes to modernize the program through enhanced bilateral cooperation on critical counterterrorism and information-sharing initiatives, support and expansion of tourism and business opportunities to enhance long-term competitiveness, and strengthening of bilateral relationships.⁵ In particular, the U.S. Government began requiring each VWP country to enter into a

- Lost and Stolen Passport (LASP) agreement to report information about the theft or loss of passports,
- Homeland Security Presidential Directive 6 (HSPD-6) arrangement to share watch list information about known or suspected terrorists,⁶ and
- Preventing and Combating Serious Crime (PCSC) agreement to establish frameworks for enhanced law enforcement cooperation, including sharing of criminal history information.

The Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, which became law in December of that year, amended certain requirements to provide enhanced security measures for the program, among other purposes.⁷

My testimony discusses: (1) CBP programs aimed at preventing high-risk travelers from boarding U.S.-bound flights, (2) ICE's management of the VSP, and (3) DHS's oversight of the VWP. This testimony is based on our prior reports, in particular, those published in March 2011, May 2016, and January 2017.⁸ For these reports, we examined program documentation, such as standard operating procedures and agencies' policies and guidance, as well as agency data on program performance. We also interviewed DHS and State officials, among others, in headquarters and at U.S. embassies and consulates. Additional details on the scope and methodology are available in our published reports. In addition, this statement contains updates to selected information from these reports. For the updates, we collected information from DHS on actions it has taken to address findings and recommendations made in prior reports on which this statement is based. All of our work was conducted in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

CBP'S AIR PREDEPARTURE PROGRAMS INTERDICT HIGH-RISK AIR TRAVELERS, BUT CBP HAS NOT FULLY ASSESSED THE PROGRAMS' PERFORMANCE

CBP Identifies and Interdicts High-Risk Travelers Before They Board U.S.-Bound Flights

As we reported in January 2017, CBP electronically vets all travelers before they board U.S.-bound flights and continues to do so until they land at a U.S. port of entry.⁹ Through these vetting efforts, CBP seeks to identify high-risk travelers from

⁵ Pub. L. No. 110-53, tit. VII, subtit. B, § 711, 121 Stat. 266, 338-45.

⁶ Among other things, Homeland Security Presidential Directive/HSPD-6—Integration and Use of Screening Information, issued on September 16, 2003, directed the Secretary of State to develop a proposal for enhancing cooperation with certain foreign governments, beginning with those countries for which the United States has waived visa requirements, to establish appropriate access to terrorism screening information of the participating governments.

⁷ Pub. L. No. 114-113, Div. O, tit. II, 129 Stat. 2242, 2988-95. The law now prohibits individuals who are nationals of VWP countries who have been present in Iran, Iraq, Syria, Sudan, Libya, Somalia, or Yemen on or after March 1, 2011, from traveling or being admitted to the United States through the VWP, with certain exceptions. According to CBP, these new eligibility requirements do not bar travel to the United States; instead, a national of a VWP country who does not meet the requirements must obtain a visa for travel to the United States. The law also now requires that countries fully implement passenger information exchange agreements in order to participate in the VWP. Additional requirements have been added regarding machine-readable, electronic passports for individuals; country certifications of a mechanism to validate passports; termination of designation for countries that fail to share information or fail to screen individuals admitted to, or departing, the country for unlawful activity; designation of high-risk program countries that may be suspended from the program; and other enhancements to the electronic system for travel authorization.

⁸ GAO, *Border Security: CPB Aims to Prevent High-Risk Travelers from Boarding U.S.-Bound Flights, but Needs to Evaluate Program Performance*, GAO-17-216 (Washington, DC: Jan. 24, 2017); *Visa Waiver Program: DHS Should Take Steps to Ensure Timeliness of Information Needed to Protect U.S. National Security*, GAO-16-498 (Washington, DC: May 5, 2016); and, *Border Security: DHS's Visa Security Program Needs to Improve Performance Evaluation and Better Address Visa Risk World-wide*, GAO-11-315 (Washington, DC: Mar. 31, 2011).

⁹ GAO-17-216. Ports of entry are facilities that provide for the controlled entry into or departure from the United States. Specifically, a port of entry is any officially designated location

the millions of individuals who travel to the United States each year. As we reported in January 2017, CBP's vetting and targeting efforts are primarily conducted by its National Targeting Center (NTC) and entail: (1) Traveler data matching and analysis, (2) rules-based targeting, and (3) recurrent vetting. Specifically:

- CBP's primary method of identifying high-risk individuals is through the comparison of travelers' information (such as name, date of birth, and gender)¹⁰ against records extracted from U.S. Government databases, including the Terrorist Screening Database (TSDB)—the U.S. Government's consolidated terrorist watch list.¹¹ Traveler data matching focuses on identifying known high-risk individuals—that is, individuals who may be inadmissible to the United States under U.S. immigration law or who may otherwise pose a threat to homeland or National security. CBP's primary tool for vetting and targeting travelers is the Automated Targeting System (ATS), which is a computer-based enforcement and support system that compares traveler information against intelligence and law enforcement data to identify high-risk travelers. Traveler data matching occurs throughout the travel process and, upon a positive or possible match, CBP officers can select these individuals for further vetting, interviewing, and inspection.
- CBP's rules-based targeting efforts seek to identify unknown high-risk travelers—that is, travelers for whom U.S. Government entities do not have available derogatory information directly linking them to terrorist activities or any other actions that would make them potentially inadmissible to the United States but who may present a threat and thus warrant additional scrutiny. CBP identifies unknown high-risk individuals by comparing their information against a set of targeting rules based on intelligence, law enforcement, and other information. NTC officials stated that these rules have identified potential high-risk travelers, including potential foreign fighters. Rules-based targeting evaluates travelers during the travel process and, in some cases, in advance of the travel process. If a traveler is a rule "hit," this individual can be selected for further vetting, interviewing, and inspection.¹²
- CBP supports its traveler data matching and rules-based targeting efforts through the use of recurrent vetting. NTC's vetting, targeting, and traveler data matching activities in ATS run 24 hours a day and 7 days a week and automatically scan updated traveler information, when available. This process is to ensure that new information that affects a traveler's admissibility is identified in near-real time. Recurrent vetting occurs throughout the travel process and continues until a traveler arrives at a domestic port of entry. For example, after checking into a foreign airport, a traveler may have his or her visa revoked for a security or immigration-related violation. Due to recurrent vetting, CBP would be alerted to this through ATS and could take action, as appropriate.

CBP's Air Predeparture Programs Interdict High-Risk Travelers on U.S.-Bound Flights, but CBP Has Not Evaluated Overall Effectiveness of Air Predeparture Programs

As we reported in January 2017, throughout the travel process, CBP's predeparture programs use the results of NTC's efforts to identify and interdict high-risk individuals destined for the United States while they are still overseas; however, we found that CBP had not evaluated the effectiveness of its predeparture

(seaport, airport, or land border location) where DHS officers inspect persons entering or applying for admission into, or departing the United States pursuant to U.S. immigration law.

¹⁰ According to CBP officials, information from both the Advance Passenger Information System, which includes biographical information such as full name, date of birth, gender, flight number, date of arrival and departure, citizenship, and passport/alien registration card number, among others, and the Passenger Name Record, which refers to reservation information contained in an air carrier's electronic reservation system and/or departure control system that sets forth the identity and travel plans of each traveler or group of travelers included under the same reservation record, are utilized in the targeting and vetting of individuals attempting to travel to the United States. See 49 U.S.C. § 44909; 19 C.F.R. §§ 122.49a, 122.49d.

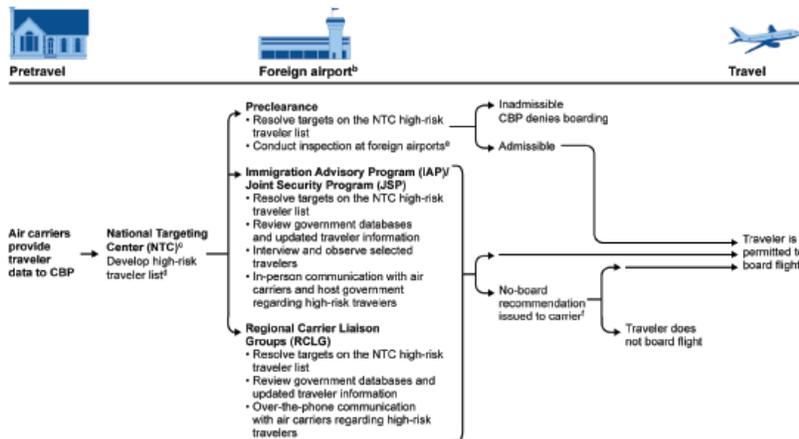
¹¹ Information in the TSDB comes from two sources: The National Counterterrorism Center, which provides information on known or suspected international terrorists, and the Federal Bureau of Investigation, which provides information about known or suspected domestic terrorists. For more information about the process by which the U.S. Government manages this watch list, see GAO, *Terrorist Watchlist: Routinely Assessing Impacts of Agency Actions Since the December 29, 2009, Attempted Attack Could Help Inform Future Efforts*, GAO-12-476 (Washington, DC: May 31, 2012).

¹² In general, when a traveler is identified through rules-based targeting, the traveler is considered to have hit a rule.

programs as a whole, including implementing a system of performance measures and baselines to assess whether the programs are achieving their stated goals.¹³

CBP operates three air predeparture programs that are responsible for all U.S.-bound air travelers—Preclearance; The Immigration Advisory Program (IAP) and Joint Security Program (JSP); and the regional carrier liaison groups (RCLG). As we reported in January 2017, CBP data indicated that these programs identified and ultimately interdicted approximately 22,000 high-risk air travelers in fiscal year 2015, the most recent data available at the time of our review. Information on individuals who the NTC identifies through traveler data matching or rules-based targeting, including recurrent vetting, is compiled automatically through ATS into a daily high-priority list, or traveler referral list. CBP officers at the NTC review the traveler referral list for accuracy and to remove, if possible, any automatically-generated matches determined to not be potential high-risk individuals. After this review, CBP officers at the NTC use ATS to send the traveler referral list to officers at each Preclearance, IAP, JSP, and RCLG location, as shown in figure 2.

Figure 2: Actions Taken by U.S. Customs and Border Protection's (CBP) Predeparture Programs to Interdict High-Risk U.S.-Bound Air Travelers Throughout the Travel Process^a



Source: GAO analysis of CBP information. | GAO-17-599T

Preclearance.—Preclearance locations operate at foreign airports and serve as U.S. ports of entry. Preclearance operations began in 1952 in Toronto to facilitate trade and travel between the United States and Canada. As of January 2017, CBP operated 15 air Preclearance locations in six countries.¹⁴ Through the Preclearance program, uniformed CBP officers at a foreign airport exercise U.S. legal authorities to inspect travelers and luggage and make admissibility determinations prior to an individual boarding a plane to the United States.¹⁵ According to CBP officials, an inspection at a Preclearance location is the same inspection an individual would undergo at a domestic port of entry, and officers conducting Preclearance inspections exercise the same authority as officers at domestic ports of entry to approve or deny admission into the United States.¹⁶ As a result, travelers arriving at domestic air ports of entry from Preclearance locations do not have to be re-inspected upon entry.¹⁷ According to CBP data, in fiscal year 2015, CBP officers at Preclearance

¹³ GAO-17-216.

¹⁴ See 19 C.F.R. § 101.5. CBP's Preclearance location in Victoria, Canada, only processes maritime travelers and, as a result, we did not include it in our January 2017 report. See GAO-17-216.

¹⁵ See 8 U.S.C. § 1103(a)(7); 19 U.S.C. § 1629. See also 8 C.F.R. §§ 235.1, 235.5; 19 C.F.R. §§ 148.22, 162.6, 162.8; and Preclearance Authorization Act of 2015, Pub. L. No. 114-125, tit. VIII, subtit. B, § 813, 130 Stat. 122, 217-18 (2016) (classified at 19 U.S.C. § 4432) (authorizing the Secretary of Homeland Security to establish and maintain CBP preclearance operations in a foreign country).

¹⁶ Individuals denied admission to the United States at a Preclearance location are not permitted to proceed beyond the point of inspection and, thus, are unable to board a flight to the United States.

¹⁷ According to CBP officials, in accordance with CBP's current Preclearance agreements and processes, CBP officers retain the authority to inspect these travelers and their accompanying goods or baggage after arriving in the United States should further inspection be warranted.

locations determined that 10,648 air travelers were inadmissible out of the approximately 16 million air travelers seeking admission to the United States through a Preclearance location. In addition to requiring that all travelers undergo a primary inspection, CBP officers in these locations also referred almost 290,000 individuals for secondary inspection.¹⁸

Immigration Advisory Program (IAP) and Joint Security Program (JSP).—IAP and JSP operate at 9 and 2 foreign airports, respectively, as of January 2017. According to CBP officials, under this program, unarmed, plainclothes CBP officers posted at foreign airports partner with air carriers and host country government officials to help prevent terrorists and other high-risk individuals from boarding U.S.-bound flights by vetting and interviewing them before travel.¹⁹ According to CBP program documentation, CBP established IAP in 2004 to prevent terrorists, high-risk travelers, and improperly documented travelers from boarding airlines destined to the United States. Building on the IAP concept, CBP established JSP in 2009 to partner with host country law enforcement officials to identify high-risk travelers. CBP officers at IAP and JSP locations have the ability to question travelers and review their travel documents. They are to act in an advisory manner to the air carriers and host governments and do not have authority to deny boarding to individuals on U.S.-bound flights or fully inspect travelers or their belongings. IAP and JSP officers are authorized by CBP to make recommendations to airlines as to whether to board or deny boarding (known as a no-board recommendation) to selected travelers based on their likely admissibility status upon arrival to the United States. The final decision to board travelers, however, lies with the carriers. According to CBP data, CBP officers at IAP and JSP locations made 3,925 no-board recommendations in fiscal year 2015 for the approximately 29 million air travelers bound for the United States from such locations. During this same time period, CBP data indicated 1,154 confirmed encounters with individuals on the TSDB, including 106 on the No-Fly List.²⁰

Regional Carrier Liaison Groups (RCLG).—RCLGs are located and operate at three domestic airports—Miami International Airport, John F. Kennedy International Airport, and Honolulu International Airport. CBP established RCLGs in 2006 to assist air carriers with questions regarding U.S. admissibility requirements and travel document authenticity. According to CBP officials, RCLGs are responsible for coordinating with air carriers on all actionable referrals from NTC on U.S.-bound travelers departing from an airport without an IAP, JSP, or Preclearance presence. Each RCLG is assigned responsibility for travelers departing out of a specific geographic location.²¹ Similar to IAP and JSP, CBP officers in RCLGs also make no-board recommendations, as appropriate, to air carriers. CBP officers at RCLGs do not have authority to make admissibility determinations about U.S.-bound air travelers, and the final decision to board or not board a traveler lies with the carrier. CBP officers working at the three RCLGs made 7,664 no-board recommendations in fiscal year 2015 for the approximately 59 million travelers bound for the United States from locations within the RCLGs' spheres of responsibility. During this time period, CBP data indicated that RCLGs also reported 1,634 confirmed encounters with individuals in the TSDB, including 119 on the No-Fly List.

In January 2017, we reported that CBP had not evaluated the effectiveness of its predeparture programs as a whole, including implementing a system of performance measures and baselines to assess whether the programs were achieving their stated goals.²² We reported that CBP had taken some initial steps to measure the performance of these programs. Specifically, CBP officials told us that they had collected a large quantity of data and statistics regarding the actions of their predeparture programs and had done so since program inception for all programs. However, due

¹⁸ Primary inspection refers to the procedure that CBP uses to conduct an initial inspection of individuals seeking to enter the United States to determine if additional review or scrutiny is needed to ensure compliance with U.S. law. Persons who need additional scrutiny and persons selected as part of a random selection process are subjected to a more detailed review called a secondary inspection. This involves, for example, a closer inspection of travel documents and possessions, additional questioning by CBP officers, and cross references through multiple law enforcement databases to verify the traveler's identity, background, purpose for entering the country, and other appropriate information.

¹⁹ See 8 U.S.C. § 1225a(b).

²⁰ A confirmed encounter refers to when a representative of the U.S. Government (in this case a CBP officer) comes into contact, either through physical interviewing or inspection or through electronic vetting, with an individual whose identity is confirmed as a match to a record in the TSDB. The No-Fly List, which is a subset of the TSDB, identifies individuals prohibited from boarding flights to, from, within, or overflying the United States.

²¹ RCLGs are not responsible for travelers departing from Preclearance locations.

²² GAO-17-216.

to changes in operational focus, technology updates, and the use of separate data systems at program locations, CBP had not collected consistent data across all of its predeparture programs. As a result, CBP did not have baseline data on which to measure program performance. However, CBP officials stated at the time that they had updated and uniform data collection systems that were consistent across all predeparture programs, which would enable CBP to identify performance baselines from fiscal year 2015 onward. According to senior CBP officials, some of the results of these programs were not easily measured. Officials also noted that relying on data alone may not always present the most accurate picture of the true impact of predeparture programs because changes to the travel process or other factors may impact the programs in ways that are not fully captured by the data. However, on the basis of our analysis of CBP's documentation, including official hearing statements, and interviews with program officials, we found that CBP used these data as indicators of the programs' success.

According to GAO's Program Evaluation Guide, which articulates best practices for program evaluation, a program evaluation is a systematic study using research methods to collect and analyze data to assess how well a program is working and why.²³ Moreover, consistent with requirements outlined in the Government Performance and Results Act of 1993 (GPRA), as updated by the GPRA Modernization Act of 2010, performance measurement is the on-going monitoring and reporting of program accomplishments, particularly toward pre-established goals, and agencies are to establish performance measures to assess progress toward goals.²⁴ Agencies can use performance measurement to make various types of management decisions to improve programs and results, such as developing strategies and allocating resources, and identify problems and take corrective action. Therefore, we recommended that CBP develop and implement a system of performance measures and baselines for each program to help ensure that these programs are achieving their intended goals. By using data from fiscal year 2015, for example, to develop initial baselines, CBP could better measure program performance toward meeting stated goals. In response, CBP established a working group to develop and implement a system of performance measures and baselines to evaluate the effectiveness of CBP's predeparture programs. As of December 2016, the working group was gathering baseline data from fiscal year 2015 to compare with fiscal year 2016 data. In February 2017, CBP officials stated that the working group had identified potential performance measures but needs to further refine them. CBP officials stated that they expect to complete this work by the end of June 2017.

ICE AIMS TO STRENGTHEN SCREENING OF VISA APPLICANTS THROUGH ITS VISA SECURITY PROGRAM

The Homeland Security Act of 2002 authorized DHS to assign officers to each diplomatic and consular post at which visas are issued, and also authorized DHS to immediately assign personnel to Saudi Arabia to review all visa applications prior to final adjudication.²⁵ In response, DHS implemented the Visa Security Program (VSP) in 2003, and as of March 2016, ICE had established 26 visa security units in 20 countries. VSP aims to prevent terrorists and otherwise inadmissible travelers from attempting to enter the United States by screening visa applicants before the travel process begins. When reviewing applications for visas under VSP, ICE screens applicant information to identify applicants that potentially match records of individuals who are known or suspected threats to the United States or have immigration violations or derogatory information related to their criminal histories. In accordance with the Homeland Security Act of 2002, DHS officers assigned overseas are authorized to perform the following functions:

- provide expert advice and training to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications,

²³ GAO, *Designing Evaluations: 2012 Revision*, GAO-12-208G (Washington, DC: January 2012). The best practices outlined in GAO-12-208G are based on GAO studies, policy documents, and program evaluation literature. To ensure the guide's competence and usefulness, drafts were reviewed by selected GAO, Federal and State agency evaluators, and evaluation authors and practitioners from professional consulting firms.

²⁴ See, generally, Pub. L. No. 103-62, 107 Stat. 285 (1993) (GPRA) and Pub. L. No. 111-352, 124 Stat. 3866 (2011) (updating GPRA). In particular, see 31 U.S.C. § 1115 (relating to agency performance plans and performance measurement).

²⁵ Pub. L. No. 107-296, tit. IV, subtit. C, § 428(e), (i), 116 Stat. 2135, 2191 (classified at 6 U.S.C. § 236(e), (i)).

- review any such visa applications either on the initiative of the employee of the department or at the request of a consular officer, or other persons charged with adjudicating such applications, and
- conduct investigations with respect to consular matters under the jurisdiction of the Secretary of Homeland Security.²⁶

In March 2011, we reported, among other things, on DHS's efforts to expand VSP and challenges to VSP operations overseas.²⁷ For example, we found that training of consular officers by VSP agents varied from post to post, with some consular officers at some posts receiving no training. Therefore, we recommended that DHS issue guidance requiring ICE to provide training for consular officers. DHS concurred and issued guidance to enhance the training of consular officers by VSP offices abroad.

We also found that ICE did not gather comprehensive data on all the performance measures needed to evaluate the VSP mission objectives and that the data that ICE collected on VSP activities were limited by inconsistencies. Therefore, we recommended that ICE collect reliable data to allow it to accurately evaluate VSP performance. DHS did not concur with this recommendation and stated that VSP captured all the required performance metrics. However, as we reported, we determined that ICE was collecting some data on the required performance measures, but that the data were not sufficient to accurately demonstrate the progress made toward the program's stated objectives. We continue to believe that without collecting comprehensive data on performance measures, DHS cannot accurately demonstrate progress of VSP in enhancing National security. In addition, we found that VSP agents performed various investigative and administrative functions beyond their visa security responsibilities, which limited their time spent on visa security activities, and ICE did not track this information in its tracking system, making it unable to identify the time spent on investigative and administrative functions. Therefore, we recommended that ICE develop a mechanism to track the amount of time its agents spent on visa security activities and other investigations to determine appropriate staffing levels and resource needs for VSP operations. DHS did not concur with our recommendation and stated that ICE tracked case investigation hours through its case management system, and that adding the metric to the VSP tracking system would be redundant. However, we found at the time, according to ICE documentation, that ICE could not accurately determine the amount of time that VSP agents spent on investigative and visa security activities because ICE did not distinguish between the hours logged by VSP agents and hours logged by other ICE officials at posts abroad and that ICE did not maintain accurate data on the time VSP agents spent on visa security activities at posts.

ICE did not take action to implement these recommendations and we continue to believe that it needs to take steps to address issues we identified. We have on-going work assessing DHS, State, and other U.S. agency efforts to strengthen the security of the visa process, including oversight of VSP, in which we plan to follow up on the findings and recommendations from our March 2011 report related to ICE's efforts to enhance VSP performance measurement, among other things. We plan to report later this year on the results of this work.

ALL VWP COUNTRIES HAVE ENTERED INTO INFORMATION-SHARING AGREEMENTS OR EQUIVALENTS, BUT NOT ALL ARE SHARING INFORMATION AS REQUIRED

In May 2016, among other things, we reported that all 38 countries participating in the VWP had entered into the three types of required information-sharing agreements, or their equivalents, to: (1) Report lost and stolen passports, (2) share identity information about known or suspected terrorists, and (3) share criminal history information.²⁸ However, we reported that not all countries had shared information through two of the agreements. Specifically, we reported that all VWP countries reported passport information through the first agreement, but about one-third of VWP countries were not sharing terrorist identity information through the second agreement and about one-third of the countries had not yet shared criminal history information through the third agreement. Although U.S. agencies receive law enforcement and National security information from VWP countries through other means, such as multilateral entities, the U.S. Government identified the information-sharing agreements as critical for protecting the United States from nationals of VWP countries who might present a threat. For example, as we reported, infor-

²⁶ See 6 U.S.C. § 236(e)(2).

²⁷ GAO-11-315.

²⁸ GAO-16-498. In this statement, such required agreements are referred to as both agreements and arrangements.

mation provided through HSPD-6 arrangements has enhanced U.S. traveler-screening capabilities and improved U.S. agencies' ability to prevent known and suspected terrorists from traveling to the United States. Prior to the December 2015 enactment of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, U.S. law required VWP countries to enter into, but did not specifically require that countries implement, the information-sharing agreements. DHS announced in August 2015 that it had developed a new requirement that countries implement the agreements by sharing information.²⁹ However, as we reported, DHS had not specified time frames for working with VWP countries to institute this and other new VWP security requirements. In May 2016, we recommended that DHS specify time frames for working with VWP countries to institute the additional VWP security requirements, including the requirement that the countries fully implement agreements to share information about known or suspected terrorists through the countries' HSPD-6 arrangements and PCSC agreements with the United States. DHS concurred with the recommendation and, as of April 2017, reported that officials are continuing to work with VWP countries on time frames for implementing program requirements.

Chairman Gallagher, Ranking Member Watson Coleman, and Members of the task force, this concludes my prepared statement. I would be pleased to respond to any questions that you may have.

Mr. GALLAGHER. Thank you so much, Ms. Gambler. I guess sort of going off that, one of the last points you made, Mr. Dougherty, would you agree with GAO's assessment that one-third of VWP countries are not currently in compliance with their obligations? What happens when DHS discovers a country to be in noncompliance or lacking in full implementation of their obligations?

Mr. DOUGHERTY. DHS, in the last GAO report, had agreed with recommendations that GAO had made on the remarks made here. Our point at this point in time is that the countries that are in the Visa Waiver Program are in compliance. There are many ways that DHS can engage those program countries to get further compliance.

We engage them in many ways. Our assessments are ordinarily—take place by going to those countries and looking for them to make enhancements that we know that they can make. So the Department is very interested in making sure that all countries are current, and that is our position right now is that the countries within the Visa Waiver Program are compliant with both HSPD-6 and the other agreements that we expect from them.

[Additional information follows:]

That assessment is not current. The May 2016 GAO report provided a snapshot of how many countries were meeting the requirements for formal information sharing of terrorist and serious criminal identities immediately following the enactment of the enhanced requirements under the VWP Improvement and Terrorist Travel Prevention Act of 2015. Congress passed the Act in December 2015, and GAO's data collection for this audit ended in January 2016. DHS concurred with GAO's recommendation to engage with VWP countries, where needed, to ensure that they meet, what were at the time, newly enacted requirements.

DHS, in coordination with the Departments of State and Justice, has implemented GAO's recommendation to great success. Today, all VWP countries have arrangements for sharing terrorist identities under Homeland Security Presidential Directive-6 (HSPD-6). All VWP countries also have signed Preventing and Combating Serious Crime (PCSC) or equivalent agreements, with six countries still needing to ratify. In addition, these formal tools for information sharing supplement existing informal channels that exist between the United States and each VWP country and which DHS verifies to be occurring as part of its VWP country assessments.

Mr. GALLAGHER. How often are those reviews conducted?

²⁹ See Pub. L. No. 114-113, div. O, tit. II, § 204(c)-(d), 129 Stat. at 2991-92 (requiring countries to fully implement information-sharing agreements in order to participate in the VWP); 8 U.S.C. § 1187(c)(2)(F).

Mr. DOUGHERTY. Ordinarily, they are every 2 years, but if we find that somebody is not quite up to speed, we can accelerate that and engage in more dialog with them.

Mr. GALLAGHER. Is that—if you find someone who is not up to speed or noncompliant, is there a formal process for addressing that or is it more an informal, hey, this is a problem—

Mr. DOUGHERTY. Well—

Mr. GALLAGHER [continuing]. Do something about it.

Mr. DOUGHERTY. I think, technically—yes, right. We are engaged at various levels in different governments, from the top down over to law enforcement, so we can—we can have an informal communication with them, we can also *démarche* them, if we wish. So I think the process would come through DHS headquarters eventually, if things were getting very serious, in that we would have to tell them we are getting to a point where we need to engage in some type of activity, such as shortening the period of time in which your nationals can come to the United States in order to get compliance from those countries.

Mr. GALLAGHER. Thank you. Ms. Gambler, just so I understand. Is it GAO's position that DHS is currently not meeting the 2-year time line for a compliance review, and if so, what are the obstacles to adhering to that time line?

Ms. GAMBLER. In the report that we issued last year, as well as in previous reports on the Visa Waiver Program, we did find that DHS was not consistently submitting to Congress those GAO reports within a timely fashion, and so we have made recommendations to the Department to take steps to ensure that those reports are submitted in a timely way.

Based on our work, following up on those recommendations, DHS is taking steps to address that recommendation, but it remains open at this point.

Mr. GALLAGHER. Thank you. Mr. Ramotowski, your written testimony states that the vast majority of visa applicants are interviewed by a consular officer. Who wouldn't be? Who would not be included in that vast majority? How does that process work?

Mr. RAMOTOWSKI. Under the INA, there are some statutory exemptions, which include diplomats and officials, children under the age of 14, and individuals over the age of 79, and individuals renewing a visa that has expired less than 12 months previously. But even with those exceptions, if there is any kind of an indication in our screening and vetting process that that applicant might present a threat, we can and do conduct interviews.

Mr. GALLAGHER. Just when it comes to the screening and vetting process, give me a sense of the overall—your assessment of the overall workload of your consular officers who, you know, we are asking them to do a very important job, and also, what sort of training do they get in the questioning process? Is it just a checklist, or what does that look like?

Mr. RAMOTOWSKI. Well, in terms of workload, we handle about 14 million visa cases of all types each year, refusing over 2 million, and issuing about 11½ million. The volume varies, of course, by country, by region, and we limit our officers to 120 interviews per day.

The training that they get begins when they first join the Department of State. They take the basic consular officer training course at our training center out in Arlington, and they are trained in the immigration law, interviewing techniques, and law enforcement officers from various partner agencies speak to these groups and have helped us develop our training materials.

They are trained in the culture and language of the country and region to which they are going. Once they have arrived at their embassy or consulate duty station, they continue to get in-service training. Most of our posts have a fraud prevention unit that is focused exclusively on detecting, deterring, and defeating fraud of all types, criminal activity, and the personnel in that unit work with the line officers who are conducting the interviews to ensure that the line officers are aware of any recent scams, any fraud trends, things of that sort. As officers progress through their careers, they will get enhanced mid-level training, management training, leadership training, and so forth. So it is a comprehensive process.

Mr. GALLAGHER. Thank you, Mr. Ramotowski. One hundred twenty seems like a lot. As a former military interrogator, that is—we are asking them to do a lot.

The Chair now recognizes the Ranking Member, Ms. Watson Coleman, for 5 minutes for questions.

Ms. WATSON COLEMAN. Thank you, Mr. Chairman. First, I would like to ask unanimous consent that the gentleman from Massachusetts—oh, what happened to the gentleman from Massachusetts?—be allowed to sit and question the witnesses as well.

Mr. GALLAGHER. Without objection.

Ms. WATSON COLEMAN. Second, I would like to yield my time at this moment to Hon. Barragán, who has a time issue.

Mr. GALLAGHER. Ms. Barragán, you are recognized for 5 minutes.

Ms. BARRAGÁN. Thank you. I represent the Los Angeles Port, which is how we like to call it, America's port, one of the largest ports, and I had a chance to visit with CBP down at the port and to see what they do. The work that they do is so excellent on making sure to secure our ports.

According to staffing numbers in March, CBP was almost 1,400 officers short of its staffing target, and likely, thousands of officers below what your staffing model would indicate is optimal for security and facilitation at our ports of entry. While the men and women of CBP's office are doing their best under the circumstances, at some point, security and facilitation suffer.

Attrition is a problem and hiring is slow. Meanwhile, the President has proposed hiring 5,000 additional Border Patrol agents, but zero new CBP officers for our Nation's ports of entry. What needs to be done to address CBP's staffing needs for ports of entry?

Mr. WAGNER. So you are correct, we are still about 1,400 officers short. We still have not fulfilled the original 2,000 that Congress provided to us about 3 years ago now. Thankfully, our attrition is fairly low. We are at about 3.4 percent per year in the CBP officer ranks, about 750 to 800 officers per year.

But you are correct, the hiring has been slow. We are barely keeping pace with the attrition right now, so I know we continue to go through the entire hiring process from the written exam to the polygraph to some of the other requirements, and look at where

people are failing out of the process and how do we do a better job at recruiting, and how do we get right people into this occupation and will take the jobs where we need them.

So we are having a pretty extensive review of that with our Office of Human Resources, and looking at ways to shorten the process and get better applicants in, and then look at, you know, like we can do with the military and veterans that are coming out of service, and how do we—how do we make it a lot easier for them to take these occupations?

As far as additional officers, you know, we annually submit a workload staffing model report, which articulates our needs. It is all based on the workload, the data, how long it takes to perform each function that we have at the ports of entry. You are correct, the numbers are still a couple of thousand in that, and we submit that report annually to the Hill.

So in the mean time, you know, we look at balancing those vacancies with the use of overtime and the use of technology to help us do that so we are not vulnerable and we do close those security gaps.

Ms. BARRAGÁN. Great. Thank you.

Mr. Ramotowski, Reuters has reported that Secretary Tillerson had sent a series of internal cables, four in total, to consulate and embassies abroad, instructing them of new measures to increase vetting of visa applicants. In these cables, Secretary Tillerson has directed U.S. consulates and embassies to specifically identify population risks that warrant, “increased security,” and to implement tougher screening procedures for this particular group of people.

Applicants who fall into one of the tougher screen—applicants who fall into one of the identifiable population groups will be subjected to a higher level of security screening. Have you worked to develop a uniform system for identifying populations who pose a security threat?

Mr. RAMOTOWSKI. We are actually engaged in that process now with our partner agencies, some of which are represented here and others that are not, to do exactly that. You know, the Department of State works with and tries to take a whole-of-Government approach to analyzing and detecting potential threats against our country, so we are in the process of doing that.

The Secretary did direct embassies and consulates to begin that process to focus on areas that—and groups that might present a higher degree of risk and to ensure that those groups get effective screening.

Ms. BARRAGÁN. Are we doing something to make sure it is a uniform process, that there is a uniform standard?

Mr. RAMOTOWSKI. Yes. There is definitely a uniform standard foundational base to our vetting process, which I outlined in my initial comments. Every visa applicant—well, most visa applicants give electronic fingerprints. Every visa applicant is checked through our facial recognition system, through a series of sophisticated biographic name checks, and so forth.

Ms. BARRAGÁN. If I could just quickly interrupt, because I have a few seconds.

Mr. RAMOTOWSKI. Yes.

Ms. BARRAGÁN. My understanding is that the instruction was for them to identify groups—

Mr. RAMOTOWSKI. Correct.

Ms. BARRAGÁN [continuing]. That could be a higher risk. So my question is more of like how do you identify those populations having a uniform standard?

Mr. RAMOTOWSKI. Well, the degree of risk is going to vary with each particular region and country, and that is why we are asking our folks in the field to meet with their other agency counterparts to identify potential groups that present a higher risk.

Certain regions, certain areas certainly do present a higher risk than others, and, for example, to respond back to the Chairman's question regarding 120 interviews, that is a maximum. We will take all the time we need to drill down and get to the bottom of an individual case in order to assure ourselves that that applicant does not present a threat. So that is what we are trying to do, to identify and focus our resources on areas that present a greater risk.

Ms. BARRAGÁN. All right. Thank you. I yield back.

Mr. GALLAGHER. Thank you. The Chair now recognizes the gentleman from New York, Mr. Katko, for 5 minutes for questions.

Mr. KATKO. Thank you, Mr. Chairman. Before I ask my questions, I do want to commend you and Ms. Watson Coleman and the others on this task force. Having led one of these last term, what you are looking into is critically important to the security of our country, and recognizing the diffusion, if you will, of ISIS from strictly in the Syria and Iraq area to now metastasizing, if you will, to other areas of world, it is clear that they want to infiltrate the West, it is clear they want to get into the United States, and these things that you are looking into are very important and helps keep our country secure, so I thank you for that.

I thank the whole panel for what you do to try and keep our country safe and secure, and I appreciate that very much.

Mr. Wagner, I was troubled not by anything you said, but the statistics you talked about, and being that you are still down about 1,400 from the authorization you had. I know you touched on it briefly, but if you could expound a little bit more on what you are finding as the reasons for the delays and what we can do to help you expedite that process?

Mr. WAGNER. Yes. So it is—the numbers are about 1,000 from the original 2,000, and then due to some of our reimbursable agreements that we have entered into, that number is then bumped up a little bit, so it is total about 1,400 officers right now between what level we are funded from, from appropriations, and then from the reimbursable agreements that we have.

So we try to balance that, you know, try to balance that in places where we can absorb that understaffing using overtime and other means to be able to do that. What this also means is, you know, sometimes we have to say no to additional requests for service.

We are getting a lot of requests for service, a lot of airports, land border locations coming in asking us to be able to process more flights and more people. So we try to find creative ways really to be able to do that.

Now, the process itself, we have made some progress in shortening the length of time it takes to hire people. We have done some work, what we call consolidated hiring hubs, where we move some of those administrative procedures together, working closely with the military to be able to do this. But, still, when we look at the different steps in the process, and you know, for people that apply for the job, you know, about half of them don't even bother to show up for the written exam.

You know, and only about 38 percent of the people pass the written exam, and then the other steps in the process, the interview, the medical screening, the physical fitness screening, you look at the polygraph, knocks out a lot of people, and we have worked some exemptions to that, I understand.

Mr. KATKO. Just basically, the process you have set up just substantially weeds out a ton of the people?

Mr. WAGNER. It does.

Mr. KATKO. Is that the biggest problem?

Mr. WAGNER. We have got to get more sophisticated in the recruiting and the advertising of these occupations. They are great jobs, and we want to be able to put the right people in them, of course, without also reducing our criteria for doing so, which will hurt us down the road to do that for the job.

Mr. KATKO. OK.

Mr. WAGNER. So it is very strict. The backgrounds have to be very strict, but they are very good Federal jobs, so we have to just find the right people that are willing to take them in the locations where we have those vacancies. Most of those vacancies are on the Southwest Border area.

Mr. KATKO. Gotcha. Thank you.

Mr. Settles, I want to switch gears for a minute. We spoke previously about the use of biometrics and the importance of biometrics, biometrics going forward in the enforcement of our laws, and keeping our country safe and on an immigration standpoint as well. So could you talk about some of the advances that have taken place with respect to biometrics, and any problems you see in gaining biometric data from various agencies in pursuit of the Visa Waiver Program?

Mr. SETTLES. So I could talk about that generally. If it is OK, I would like to make a correction to the record. In my statement, I added a zero to a number. I actually meant to say 8,599 recommended refusals from our VSP post, not 85,000, so I just wanted to correct that for the record.

What I can say is ICE HSI doesn't play as large a role. We are more of a consumer of that information. We do have a program that is under way that we are working with DOD that I would have to probably share in a more Classified setting.

Mr. KATKO. I understand.

Mr. SETTLES. Which we would love to, but I would probably yield to my other esteemed colleagues here at the State Department and CBP to talk a little bit more about the biometric side of it.

Mr. KATKO. OK. Someone like to take that?

Mr. RAMOTOWSKI. I can.

Mr. KATKO. Mr. Ramotowski.

Mr. RAMOTOWSKI. Yes, thank you. The Department of State shares all of the information we collect through the visa process with our interagency partners, and that includes, of course, the electronically collected fingerprints, which go into the DHS IDENT database, and it is accessible to all of our DHS partners, as well as FBI. We send the fingerprints for screening through the FBI's criminal fingerprint database and to other agencies as well.

Other biometrics include the photograph, which we get from all applicants, and that is screening against our facial recognition system, which includes, among other things, up beyond 60,000 terrorist photographs that have been collected by the intelligence community. If there is a facial recognition match, that would, of course, signal a consular officer to halt action on that case.

So we continue to share all of our data and to develop capabilities even further.

Mr. KATKO. Thank you. I am running out of time. I want to thank the Chairman for letting me ask questions. I have to run to another meeting, but I encourage all of you in this space to look at the advances being made in the biometric field and make sure you apply them on the front lines, and to the extent you need help from us, you have got to let us know, because we will be there for you. So thank all of you very much. I yield back.

Mr. GALLAGHER. The Chair now recognizes Ms. Jackson Lee for 5 minutes for questions.

Ms. JACKSON LEE. I thank the Chair very much. I thank the witnesses for their testimony. I am going to pursue a lining of questioning. First of all, let me say the task force is asking a very important question, and I hope that we can work on these matters in a bipartisan manner and expand to look at a number of other issues that impact the security of Americans.

I do want to indicate that we have, on this committee, great respect for all of the personnel that are in the service of our country for its domestic security and National security. I think sometimes policies cause our very dedicated staff persons to really have to perform in a way that is inconsistent with our values of democracy and justice and fairness for all.

Let me, first of all, say to Mr. Settles, my sympathy as well to your team for the loss of your fallen agent and to his family.

I want to indicate to Mr. Wagner, we have worked together for a number of years, and I thank you for your service. You remember the Muslim ban and the Russian, which it came before the court orders, and everyone was scrambling, and many Members of Congress were trying to help their constituents, and the awkwardness of what has been normally good relationships was evident. So I hope that, going forward—I hope we don't have that order in place, but going forward, that those dispatched in local offices can recognize that we are on their team seeking information.

I had a 16-year-old Jordanian-statused young man traveling on his own being held and his family could not see him, I couldn't see him, and he was shipped off to Chicago, and he lived in Houston, Texas.

So anyhow, what I wanted to ask was the question of reports that we received on the implementing of the rules, and when that ban was in place. That conflict in implementation guidance result-

ing in different ports implementing the order differently, such as taking a statused Jordanian. Currently, what guidance does CBP issue to CBPOs operating at the ports of entry regarding implementation of the travel ban? What is the status of the travel ban with respect to your officers throughout the country?

Mr. WAGNER. Well, I believe they are subject to litigation, and, you know, we are following what the court orders. So we put that information out to the front-line personnel to comply with all of the court's instructions.

Ms. JACKSON LEE. Meaning that there is no travel ban—there is no Muslim ban. You are not operating under a Muslim ban right now.

Mr. WAGNER. No, we are not.

Ms. JACKSON LEE. OK. Let me further ask—and I know we are in an open setting. I had a bill dealing with foreign fighters. What can you tell me about your procedures for individuals who come through a Visa Waiver Program—excuse me, country, and may have fought and gone to the caliphate to fight and are now coming through a Visa Waiver Program, or may come through a Visa Waiver Program, what procedures are your officers using with respect to that population?

Mr. WAGNER. So a couple of different ways we would look at that. First is the granting of the ESTA approval to even travel. They have got to fill out an on-line application with us, including their place of birth, all of their passport information. We run that through a series of law enforcement databases, and we also bounce that against—certain data fields against the intelligence community.

Ms. JACKSON LEE. Does that include preventing them from getting travel documents as well?

Mr. WAGNER. Correct. So that would prevent them from traveling under the Visa Waiver Program if there were any concerns identified there. Once they get that approval, then they actually book their travel, we do look at the airline reservation data, we look at what their trip consists of, we look at all the different parts and the data pieces within that reservation, as well as the airline manifest information, which is basically your passport details.

We run that through a series of what we call rule sets, and we take all of that reservation data, and we take intelligence reports, and we translate that into rules. We say: Give me all of these passports from this country with males between these ages traveling from this country or this route, and we start with a list and then further cull it down on the basis of that, and narrow that down to people we need to talk to or question about things.

Or we link it against known pieces of information. So again, in conjunction with the law enforcement and intelligence community, known pieces of information that we can connect the person to more than likely would deny their travel under that program or cause them to go through additional scrutiny or inspections either overseas or when they arrive.

Ms. JACKSON LEE. I have got a quick question. Thank you so much to Ms. Gambler. I just want to know, you are sitting on the panel with the implementators of rules of security. What is your—what is the GAO's perception of the layered approach in the Visa

Waiver Program, and do you think it is structured enough or is there more that we need to do?

Ms. GAMBLER. Based on our work looking at not just the Visa Waiver Program, but some of the other programs that we have talked about today, I think we have seen progress in implementation in terms of DHS's oversight of the program. One of the key areas that we have talked about as it relates to some of the predeparture programs that I mentioned in my oral statement is the need for DHS and CBP to develop metrics and baselines to really help them assess the effectiveness of some of these programs.

So that is a key recommendation that we have made to DHS related to some of their screening and predeparture efforts that we think it is important for them to implement going forward.

Ms. JACKSON LEE. To the Chairman and the Ranking Member, let me thank you for your indulgence, and to all of the witnesses, thank you for your service to the Nation. I yield back.

Mr. GALLAGHER. Thank you, the Chair now recognizes the sheriff, now Congressman Rutherford, 5 minutes for questions.

Mr. RUTHERFORD. Thank you, Mr. Chairman. I would like the start off, first of all, by thanking all of you for your great service. As I have had an opportunity to travel around the country and observe some of your agents and employees in action, it has been refreshing, and so I thank you for that. You have a lot of dedicated members out there.

I want to touch base with something that Mr. Settles said about the—you corrected the number, the 8,500 in admissions. Now, GAO reports that we identified 22,000 high-risk travelers in 2015, and so these 85, were they in that 22,000, I presume?

Mr. SETTLES. Yes. These are the numbers for the 30 visa-issuing posts we have in 25 countries that we strategically placed.

Mr. RUTHERFORD. OK. So that only includes the VSU folks, right?

Mr. SETTLES. That is the VSU, the Visa Security Program. The units overseas, we call them the units. The program is the Visa Security Program, and so that is for those 30 posts.

Mr. RUTHERFORD. OK. So about—does that mean about half of these or a little more than half are being determined to be high-risk, but they are being allowed to come in? Is that a correct assessment or no?

Mr. SETTLES. No, because the number starts at about 2.2 million for those 30 posts, and we whittle it down and we have derogatory information on about 74,000.

Mr. RUTHERFORD. OK.

Mr. SETTLES. Then utilizing automated vetting, as I talked about yesterday in the Classified setting, what I can say is the information is as good as what is in there.

Mr. RUTHERFORD. Right.

Mr. SETTLES. I think, like I mentioned, Director Comey said, You can vet until the cows come home, but if the information isn't in the system. So we amplify that information with analysts, both here and the United States that when we have derogatory hits, then we send it to our agents over there that are solely there to do that cop-to-cop foreign liaison partnership, and also, to, you

know, increase the information so we have more in the system for the future. So that 8,500 is part of that process.

Mr. RUTHERFORD. OK.

Mr. SETTLES. Then from there, we go down to where we watch listed 1,669.

Mr. RUTHERFORD. OK. I know that Mr. Wagner, the CBP is, in fact, following up on the GAO's recommendation about the baselines, can you talk a little bit about where you are at on those measures? I am curious of the 8,500, particularly, or any of them. Do we know of any that have actually been subject to the Visa Security Program and then allowed in and committed a terrorist act here, or not allowed in and committed a terrorist act in France or Germany or somewhere else?

Mr. SETTLES. So I don't have specific information like that. As a matter of fact, I don't know of an incident, but what I can tell you is, of the ones that we watchlisted, you know, obviously they didn't come into the country.

Mr. RUTHERFORD. Right.

Mr. SETTLES. Whether or not, it is kind-of complicated with reporting as far as whether our foreign partners would have shared that with us, but we do share what we can, obviously, back out of this whole process. That is the biggest part of us—

Mr. RUTHERFORD. Back to our foreign partners?

Mr. SETTLES [continuing]. Being there, back to our foreign partners.

Mr. RUTHERFORD. OK.

Mr. SETTLES. I did provide, in the Classified setting, a pretty good example, I think, of what happens every time we kind of go through that process yesterday.

Mr. RUTHERFORD. Thank you for that as well.

The Visa Security Program has been, I think, incredibly successful in providing increased information and recommendations to the consular offices regarding visa applications. Can you talk a little bit, Mr. Settles, about how the ICE attachés at embassies and consulates where they don't have VSU, how do you assist with the screening and the vetting of visa applications at those locations?

Mr. SETTLES. They are—so in the 66 countries—I am sorry, at the 66 posts where we have—and 49 countries, you know, our agents are there to do a lot more than just the Visa Security Program. They are there to help with transnational criminal networks, you know, the kind-of broader perspective of what Homeland Security investigation does.

It is more of on a request from State Department and the consular affairs officer. If they see something during their routine process and the high site vetting—

Mr. RUTHERFORD. They reach out.

Mr. SETTLES [continuing]. They come over to us and ask for our help, and you know, that is kind-of the difference. We provide training and any recent trends or intel we have, but it's more on a case-by-case instead of it being like a full-time responsibility of the agent.

Mr. RUTHERFORD. OK. Listen, again, I think all of my time has run out, but I really appreciate all of your service to our country. God bless.

Mr. Chairman, I yield back.

Mr. GALLAGHER. Thank you. The Chair recognizes Ms. Watson Coleman.

Ms. WATSON COLEMAN. Thank you, Mr. Chairman. I want to thank each and every one of you for what you represent and who you represent here today, and it just seems to me that, collectively, we are doing a heck of a job and interacting with one another.

Mr. Settles, a real quick question. Just like Mr. Wagner was asked, did he need more help on the CBP, do you need more—do you have greater requests than you are able to address with the things that you are doing in the foreign countries?

Mr. SETTLES. Yes, ma'am. With more—certainly we can do more.

Ms. WATSON COLEMAN. We just need to know that.

Mr. SETTLES. We have an aggressive—we are doing as much as we can aggressively with the resources we have.

Ms. WATSON COLEMAN. At some point, we would like to have some information specifically about what additional things, resources, whatever, staff you need to do what you are doing. I think what you are doing is very important, as I believe every one of you are doing very important things.

Last month, Secretary Kelly stated that we needed to start looking very hard at the security of the Visa Waiver Program, and do you know what he meant by that, Mr. Dougherty? Has the DHS begun a review of the VWP, and what security enhancements are being considered?

Mr. DOUGHERTY. Thank you. Secretary Kelly, when he was making remarks about taking a hard look at the VWP, was basically iterating, I think, the concern that we all have, that foreign fighters may be coming out of the Levant, making their way into Europe, and those people are Europeans. They have European citizenship.

So Secretary Kelly's intention, and the intention of, I think, everyone represented by DHS here, is to look at additional things that the Department can do to make visa-free travel to the United States more secure than it is now.

Ms. WATSON COLEMAN. Can you discuss what kind of additional things you are doing, what kind of enhancements, security enhancements are under consideration—

Mr. DOUGHERTY. I think—

Ms. WATSON COLEMAN. In this setting?

Mr. DOUGHERTY. I would like to have that conversation with you off-line if we could, and I think it is a dialog. I know that the committee is very conversant on opportunities that the Department can take. We have some of our own, but I think we are at a point, ma'am, where we are looking at several things, and we would prefer to discuss that in a quieter setting.

Ms. WATSON COLEMAN. Thank you. One last question to Mr. Wagner. Since the terrorist attacks of 9/11 and in the wake of the attempted attack on Northeast—Northwest Flight 253 in 2009, the Nation's visa and passenger vetting processes have been completely revamped and strengthened, obviously, with the individualized threat assessment for each traveler to the United States that includes screening against all kind of Government holdings, biometrics, capture, and interview.

Tell me how can this individualized threat assessment be strengthened, and what do you need from us to support your efforts?

Mr. SETTLES. Yes. The underwear bomber, the Christmas day bomber, I mean, that was the whole genesis really behind our predeparture program, and we looked at a very close call in that situation. We looked at the opportunities we missed. You know, we had officers overseas at the airport that that guy had come through. We weren't necessarily having them focused on that type of particular threat, so we adjusted that.

We put this—the whole predeparture process and the no-board recommendation process into place with a very strong focus on, besides the immigration issues, the National security focus, and really, to err on the side of caution. If there is any concerns about an individual, we ask the airline not to fly them and refer them back to the U.S. embassy where, across Government, we have more time to assess this person and look at them. That was really the genesis of that program.

As far as just—I think we look for support in, you know, what we request in our appropriations request as far as the capabilities at our National targeting center and the systems we build to continue to conduct the analysis and the vetting of this information across Government against as many sources as we possibly can to make sure we are not missing any gaps, and that we don't have to wait for another incident to sit down and figure out what gaps we missed or what information wasn't available at the right time to prevent that person from moving into this, say, the next step of the process.

So we have been focused on it since then, and we have really built a really strong capability with a National security focus ever since that. That was a close call.

Ms. WATSON COLEMAN. So you don't need anything from us?

Mr. WAGNER. Well, I think we put it in the appropriations request, and there is money, I believe, for our National targeting center to support, and Congress has been very generous and very supportive of us building out an entirely new facility in Northern Virginia. We had two National targeting centers. We consolidated them into one location. I please invite any of you to come out and see the work that goes on there and the partnerships across Government that we have established.

Ms. WATSON COLEMAN. Thank you, Mr. Chairman. I yield back.

Mr. GALLAGHER. The Chair now recognizes Mr. Fitzpatrick for 5 minutes.

Mr. FITZPATRICK. Thank you, Mr. Chairman.

I want to echo my colleagues. I thank you all for your service. I come here via the FBI, so I consider you all family, needless to say. You have got a very tough job keeping us all safe, but we thank you for doing it.

I just want to explore for 1 second the hypothetical of terminating the Visa Waiver Program. Obviously, the world in 2017 is much different than it was back in 1986 when that law was implemented. Obviously, all of those countries are very different as well. There are obviously a lot of bad people who live in many of those, if not all, of those 38 countries. As Chairman McCaul stated in his

opening statement, several of the 9/11 hijackers came in via Europe with no vetting whatsoever.

Hypothetically, if that program were to terminate, would DHS even have the bandwidth and the capacity to deal with that new world if we were ever at that point where we needed to go there?

Mr. WAGNER. I would really defer to the Department of State.

Mr. RAMOTOWSKI. If they terminated the program, then, presumably, all of those travelers would have to apply for a visa from the Department of State, so it is really our bandwidth. Certainly, in Europe, the capacity to handle 18 million visa applications a year when globally, right now, we are doing 14 million just isn't there. It would take quite a bit of time and resources to ramp up to be able to handle that caseload, if the entire program was suddenly eliminated.

Mr. FITZPATRICK. What would you see that looking like, numerically? Could the embassies handle it or are we at the point now where it wouldn't even be possible?

Mr. RAMOTOWSKI. It wouldn't be possible with that volume, with the current physical plant and staffing that we have, no, it wouldn't be possible, not in any reasonable length of time.

Mr. FITZPATRICK. So we have grown dependent upon the Visa Waiver Program then, essentially?

Mr. RAMOTOWSKI. Well, resources that were used to handle visa applications when the program started in the mid-1980's, have since been reallocated, both real estate and officer positions, to other countries where the visa demand was greater. We didn't just keep officers in Europe with nothing to do.

Mr. FITZPATRICK. OK.

Mr. WAGNER. The volume is about 19.5 million travelers last year under the Visa Waiver Program. So the volume is substantial, but I think if you look at comparison of the visa versus Visa Waiver Programs, both programs collect similar biographical data from the individual. The vetting queries that are run in the analysis is fairly similar on the two programs.

The big distinction is the point in time when that traveler meets with the U.S. Government official. For a traveler with a visa, they meet with a consular officer to give their fingerprints, have their photo taken, and be interviewed at the U.S. embassy while still overseas.

The Visa Waiver Program, we allow that traveler, after that prescreening, that their first interaction with a U.S. Government official would then be a CBP officer at the port of entry where they would get interviewed, collect the same fingerprints, run the same queries, and also have their photo taken. So it is really whether you allow that person to get on the plane to travel here to collect the same kind of information and go through a similar type of interview.

The background checks and the biographical data that serves at the platform for the two are fairly similar in that. So it is also looking at it from, you know, asylum claims and some of the admissibility issues is do you allow the risk of the person getting on the plane to the same level of information once they get here or do you do it overseas? That is probably the biggest distinction between the two.

Mr. RAMOTOWSKI. I would also add that the information sharing that is so important to populating our watch lists about threats from these countries might be endangered also if the program were to be suddenly terminated, because a number of our partner countries use their membership in the Visa Waiver Program to justify any enhanced information sharing with the United States that benefits both sides. So that is a factor to consider as well.

Mr. FITZPATRICK. Is it fair to say, though, that the Visa Waiver Program presupposes that we have confidence and faith in the security protocol of these other countries? If so, is that warranted today?

Mr. DOUGHERTY. Sir, if I could answer that, I think it is probably as strong as it has ever been. The assessments that are performed by the Department of Homeland Security are very granular. So we look at, for example, how do you train your people? Do you have a legal system that we would recognize as putting criminals away or terrorists away? Do you have security processes that we recognize as essential to making sure that you don't have a lawless population or a group of terrorists in your midst who then could become part of the Visa Waiver Program?

I haven't physically sat down and counted everything that we consider in an assessment, but there is a significant number of security features that are involved in those assessments and they are very, very detailed.

Mr. FITZPATRICK. Thank you.

Mr. Chairman, I yield back.

Mr. GALLAGHER. The Chair recognizes Mr. Higgins for 5 minutes. Votes went off, but we should be good with 5 minutes and some words at the end.

Mr. HIGGINS. Thank you, Mr. Chairman. I will move fast.

Deputy Commissioner Wagner, thank you for your service to the Thin Blue Line. Sir, I recognize and respect the mourning band upon your badge. How long have you been behind a badge, sir?

Mr. WAGNER. Over 25 years, sir.

Mr. HIGGINS. In the 25 years, have you managed to be able to recognize a damn good cop when you see one and when you interview one?

Mr. WAGNER. Absolutely.

Mr. HIGGINS. Thank you.

The applicants that try to come to work for your agency, are not many of them experienced and recognized and decorated officers and deputies from other agencies?

Mr. WAGNER. Yes, some of them are.

Mr. HIGGINS. Yes, sir. What is the failure rate for the psych eval and the polygraph test for those deputies and police officers?

Mr. WAGNER. I don't know that we have the data by their previous occupation. I wouldn't know.

Mr. HIGGINS. Your best guesstimate on that?

Mr. WAGNER. No visibility into that, sir. It is a different part of an organization.

Mr. HIGGINS. I am getting at the 1,400 agents that you need and that there seems to be a built-in resistance in the system. By my own experience, I am recognized as a police officer for 14 years, sometimes officers choose to advance their career and go to another

department. They can't pass the psych eval and they can't pass the polygraph. It is a rather bizarre circumstance. Tell this committee, are you running into that?

Mr. WAGNER. Well, there is no psychological exam for the CPB officer occupation. For the polygraph, yes, there is a very, very high failure rate for that.

Mr. HIGGINS. What would you say the failure rate is?

Mr. WAGNER. It is upwards of 60 to 70 percent.

Mr. HIGGINS. Thank you.

I would just like the committee to recognize that this is a common circumstance across the country when experienced and highly decorated and capable police officers apply for jobs at Federal agencies, they can't get hired. When the ranking officers that are interviewing them sometimes know that they are turning away a damn good cop for that job.

Deputy Secretary Ramotowski, we have—it seems to me there is a tendency in our Nation and perhaps the world to give a certain pedigree to a visa. That visa comes with a certain expectation that that individual has been properly vetted and cleared and whatnot. I would like to address that for a moment.

The beginning process of applying for a visa, the person applying for that visa has to present what is referred to as proper certificates to proper Government authorities, like birth certificates and marriage licenses. Is that correct?

Mr. RAMOTOWSKI. Depending on the type of visa, yes, that is correct.

Mr. HIGGINS. Those documents are frequently coming from—you know, we are familiar with certain levels of security measures on our own identifications here in America: Watermarks, barcodes, magnetic scans, et cetera. But a birth certificate and a marriage license coming from a rural area in some of these nations that the citizens are seeking access to our country, given the very advanced state of the ability to forge documents, it would seem to me that that would be a very weak link in the chain, and that is where the chain begins, that these documents are presented from some rural community. I mean, I have arrested men with many excellent IDs, driver's licenses, American driver's licenses that would pass muster that any cop would look at and say, that is a real driver's license, and the whole thing is fake. The ID is fake. The whole thing is fake. The only thing real on it is his picture. If that can happen with an American driver's license, what are they doing with marriage licenses and birth certificates at these—in this vetting procedure?

Mr. RAMOTOWSKI. You are quite right, sir. That is why we never depend exclusively on the documents for granting an immigration benefit, because in many countries, they could be and are fraudulent. We have fraud prevention offices at all of our large- and medium-sized embassies. Even at the smaller ones, an officer is always designated as a fraud prevention officer. They are focused on reviewing and investigating any suspicious documents.

Our officers have a network of contacts throughout the country with civil registrars, government passport offices, courthouses, and so forth to verify documents when necessary. Also, the value of the consular interview is ascertaining whether the applicant matches

the documents that he or she is presenting; does the story make sense? If a marriage is claimed but the two parties do not know anything about each other, then there is maybe a problem there.

Mr. HIGGINS. Thank you for your answer, sir.

In the interest of time, Mr. Chairman, I have further questions that I'll submit in writing. I yield back.

Mr. GALLAGHER. Thank you.

We now have to go vote, as one does in Congress from time to time.

I want to thank the witnesses for their time and for their testimony, both yesterday and today. This was a great way to start the work of the task force with serious, thoughtful conversation.

I want to thank the Members of the task force on both sides of the aisle for being here, for being thoughtful. I am very excited about where this headed. We have an incredible, incredible range of experiences, local law enforcement, Federal law enforcement, military, diverse backgrounds. My hope is that we are able to harness that, harness the outside expertise that you bring, and come up with some recommendations that are serious, that are smart and, ultimately, will make the homeland more secure. And for waking up every day in pursuit of that noble objective, and I can't think of an objective more noble than that. I want to thank each and every one of you.

So with that, pursuant to committee rule VII(D), the hearing record will be held open for 10 days. Without objection, the task force stands adjourned.

[Whereupon, at 3:58 p.m., the task force was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN MIKE GALLAGHER FOR THE DEPARTMENT OF HOMELAND SECURITY

Question 1a. What is the status of biometric exit implementation, pursuant to 8 U.S.C. 1365b?

Answer. Since the 2018 deadline was set by Secretary Johnson and the issuance of the Executive Order, “Protecting the Nation from Foreign Terrorist Entry into the United States,” CBP has accelerated the implementation of a biometric entry/exit system. CBP is deploying key components of a biometric air exit solution through face recognition capture at airport gates in eight airports during the summer of 2017, plus a series of additional programs through airline partnerships, and will have the capability to accept biometric departure data at the top 20 airports by the third quarter of fiscal year 2018. CBP is also moving forward with a practical and achievable implementation strategy in the land environment by focusing on biometric exit capabilities for third-country nationals. CBP will continue to test new innovative solutions for biometric capture for at-speed vehicles until a feasible solution is found.

Question 1b. How does DHS expect this capability to enhance its ability to identify terrorists in the terrorist detection?

Answer. In response to a 9/11 Commission recommendation, Congress directed the Department of Homeland Security (DHS) to implement a biometric entry/exit screening system which would help identify terrorists, by for example, preventing terrorists from “tossing an old passport and slightly altering the name in the new one.” A biometric exit solution, in addition existing checks of any biographic watch list information, will assist CBP in identifying imposters and tie the information to any biometric watch list hits, strengthening current capabilities. Full biometric exit capability will improve DHS’s ability to more accurately and completely identify overstays, as more complete arrival and departure information will then be available for all travelers.

Question 1c. Will the current funding stream be sufficient for implementation at the Nation’s busiest international airports by 2018?

Answer. The current funding stream will be sufficient to execute CBP’s plan to begin accepting biometric exit data at the Nation’s busiest airports by the third quarter of 2018. CBP’s primary focus in fiscal year 2017 and fiscal year 2018 is developing the essential program elements and back-end infrastructure for biometric air exit. The funds will be utilized for information technology, program management, operational support, outbound enforcement (CBP officers), and technology innovation for other modes of operation such as land and sea. CBP is currently developing an official Life-cycle Cost Estimate for the Biometric Entry/Exit program. CBP will continue working with the airlines and airport authorities as we further our biometric exit requirements.

Question 2. Please explain how DHS continually vets visa holders or individuals who enter via the Visa Waiver Program for ties to terrorism or other derogatory information once they have entered the United States.

Answer. For visa holders and applicants, U.S. Immigration and Customs Enforcement (ICE) visa screening operations are currently supported by two units—the Visa Security Coordination Center and the Counterterrorism Criminal Exploitation Unit. ICE Homeland Security Investigations (HSI) special agents deployed to international posts through the ICE Visa Security Program (VSP) are supported by screening and vetting efforts of the Pre-Adjudicated Threat Recognition and Intelligence Operations Team (PATRIOT).

PATRIOT is an inter-agency coordination effort to conduct advanced visa application vetting and enhance visa security. Participating agencies include Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), ICE, and Department of State (DOS). PATRIOT identifies National security, public safety,

and other visa eligibility concerns at the earliest point of an individual's visa application life cycle. Upon issuance of a visa and subsequent admission to the United States, ICE's Counterterrorism and Criminal Exploitation Unit then tracks the visa for the remaining validity and life cycle in the overstay enforcement system.

DHS, in collaboration with DOS and the Federal Bureau of Investigation, continues to engage visa waiver countries to enhance the exchange of known or suspected terrorists and watch list data. Further, ICE has expanded the VSP to a number of Visa Waiver Program countries to support the whole-of-Government effort to secure travel to the United States.

CBP conducts continuous vetting of nonimmigrant and immigrant visas to ensure that changes in a traveler's eligibility are identified in near-real time. This allows CBP to immediately determine whether to provide a "no-board" recommendation to a carrier in imminent travel situations, to recommend that DOS revoke the visa, to deny an Electronic System for Travel Authorization (ESTA) application, or whether additional notification should be made for individuals determined to be present in the United States.

Through ESTA, CBP conducts enhanced vetting of Visa Waiver Program (VWP) applicants in advance of travel to the United States in order to assess whether they are eligible to travel under the VWP, including whether the traveler constitutes a National security risk or public safety threat. Additionally, CBP requires air carriers to verify that VWP travelers have valid authorization prior to boarding an aircraft bound for the United States. CBP vets ESTA applicants against the INTERPOL Lost and Stolen Passport Database, the Terrorist Watchlist, and other Law Enforcement Databases.

ESTA applications are subject to continuous re-vetting, which means that even though an applicant has an approved authorization for travel, that authorization is continuously reviewed throughout its validity period for new derogatory information and is subject to further review and subsequent denial if warranted.

Question 3. A major lesson from 9/11 was the importance of interagency intelligence sharing. While we had derogatory information on some of the attackers, it did not make it into the hands of those who could have prevented their entry into the United States.

How has the Department improved their ability to move derogatory information around the USG in a way that effectively identifies and interdicts known or suspected terrorists?

How confident is the Department that the changes are tough enough to prevent any known or suspected terrorist from gaining entry?

What gaps still exist, if any?

Answer. The Department of Homeland Security (DHS) has matured its ability to move both derogatory and identity information around the United States Government (USG) to improve identification and interdiction of known or suspected terrorists (KST) through watchlisting and screening. Data held in the FBI's Terrorist Screening Center's Terrorist Screening Database (TSDB, "The Terrorist Watchlist") is made available for searching by appropriately cleared—FOUO level—partners, in real-time either through direct access to TSDB or through Department-maintained screening databases such as TECS (DHS). The Office of Intelligence and Analysis (I&A), through the Terrorist Identities Datamart Environment (TIDE), shares terrorism-related information with other intelligence agencies to help identify KSTs and take action to prevent their entry to the United States or lead to their arrest. DHS supports the USG's terrorist watchlisting as part of its day-to-day mission and adheres to established processes and procedures for Federal agencies to make their information available in the TIDE.

International actors that qualify as KSTs, are submitted to the National Counterterrorism Center (NCTC), which determines whether the information is credible. If so, the information is entered into the TIDE database, to which DHS and other Federal agencies have access. TIDE KST unclassified names and identifiers are provided to the Terrorist Screening Center (TSC) where another review of the nomination and the relevant intelligence is conducted to verify the information before updating the TSDB. The TSDB is distributed to DHS screening systems for use, by various components, in their screening activities. Purely domestic actors who qualify for nomination as KSTs are nominated directly to TSDB.

In addition to the TSDB, the TSC has provided its Biometric Watchlist to the DHS Automated Biometric Identification System (IDENT), which is managed by the Office of Biometric Identity Management (OBIM); all DHS enforcement encounters are run against in the IDENT Biometric Watchlist. The Department of Defense Biometrically Enhanced Watch List (BEWL) has also been loaded into IDENT, and all biometric encounters are matched against the BEWL. The U.S. Army National Ground Intelligence Center (NGIC) is notified of any matches and coordinates with

DHS as to appropriate actions that need to be taken. All entrants into the United States (including Visa Waiver Program travelers on their first trip into the United States) have their fingerprints captured and matched against the Biometric Watchlist. The TSC is notified of any matches and will coordinate any actions to be taken when a watch-listed person is encountered.

The Department is confident the current processes have improved the USG's ability to identify and block KSTs from gaining entry to the homeland.

- U.S. Custom and Border Protection (CBP) employs matching algorithms to compare biographic identities from TECS records against identities in the TSDB. When a potential match is identified, NTC adjudicates the match and pulls information from CBP holdings that can augment or enhance the data contained in the TSDB record.
- The Transportation Security Administration (TSA) also contributes information derived from encounters with KSTs directly into TIDE via the DHS Watchlist Framework. After the information is entered into TIDE, a subset "addendum B" of qualified information is down-streamed to TSDB to bolster vetting and screening purposes. In 2016, TSA made 1,100 watchlist nominations based on information acquired during routine operations, and in the first quarter of 2017 added 222 nominations.
- U.S. Citizenship and Immigration Services (USCIS)/Fraud Detection and National Security Directorate maintains a cadre of staff who are certified as watchlist analysts through DHS I&A's Watchlist training effort program. These analysts update TIDE records of KST's with biographic information from USCIS data systems.
- U.S. Immigration and Customs Enforcement/Homeland Security Investigations (HSI) is the largest partner with FBI and currently provides the Deputy Director to the FBI's Joint Terrorism Task Forces (JTTF). With HSI Agents in every JTTF office Nation-wide, ICE is able to quickly assist with all National security investigations to prevent KST entry.

Question 4. Foreign fighters are currently in and leaving conflict theaters where the Department does not have a presence on the ground.

Generally speaking, how does the Department work with other agencies that may have an in-theater presence (i.e. DOD and the IC) to incorporate information collected in theater into the screening and vetting process?

Answer. DHS works extensively with our interagency partners to identify and disrupt terrorist travel. DHS personnel embedded at several Department of Defense locations in the United States and overseas review information collected from conflict zones—including in the Syria and Iraq theater—and work with interagency partners to incorporate appropriate information into databases and systems to bolster watchlisting and traveler screening. All pertinent information collected on known or suspected terrorists in an operating theater is required, via Homeland Security Presidential Directive 6, to be sent to the National Counterterrorism Center for inclusion in the Terrorist Identity Datamart Environment (TIDE). The unclassified names and identifiers in TIDE are pushed (in near-real time) to the Terrorist Screening Center where they are loaded in the Terrorist Screening Database (TSDB). Once in TSDB, all of the information is made available or provided at the FOUO level to Federal partners, as well as State and Local Law Enforcement use in their screening and day-to-day operations.

Question 5a. Partnerships with our European allies will be crucial in identifying potential foreign fighters returning to their home countries as part of a "terrorist diaspora." These Western foreign fighters are certainly a threat as they may more easily circumvent security measures—largely due to visa-free travel to the United States and ease of travel throughout Europe. Without knowing who these individuals are, it will be impossible for the United States to adequately screen and vet them to ensure they are not permitted to travel to the homeland.

How does the Department work with our European allies to identify returning foreign fighters?

Question 5b. Is there additional information that could be shared that would bolster your screening and vetting efforts?

Question 5c. If so, why are they not sharing it (lack of capabilities, unwillingness, etc.)?

Question 5d. How does the Department leverage international organizations, such as INTERPOL, to enhance your screening and vetting capabilities?

Answer. The Department maintains close cooperation with European allies to combat terrorism, including the threat posed by returning foreign terrorist fighters (FTF). Our countries share information on FTFs through formal arrangements (such as Homeland Security Presidential Directive-6 (HSPD-6)) and through informal intelligence and law enforcement channels, as well as through international organiza-

tions, such as INTERPOL. This sharing enhances U.S. holdings, which enables the United States to identify foreign terrorist fighters more effectively and take appropriate action to safeguard the United States.

The U.S. Government conducts extensive vetting of foreign travelers. All individuals seeking to travel directly to the United States from Europe are known to the Department prior to their departure because of either the submission of an Electronic System for Travel Authorization (ESTA) for travel under the Visa Waiver Program (VWP) or a visa application, as well as the receipt of pre-departure passenger data required from all airlines and ships bound for the United States. The Department extensively vets this data to determine whether the prospective traveler should receive additional physical screening, be denied boarding or, ultimately, denied admission to the United States.

Most European allies participate in the VWP. Since 1986, the VWP has evolved from a travel facilitation program into a comprehensive security partnership between the United States and the individual VWP countries. VWP countries must meet stringent security requirements to ensure their designation does not pose a risk to U.S. National security, law enforcement, or immigration enforcement interests. These requirements include implementing a series of arrangements to share terrorism information, cooperate on criminal threats, and improve identity management relating to and reporting lost and stolen passport information. In 2015 and 2016, the Department implemented additional security enhancements to the VWP, requiring participants to collect and analyze passenger data (Advance Passenger Information and Passenger Name Records), screening travelers at borders against National and international databases, cooperation with the United States on refugee/migrant vetting, allowing U.S. Federal Air Marshals on U.S.-bound flights, and implementing additional identity document security provisions. DHS conducts evaluations of each VWP country at least once every 2 years and engages in on-going monitoring between formal evaluations to assess participants' counterterrorism, law enforcement, immigration enforcement, border management, and identity document security capabilities. European partner countries and the European Union have taken significant steps to improve counterterrorism and border security capabilities in Europe over the past year, to include: Enhancing border controls to require systematic database checks of all persons crossing Europe's external Schengen borders (effective April 2017); passing the E.U. Passenger Name Record (PNR) Directive in April 2016 (to be implemented by May 2018); creating a new European Border and Coast Guard Agency (effective October 2016); and improving vetting programs through greater database interoperability. European partners have also established the European Counterterrorism Centre (ECTC) at Europol in January 2016, which functions as a central hub for E.U. member states to share terrorism-related information.

The Department continuously looks for new ways to build on existing partnerships with European allies to respond to current and emerging threats. For example, the Department has offered its expertise and technical assistance to assist European partners in developing air passenger data collection and analysis capabilities, and has conducted numerous workshops sharing best practices and collaborating on travel trends and passenger targeting. The Department is also working with a number of European partners to leverage both existing and new information-sharing agreements to cooperate directly on vetting priority travelers against our respective immigration, law enforcement, and National security data at a system-to-system level. In addition, the Department is working with nine European countries to establish Preclearance facilities at last-point-of-departure airports. Countries participating in a Preclearance arrangement adopt a close and continuous partnership with the Department that allows the United States to leverage its full authorities and capabilities prior to departure. Pursuing these initiatives requires the Department and the prospective partner to address a number of challenging legal, policy, operational, and resource issues.

Multilateral partnerships, such as INTERPOL and EUROPOL, facilitate U.S.-European cooperation. INTERPOL provides an efficient and accessible way for U.S. and European partners to share information on lost and stolen passports, as well as foreign terrorist fighters and criminals, thereby enhancing countries' own screening. Moreover, it is a requirement for VWP countries to report to INTERPOL lost and stolen passport information and foreign terrorist fighter data. The United States leverages these data sets in its screening and vetting programs. Following the terrorist attacks in Paris in 2015 and Brussels in 2016, DHS worked closely with EUROPOL to share terrorist-related information and provide investigatory support. The Department has assigned officers to EUROPOL, and to its ECTC, to facilitate the exchange of information with European counterparts and to enhance cooperation on investigations of terrorist and criminal networks.

Question 6a. How does U.S. Citizenship and Immigration Services' (USCIS) Fraud Detection and National Security Directorate screen immigration benefit applications for National security concerns?

Answer. USCIS conducts background and security checks against law enforcement, intelligence, and other databases and other sources of information. When information indicates a potential National security or fraud or public safety concern, adjudicators refer the case to the Fraud Detection and National Security (FDNS) Directorate for further vetting.

FDNS Immigration Officers evaluate National security, public safety, and fraud referrals and determine what additional vetting may be necessary to obtain a complete understanding of the concern. FDNS officers possess a range of tools for researching concerns, including access to additional databases and the ability to conduct a site visit, and work with counterparts in adjudications to determine the impact of a concern on eligibility for the immigration benefit request. As part of the vetting process, FDNS officers also seek and share information with law enforcement agencies and other U.S. Government partners as appropriate.

Question 6b. How can USCIS improve its document fraud detection and overseas verification procedures?

Answer. USCIS continually strives to update and improve its fraudulent document training for immigration officers and adjudicators. They receive fraudulent document training during basic training at the Federal Law Enforcement Training Center. In subsequent courses, immigration officers and adjudicators receive fraudulent document training from USCIS staff assigned to ICE's Homeland Security Investigations Forensic Laboratory. Additional training is offered via in-person instruction, on-line instruction, and self-study materials. USCIS also continues to expand collaboration with the Department of State to meet overseas verification needs.

Question 7a. The Homeland Security Act of 2002 gave the Secretary of Homeland Security authority to assign DHS employees to diplomatic and consular posts to provide expert advice and training to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications. Today, ICE agents conduct this mission under the Visa Security Program (VSP), which has been successful at providing increased information and recommendations to Consular officers regarding visa applicants and potential travelers to the United States.

With the growing threat of foreign fighters traveling to the United States, how does having ICE agents stationed abroad in Visa Security Units (VSUs) add to the security of the homeland?

Answer. In addition to these written responses, U.S. Immigration and Customs Enforcement (ICE) would welcome the opportunity to provide a briefing regarding further information on the programs outlined below in a closed forum with additional law enforcement and/or intelligence sensitive details.

ICE, through the Visa Security Program (VSP), deploys special agents to visa-issuing posts world-wide to utilize available investigative resources and apply ICE's broad law enforcement authorities to the visa process. Deployed special agents responsibilities include, but are not limited to:

- investigating suspect visa applicants;
- conducting comprehensive visa applicant interviews;
- conducting further interviews as part of broader criminal investigations;
- collaborating with Department of State consular officers; and
- directly coordinating with other law enforcement, intelligence, and host government entities.

These capabilities make VSP unique among screening efforts in that it does not simply recommend the denial of travel; instead, ICE special agents investigate and exploit suspect travelers in an effort to identify unknown threats and potential violations of criminal law. Further, deployed special agents gather and receive threat information from host governments on potential terror threat networks and foreign fighter information. These efforts enable ICE Visa Security Units (VSUs) to build an understanding of transnational terrorist and criminal networks, and broadly share and document that information with other U.S. Government entities and indices to proactively combat terrorist and criminal travel networks.

Question 7b. How do ICE attachés at Embassies and Consulates where there is not a VSU assist with the screening and vetting visa applicants?

Answer. ICE believes in a whole-of-Government effort to promote increased visa security. ICE attachés engage and support the various consular offices within their operational responsibility to support the interagency screening enterprise.

They share threat information, and, in coordination with Diplomatic Security, provide investigative support related to identified violations within ICE's authorities.

Further, all ICE special agents are trained in immigration law, to include visa ineligibilities, and support case-by-case requests made by consular officers to facilitate Department of Homeland Security vetting efforts on applicants identified by consular officers as warranting increased scrutiny. At specified VSP posts, ICE screens 100 percent of all non-immigrant visa applications prior to visa adjudication and dedicates a special agent(s) to support visa security efforts.

Question 7c. Given the limited resources available, how does ICE decide which overseas posts warrant the stationing of a VSU?

Answer. In fiscal year 2016, ICE expanded VSP operations to an additional 5 visa-issuing posts in 5 countries. As a result, the ICE VSP now screens 30 visa-issuing posts in 25 countries. In fiscal year 2017, ICE will expand operations to two additional posts. ICE is committed to the aggressive expansion of VSP operations, maximizing available resources domestically and internationally to enhance the screening, vetting, and investigative efforts.

To guide expansion efforts, ICE utilizes a site selection process to determine high-risk and strategically important posts for expansion. The site selection process encompasses a three-part process: (1) A risk-based post evaluation; (2) an assessment of each post's expansion capabilities; and (3) an analysis of intelligence current threat reporting. The first part of the process uses a myriad of Government and publically-available data sources to evaluate the risk to mission posed by each visa-issuing post. The second and third parts of the process consider a number of factors to further determine the accessibility of a post, as well as the operational value of deployment. Some of these factors include regional need, post support, and operational capabilities in country to ensure deployment to posts that would be most effective and valuable to the VSP mission. ICE will continue to evaluate the criteria used to update and improve site selection process. ICE would welcome the opportunity to further brief the site selection process in a closed forum with additional law enforcement or intelligence sensitive details.

Question 7d. Are there any specific regions where VSU presence is not significant enough given the threat?

Answer. ICE is committed to the aggressive expansion of VSP operations, as resources allow, addressing identified threats. As part of the site selection process, ICE assesses regional need when considering deployment to ensure geographic placement of VSP operations benefits the global Department of Homeland Security mission and whole-of-Government effort to prevent terrorist travel. Going forward, ICE will continue to conduct an annual site selection process to identify geographic areas requiring placement of VSP operations in accordance with available resources.

QUESTIONS FROM CHAIRMAN MIKE GALLAGHER FOR EDWARD RAMOTOWSKI

Question 1. Foreign fighters are currently in and leaving conflict theaters where the Department does not have a presence on the ground.

Generally speaking, how does the Department work with other agencies that may have an in-theater presence (i.e. DOD and the IC) to incorporate information collected in theater into the screening and vetting process?

Answer. Response was not received at the time of publication.

Question 2a. A major lesson from 9/11 was the importance of interagency intelligence sharing. While we had derogatory information on some of the attackers, it did not make it into the hands of those who could have prevented their entry into the United States.

How has the Department improved their ability to move derogatory information around the USG in a way that effectively identifies and interdicts known or suspected terrorists?

Question 2b. How confident is the Department that the changes are tough enough to prevent any known or suspected terrorist from gaining entry? What gaps still exist, if any?

Answer. Response was not received at the time of publication.

Question 3a. Mr. Ramotowski, you testified that since 2001 there have been nearly 11,000 visas potentially revoked after information emerged, post-issuance, suggesting possible links to terrorism.

How many of these 11,000 individuals were subsequently removed from the United States after their visas were revoked?

Question 3b. How quickly did the removal occur?

Answer. Response was not received at the time of publication.

Question 4a. Partnerships with our European allies will be absolutely crucial in identifying potential foreign fighters returning to their home countries as part of a "terrorist diaspora." These Western foreign fighters are certainly a threat as they may more easily circumvent security measures—largely due to visa-free travel to

the United States and ease of travel throughout Europe. Without knowing who these individuals are, it will be impossible for the United States to adequately screen and vet them to ensure they are not permitted to travel to the homeland.

How does the Department work with our European allies to identify returning foreign fighters?

Question 4b. Is there additional information that could be shared that would bolster your screening and vetting efforts?

Question 4c. If so, why are they not sharing it (lack of capabilities, unwillingness, etc.)?

Question 4d. How does the Department leverage international organizations, such as INTERPOL, to enhance your screening and vetting capabilities?

Answer. Response was not received at the time of publication.

