

**SUPPORTING A FACT-BASED APPROACH TO PRE-  
VENTING TERRORIST TRAVEL TO THE UNITED  
STATES**

---

---

**JOINT HEARING**

BEFORE THE

**SUBCOMMITTEE ON INTELLIGENCE AND  
COUNTERTERRORISM**

AND THE

**SUBCOMMITTEE ON BORDER SECURITY,  
FACILITATION, AND OPERATIONS,  
HOUSE OF REPRESENTATIVES**

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

APRIL 2, 2019

**Serial No. 116-9**

Printed for the use of the Committee on Homeland Security



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

U.S. GOVERNMENT PUBLISHING OFFICE

36-398 PDF

WASHINGTON : 2019

## COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

SHEILA JACKSON LEE, Texas	MIKE ROGERS, Alabama
JAMES R. LANGEVIN, Rhode Island	PETER T. KING, New York
CEDRIC L. RICHMOND, Louisiana	MICHAEL T. MCCAUL, Texas
DONALD M. PAYNE, JR., New Jersey	JOHN KATKO, New York
KATHLEEN M. RICE, New York	JOHN RATCLIFFE, Texas
J. LUIS CORREA, California	MARK WALKER, North Carolina
XOCHITL TORRES SMALL, New Mexico	CLAY HIGGINS, Louisiana
MAX ROSE, New York	DEBBIE LESKO, Arizona
LAUREN UNDERWOOD, Illinois	MARK GREEN, Tennessee
ELISSA SLOTKIN, Michigan	VAN TAYLOR, Texas
EMANUEL CLEAVER, Missouri	JOHN JOYCE, Pennsylvania
AL GREEN, Texas	DAN CRENSHAW, Texas
YVETTE D. CLARKE, New York	MICHAEL GUEST, Mississippi
DINA TITUS, Nevada	
BONNIE WATSON COLEMAN, New Jersey	
NANETTE DIAZ BARRAGÁN, California	
VAL BUTLER DEMINGS, Florida	

HOPE GOINS, *Staff Director*

CHRIS VIESON, *Minority Staff Director*

---

## SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM

MAX ROSE, New York, *Chairman*

SHEILA JACKSON LEE, Texas	MARK WALKER, North Carolina, <i>Ranking Member</i>
JAMES R. LANGEVIN, Rhode Island	PETER T. KING, New York
ELISSA SLOTKIN, Michigan	MARK GREEN, Tennessee
BENNIE G. THOMPSON, Mississippi ( <i>ex officio</i> )	MIKE ROGERS, Alabama ( <i>ex officio</i> )

NICOLE TISDALE, *Subcommittee Staff Director*

MANDY BOWERS, *Minority Subcommittee Staff Director*

---

## SUBCOMMITTEE ON BORDER SECURITY, FACILITATION, AND OPERATIONS

KATHLEEN M. RICE, New York, *Chairwoman*

DONALD M. PAYNE, JR., New Jersey	CLAY HIGGINS, Louisiana, <i>Ranking Member</i>
J. LUIS CORREA, California	DEBBIE LESKO, Arizona
XOCHITL TORRES SMALL, New Mexico	JOHN JOYCE, Pennsylvania
AL GREEN, Texas	MICHAEL GUEST, Mississippi
YVETTE D. CLARKE, New York	MIKE ROGERS, Alabama ( <i>ex officio</i> )
BENNIE G. THOMPSON, Mississippi ( <i>ex officio</i> )	

ALEXANDRA CARNES, *Subcommittee Staff Director*

EMILY TRAPANI, *Minority Subcommittee Staff Director*

# CONTENTS

	Page
STATEMENTS	
The Honorable Max Rose, a Representative in Congress From the State of New York, and Chairman, Subcommittee on Intelligence and Counterterrorism:	
Oral Statement .....	1
Prepared Statement .....	3
The Honorable Mark Walker, a Representative in Congress From the State of North Carolina, and Ranking Member, Subcommittee on Intelligence and Counterterrorism:	
Oral Statement .....	3
Prepared Statement .....	4
The Honorable Kathleen M. Rice, a Representative in Congress From the State of New York, and Chairwoman, Subcommittee on Border Security, Facilitation, and Operations:	
Oral Statement .....	4
Prepared Statement .....	6
The Honorable Clay Higgins, a Representative in Congress From the State of Louisiana, and Ranking Member, Subcommittee on Border Security, Facilitation, and Operations:	
Oral Statement .....	6
Prepared Statement .....	7
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Chairman, Committee on Homeland Security:	
Prepared Statement .....	8
WITNESSES	
Mr. Donald Conroy, Director, National Targeting Center—Passenger Operations, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of State:	
Oral Statement .....	9
Joint Prepared Statement .....	11
Mr. Monte Hawkins, Director, National Vetting Center, U.S. Department of Homeland Security:	
Oral Statement .....	15
Joint Prepared Statement .....	11
Ms. Rebecca Gambler, Director, Homeland Security & Justice Team, U.S. Government Accountability Office:	
Oral Statement .....	16
Prepared Statement .....	18
APPENDIX	
Questions From Chairman Rose for Donald Conroy .....	47
Question From Chairwoman Rice for Donald Conroy .....	47
Question From Chairman Rose for Monte B. Hawkins .....	47
Question From Chairwoman Rice for Monte B. Hawkins .....	47
Question From Chairman Thompson for Monte B. Hawkins .....	47



## **SUPPORTING A FACT-BASED APPROACH TO PREVENTING TERRORIST TRAVEL TO THE UNITED STATES**

**Tuesday, April 2, 2019**

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INTELLIGENCE AND  
COUNTERTERRORISM, AND THE  
SUBCOMMITTEE ON BORDER SECURITY, FACILITATION, AND  
OPERATIONS,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC.*

The subcommittees met, pursuant to notice, at 10:05 a.m., in room 310, Cannon House Office Building, Hon. Max Rose [Chairman of the Subcommittee on Intelligence and Counterterrorism] presiding.

Present from Subcommittee on Intelligence and Counterterrorism: Representatives Max, Jackson Lee, Slotkin, Walker, and Green of Tennessee.

Present from Subcommittee on Border Security, Facilitation, and Operations: Representatives Rice, Payne, Correa, Small, Green of Texas, Clarke, Higgins, Lesko, Joyce, and Guest.

Also present: Representatives Thompson and Rogers.

Mr. ROSE. The Subcommittees on Intelligence and Counterterrorism, and Border Security, Facilitation, and Operations will come to order. Thank you all so much for being here. I understand some of our colleagues are en route.

I want to thank my colleague Chairwoman Rice for convening this joint subcommittee hearing today. To Ranking Members Walker and Higgins, thank you so much as well.

We are here today to very simply discuss the threat of terrorist travel into the United States and how we can use a fact-based approach to prevent terrorists from entering the country.

I want to be just plain and simple clear about this. The greatest responsibility of a Government is to keep its citizens safe. That principle is always going to be my North Star, all of our North Stars.

But just because we care deeply about keeping America safe does not mean that we have the opportunity to not make public policy based on fact. Our policy should be grounded in reality, based off real data and we need to always go where the actual threat is today, not yesterday's threat.

That is what our brave men and women are doing in uniform, whether it is at a local level, NYPD, which I have back home, to

Federal law enforcement officials each and every day. It is also what our U.S. soldiers are doing.

So we are here today, as I said, to follow the threat as it particularly pertains to terrorist travel. This administration has introduced a number of policies on immigration and border security, to include the Muslim ban. They have done this claiming, in part, that these policies are necessary to keep us safe from terrorists.

In December 2015 then-candidate Donald Trump called for “a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what is going on”.

So in part today we are also here to get a status update on how things are going as you continue to figure out what is going on, as we all do.

After that came a series of travel bans which were challenged in court and then implemented. You all have seen that story. But we have truly instituted some significant human misery as a result of this.

I have constituents in my district who are American citizens, have American citizen children. They cannot bring their family back from Yemen because of the Muslim ban.

I sincerely want to know whether this is worth it. Whether it is worth it to discriminate against millions of people around the world simply on the basis of their faith? Or for that matter, does a border wall from sea to shining sea actually keep us safe from terrorist threats?

We are here to talk about the facts and only the facts. I want to hear about the hard work that our Government officials are putting in to actually keep terrorist threats out of our country. I want to hear about the threats that they are seeing on the ground and how they are responding to them with the latest technological tools.

We want to support the programs that work, the ones that are based on real data and real threats. So I look forward to having a constructive conversation today with my Democratic and Republican colleagues and of course with our witnesses and to make sure that we are doing everything possible to prevent another terrorist threat, to prevent another terrorist attack.

As a New Yorker you understand the significance that this comes with, for me in particular, you know, we have had three terrorist attacks just in the last several years. This is a threat that New Yorkers live with on a daily basis, the fear of when will the next attack come.

As a housekeeping note, I do also need to express my disappointment that witness testimony was not received from DHS 48 hours prior to the hearing. It is vital that all of our witnesses play by the same rules. I hope that the gentleman and the Department as a whole can abide by these standards in the future.

With that, I thank all of our witnesses for joining us this morning.

[The statement of Chairman Rose follows:]

## STATEMENT OF CHAIRMAN MAX ROSE

APRIL 2, 2019

We are here today to discuss the threat of terrorist travel into the United States, and how we can use a fact-based approach to prevent terrorists from entering the country. I want to be clear about this: The greatest responsibility of a Government is to keep its citizens safe. That principle will always be my North Star as a Member of Congress and as the Chairman of the Subcommittee on Intelligence and Counterterrorism.

But just because we care deeply about keeping Americans safe doesn't mean that we should make public policy that isn't based on fact. Our policies should be grounded in reality and based on real data. We need to go where the actual threat is. That's what the brave men and women in local law enforcement like NYPD to Federal law enforcement officers do every day. That's what the U.S. soldiers I served with in Afghanistan do, and continue to do across the world. That's why we are here today. We are here to follow the threat. We are here to understand the facts underlying the threat of terrorist travel into the United States—so that we can keep Americans safe.

This administration has introduced a number of policies on immigration and border security—including the Muslim ban—claiming that these policies are necessary to keep us safe from terrorists. In December 2015, then-candidate Donald Trump called for “a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on”. But that's not governing based on fact.

And just 1 week after being inaugurated, President Trump signed the first of three travel bans targeting Muslims around the world. Predictably, chaos ensued, and these bans have been challenged in court. Instead of keeping us safe, translators who risked everything to keep U.S. soldiers safe were left behind. Families were torn apart. For example, I have constituents in my district, who are American citizens and have American citizen children, who can't bring their family back from Yemen because of the Muslim ban. I want to know whether it was worth it to discriminate against millions of people around the world simply on the basis of their faith. Or, for that matter, will a border wall from sea to sea actually keep us safe from terrorist threats?

Today, I'm here to talk about the facts and only the facts. I want to hear about the hard work that our Government officials are putting in to keep actual threats out of our country. I want to hear from them about the threats that they are seeing on the ground, and how they are responding to them in real time with the latest technological tools. I want to support the programs that work—that are based on real data and real threats.

So, I look forward to have a constructive conversation today, with my Democratic and Republican colleagues to ensure we are doing everything we can to prevent another terrorist attack—and that we are doing that effectively and efficiently.

As a housekeeping note, I must express my disappointment that witness testimony was not received from DHS 48 hours prior to the hearing. It is vital that all of our witnesses play by the same rules. I hope that the gentlemen, and the Department as a whole, can abide by these standards in the future.

Mr. ROSE. I now recognize the Ranking Member of the subcommittee, Mr. Walker, for an opening statement.

Mr. WALKER. Thank you Mr. Chairman. I appreciate you holding this hearing.

The security and the facilitation of people and goods crossing the U.S. borders is one of the fundamental responsibilities of the Government and a core mission set of the Department of Homeland Security, especially in the aftermath of the September 11 terror attacks.

Since that time major enhancements have been made to the policies, to the technology and information-sharing agreements related to border vetting agreements and programs.

Each time a vulnerability is discovered, such as the 2009 Christmas Day bomber, the 2011 arrest of two Iraqi refugees in Connecticut linked to al-Qaeda and the 2015 San Bernardino attack,

with each one of these vulnerabilities additional improvements have and are continuing to be made.

This is a clear commitment and sense of urgency across the Department of Homeland Security and intelligence agencies to ensure our vetting programs are as robust as possible.

We all know, however, that terroristic criminals continually assess U.S. systems for weaknesses. Therefore, we must continually evaluate, test, and upgrade vetting programs to prevent, detect, and deter travel to the United States.

I want to applaud the efforts of President Trump to further harden the vetting systems through the creation of the National Vetting Center and the December 2018 release of the terrorist travel strategy. I am looking forward to hearing more from the witnesses in just a few minutes on these initiatives.

The American public demands and deserves secure borders and security programs that connect the dots. The bottom line is that one terrorist slipping through these lines is unacceptable.

I want to thank the panel for their service and for appearing here today.

I yield back the balance of my time.

[The statement of Ranking Member Walker follows:]

STATEMENT OF RANKING MEMBER MARK WALKER

The security and facilitation of people and goods crossing the U.S. borders is one of the fundamental responsibilities of the Government and a core mission set of the Department of Homeland Security in the aftermath of the September 11 terror attacks.

Since that time, major enhancements have been made to the policies, technology, and information-sharing agreements related to border vetting programs.

Each time a vulnerability is discovered—such as the 2009 Christmas day bomber, the 2011 arrest of two Iraqi refugees in Kentucky linked to al-Qaeda, and 2015 San Bernardino attack—additional improvements are made.

There is a clear commitment and sense of urgency across the Department of Homeland Security and intelligence agencies to ensure our vetting programs are as robust as possible.

We all know, however, that terrorists and criminals continually assess U.S. systems for weaknesses. Therefore, we must continually evaluate, test, and upgrade vetting programs to prevent, detect, and deter terror travel to the United States.

I want to applaud the efforts of President Trump to further harden vetting systems through the creation of the National Vetting Center and December 2018 release of the Terror Travel Strategy. I am looking forward to hearing more from the witnesses on these initiatives.

The American public demands and deserves secure borders and security programs that “connect the dots.” The bottom line is that one terrorist slipping through is unacceptable. I want to thank the panel for their service and for appearing here today.

Mr. ROSE. Thank you, Ranking Member.

I now recognize my co-chair for this hearing, Miss Rice, Chairwoman of the Border Security, Facilitation, and Operation Subcommittee, for an opening statement.

Miss RICE. Thank you, Mr. Chairman.

Today’s hearing’s topic is one that I have worked on for several years now as a Member of this committee. The subcommittee I now Chair has previously examined U.S. visa security and passenger prescreening programs which continue to be vital in preventing terrorist travel and addressing potential threats to the homeland.

I want to underscore that these programs are an essential part of our border security apparatus. Many of the screening and vetting protocols that Congress has implemented over the past 2 dec-

ades stem from lessons learned after the 9/11 terror attacks and the attempted bombing attack on Christmas day 2009.

Most recently, our screening and vetting efforts have shifted to address the growing threat posed by foreign fighters who joined or supported terrorist groups abroad.

These cases illustrate that we can no longer associate terrorist threats with a single country or region. Rather foreign fighters hold citizenships and passports from nearly every country on earth, from France, England, and Germany to China, Russia, the Philippines, and more.

A terrorist threat can come from anywhere in the world and the only way to effectively combat this threat is by partnering with foreign governments, sharing information and implementing targeted risk-based methods to detect and identify threats before they enter this country.

However broad Executive Actions, such as the President's travel ban, are not the solution. In fact, they are counterproductive and make us less safe. They divert resources and focus from our research-based targeted efforts and they polarize an issue that must be bipartisan.

Unfortunately, much of this administration's approach to border security follows that same hyper-partisan and ham-handed approach. Over the past 3 years, policy debates about screening and vetting protocols have been almost entirely centered on our southern land border.

While the U.S.-Mexico border is a critical and relevant part of this discussion, we must also recognize that border security is a much broader and more nuanced topic than what the current debate has allowed for.

Today's hearing is an opportunity for us to discuss these nuances and gain a deeper understanding of how we can make smart, targeted investments in our border security protocols.

For example, the U.S. Customs and Border Protection Agency is woefully understaffed. CBP officers are our eyes and ears on the ground. They are our first line of defense when it comes to preventing terrorist travel. For the past 2 years, the Trump administration has not taken any substantive steps to address the agency's startling number of vacancies.

Additionally, law enforcement agencies at every level should be able to make use of new technologies and screening methods to more effectively track and identify potential threats before they reach our border.

This means expanding our counterterrorism work to new fronts including social media and other forms of on-line communications that could help identify foreign fighters and stem terrorist recruitment. We need to be able to do all of this from staffing up CBP to enhancing screening protocols without unnecessarily burdening lawful travel or infringing upon an individual's right to privacy.

I look forward to hearing from our witnesses today about how we can better deploy targeted, fact-based vetting methods to keep our homeland safe. I thank our witnesses for joining us this morning to have this discussion.

I also thank Chairman Rose for agreeing to pursue this topic jointly today. With that, I yield back.

[The statement of Chairwoman Rice follows:]

STATEMENT OF CHAIRWOMAN KATHLEEN M. RICE

APRIL 2, 2019

Today's hearing topic is one that I have worked on for several years now as a Member of this committee. The subcommittee I now chair has previously examined U.S. visa security and passenger prescreening programs, which continue to be vital in preventing terrorist travel and addressing potential threats to our homeland. I want to underscore that these programs are an essential part of our border security apparatus. Many of the screening and vetting protocols that Congress has implemented over the past 2 decades stem from lessons learned after the 9/11 terror attacks and the attempted bombing attack on Christmas Day, 2009.

Most recently, our screening and vetting efforts have shifted to address the growing threat posed by foreign fighters, who joined or supported terrorist groups abroad. These cases illustrate that we can no longer associate terrorist threats with a single country or region. Rather, foreign fighters hold citizenships and passports from nearly every country on earth, from France, England, and Germany, to China, Russia, the Philippines and more.

A terrorist threat can come from anywhere in the world, and the only way to effectively combat this threat is by partnering with foreign governments, sharing information, and implementing targeted, risk-based methods to detect and identify threats before they enter this country. However, broad executive actions, such as the President's travel ban, are not the solution. In fact, they are counterproductive and make us less safe. They divert resources and focus from our research-based, targeted efforts and they polarized an issue that MUST be bipartisan. Unfortunately, much of this administration's approach to border security follows that same, hyper-partisan and ham-handed approach. Over the past 3 years, policy debates about screening and vetting protocols have been almost entirely centered on our southern land border. And while the U.S.-Mexico border is a critical and relevant part of this discussion, we must also recognize that border security is a much broader and more nuanced topic than what the current debate has allowed for.

Today's hearing is an opportunity for us to discuss those nuances and gain a deeper understanding of how we can make smart, targeted investments in our border security protocols. For example, the U.S. Customs and Border Protection agency is woefully understaffed. CBP officers are our eyes and ears on the ground. They are our first line of defense when it comes to preventing terrorist travel, and for 2 years the Trump administration has not taken any substantive steps to address the agency's startling number of vacancies.

Additionally, law enforcement agencies at every level should be able to make use of new technologies and screening methods to more effectively track and identify potential threats before they reach our border. This means expanding our counterterrorism work to new fronts, including social media and other forms of on-line communications that could help identify foreign fighters and stem terrorist recruitment. And we need to be able to do all of this—from staffing up CBP to enhancing screening protocols without unnecessarily burdening lawful travel or infringing upon an individual's right to privacy. I look forward to hearing from our witnesses today about how we can better deploy targeted, fact-based vetting methods to keep our homeland safe.

I thank our witnesses for joining us this morning to have this discussion, and I also thank Chairman Rose for agreeing to pursue this topic jointly today.

Mr. ROSE. Thank you, Chairwoman.

I now recognize the Ranking Member of the Subcommittee on Border Security, Facilitation, and Operations, Mr. Higgins, for an opening statement.

Mr. HIGGINS. Thank you, Mr. Chairman and Madam Chairwoman.

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 to ensure that the American people are protected from a range of threats, in-

cluding those who seek entry into our Nation to conduct acts of terror, which will be our focus today.

Currently, individuals attempting to enter our country are vetted against multiple databases, including the Terrorist Watch List, the State Department Consular Lookout and Support System, and the FBI National Crime Information Center.

Yet there are multiple agencies that serve as a primary repository of these vetting databases and processes. Our Nation cannot afford to let one person fall through the cracks through a joint information-sharing gap.

I support the Trump administration's creation of the National Vetting Center to consolidate all U.S. Government screening and vetting operations under one roof led by DHS, senior Department of State and Justice officials and members of the intelligence community.

The NVC will enable 24/7 recurrent vetting of visas and travel documents to help push out our borders and prevent known and suspected terrorists from reaching U.S. soil. Centralizing the vetting process is a good step, but we also need to ensure that our vetting accounts for technological innovation and emerging threats.

I am specifically interested in the use of biometrics, such as facial recognition software, fingerprint collection, as well as social media vetting. Biometric entry and exit pilots have already caught people using fraudulent documents at some of our Nation's international airports. We must expand this 9/11 Commission recommendation to all international airports and other ports of entry as soon as possible.

Social media vetting provides the Department with another tool to make sure that those seeking to travel to the United States were not publicly stating that they wish to do us harm.

We also cannot ignore the high numbers of illegal entry attempts to our country and visa overstays. When people can enter or remain in our country illegally we have a security gap that known or suspected terrorists can exploit.

I am very concerned about the catch-and-release situation that is occurring at our Southwest Border right now and the National security risk associated with it.

We must ensure that our homeland security components are fully funded to address changing dynamics at our border and ports of entry.

Today I would like to hear from our witnesses about the vetting we are doing to prevent terrorist travel to the homeland, methods terrorists are using to attempt entry into our country, threats posed by lack of operational control of our borders, any changes in the terrorist travel threat dynamic and how biometrics are being used to update our vetting capability.

I would like to thank the witnesses before us today for your service. I look forward to hearing your testimony.

I yield my balance of my time.

[The statement of Ranking Member Higgins follows.]

#### STATEMENT OF RANKING MEMBER CLAY HIGGINS

In the years following the horrific 9/11 attacks, the United States 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 to ensure

that the American people are protected from a range of threats including those who seek entry into our Nation to conduct acts of terror, which will be our focus today.

Currently, individuals attempting to enter our country are vetted against multiple databases, including the terrorist watch list, the State Department Consular Look-out and Support System, and the FBI National Crime Information Center. Yet there are multiple agencies that serve as the primary repository for these vetting databases and processes. Our Nation cannot afford to let one person fall through the cracks due to an information-sharing gap.

I support the Trump administration's creation of the National Vetting Center to consolidate all U.S. Government screening and vetting operations under one roof, led by DHS, senior Department of State and Justice officials, and members of the intelligence community.

The NVC will enable 24/7 recurrent vetting of visas and travel documents to help push out our borders and prevent known or suspected terrorists from reaching U.S. soil. Centralizing the vetting process is a good step, but we also need to ensure that our vetting accounts for technological innovation and emerging threats.

I'm specifically interested in the use of biometrics such as facial recognition software and fingerprint collection, as well as social media vetting. Biometric entry/exit pilots have already caught people using fraudulent documents at some of our Nation's international airports. We must expand this 9/11 commission recommendation to all international airports and other ports of entry as soon as possible.

Social media vetting provides the Department with another tool to make sure that those seeking to travel to the United States are not publicly stating that they wish to do us harm. We also cannot ignore the high numbers of illegal entry attempts to our country and visa overstays. When people can enter or remain in our country illegally, we have a security gap that known or suspected terrorists can exploit.

I am very concerned about the "catch and release" situation that's occurring at our Southwest Border right now, and the National security risks associated with it. We must ensure that our Homeland Security components are fully funded to address changing dynamics at our border and ports of entry.

Today I would like to hear from our witnesses about the vetting we are doing to prevent terrorist travel to the homeland, methods terrorists are using to attempt entry into our country, threats posed by lack of operational control of our borders, any changes in the terrorist travel threat dynamic, and how biometrics are being used to update our vetting capability.

I want to thank the witnesses before us today for their service and I look forward to hearing your testimony.

Mr. ROSE. Thank you, Ranking Member.

Other Members of the committee are reminded that under the committee rules, opening statements may be submitted for the record.

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

APRIL 2, 2019

I thank the Chairman, and I echo the comments of my Democratic colleagues in restating the importance of this hearing today. The committee has a long history of overseeing and implementing key measures to address the threat posed by terrorist travel. After the 9/11 attacks and again after the attempted bombing of Flight 253 on Christmas day 2009, Congress overhauled and strengthened the screening and vetting processes for foreign travelers. As a result, our Government's ability to screen and vet foreign visitors has evolved and grown considerably over the last 2 decades.

Today, the Department of Homeland Security and the Department of State operate multiple programs designed to make sure that foreign nationals entering the United States do not pose a threat to the homeland. We can always improve upon the work we do to address this threat, and our witnesses today can testify to the various systems in place to continually review and ensure we can stay ahead of this threat as it evolves.

However, during the Trump administration, Executive Orders have modified the ways certain visa applicants are screened and vetted, some of the modifications seem to be rooted in Islamophobia in nature. The implementation of the Trump Executive Orders deviates greatly from the individual, risk-based targeting methods we have had in place for years. Ignoring best practices that had been honed and improved upon for years is not an effective way to enhancing our security.

We must continue to focus efforts on improving assessments of individual travelers since terrorist threats can come from anywhere. The new National Vetting Center is another measure put in place by the current administration, and we have yet to see whether this approach will truly enhance our current screening processes. It is my hope that this morning's hearing will shed light on how the National Targeting Center and through the National Vetting Center are addressing long-standing, serious threats and whether they have been informed by lessons learned over the years. Vetting and screening analysis must be based in fact; it must be based on the best data we have available to our Government. How Federal agencies conduct this screening should not be driven by fear or politics.

Using those facts, the committee will continue to support and strengthen programs that are effective and have proven valuable—not only to keep our Nation safe, but also to facilitate the robust international trade and travel that are cornerstones of our economy.

I look forward to hearing from the witnesses today, and I thank the Chairman and the Chairwoman for convening this joint hearing on such an important subject.

Mr. ROSE. Additionally, I ask unanimous consent that the Members of the full committee shall be permitted to sit and question the witnesses as appropriate. Without objection, so ordered.

I welcome our panel of witnesses. Our first witness is Mr. Donald Conroy who serves as the director of the National Targeting Center for Passenger Operations within U.S. Customs and Border Protection, or CBP. Prior to serving in this capacity Mr. Conroy was area port director for the Detroit Airport and the Detroit Field Office of CBP for 2 years.

Next we are joined by Mr. Monte Hawkins, who currently serves as the Department of Homeland Security's first director of the National Vetting Center. Prior to this position, Mr. Hawkins served as the senior director for the Border and Transportation Security Directorate in the National Security Council.

Finally, we have Ms. Rebecca Gambler, who serves as the director of the Homeland Security and Justice Team within the Government Accountability Office. Ms. Gambler joined GAO in 2002 and currently leads the agency's work on border security, immigration, and election issues.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask each witness to summarize his or her statement for 5 minutes, beginning with Mr. Conroy. Again, thank you all so much for taking the time and for your service to this country.

**STATEMENT OF DONALD CONROY, DIRECTOR, NATIONAL TARGETING CENTER—PASSENGER OPERATIONS, OFFICE OF FIELD OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE**

Mr. CONROY. Chairman Rice, Chairman Rose, Ranking Member Higgins, and Ranking Member Walker and distinguished subcommittee Members, thank you for the opportunity to testify before you today.

CBP is the unified border agency of the United States and as such we are responsible for securing our Nation's border while facilitating a flow of legitimate travel and trade. Every day we welcome more than a million travelers to the United States. Over the course of fiscal year 2018 CBP inspected more than 413 million travelers at 328 ports of entry.

The unfortunate reality of this threat environment means that terrorists and others who present a significant danger to the public

are among those seeking to enter the United States. In order to stop them, CBP works in close partnership with Federal law enforcement, intelligence community, State and local law enforcement, the private sector, and our foreign counterparts.

CBP is and its partners work to address risk at each stage of the travel process: At the time of application to travel; the ticket purchase or reservation; check-in at a foreign airport; and arrival at the United States.

By receiving advanced information and employing sophisticated targeting systems to detect risk and acting through a global network, we can address risk or prevent movement of identified threats to the United States at the earliest point in their travel.

As the director of the National Targeting Center's Passenger Division I would like to discuss our role in preventing terrorist travel. The National Targeting Center, or NTC, is a 24/7 operation that makes extensive use of intelligence materials and law enforcement data. This allows the analysts and targeting officers to make informed decisions at all points of the travel continuum.

Starting with the earliest indications of potential travel, such as the Electronic System for Travel Authorizations, applications, visa applications and passenger manifests and continuing through the inspections and arrival process, we are continually analyzing information and using CBP's Automated Targeting System, or ATS.

I would like to discuss automation and targeting. Technology is an integral part of CBP's efforts to prevent terrorist travel. ATS is a decision support tool for CBP officers that compares information and travelers arriving in, transiting through, and exiting the country against law enforcement and intelligence information.

This allows us to identify individuals who require additional scrutiny for issues related to National security, law enforcement, customs, immigration, agriculture, and other reasons.

This information is also matched against targeting rules developed by subject-matter experts. CBP identifies unknown high-risk individuals by comparing their information against a set of targeting rules based on intelligence, law enforcement, and other information.

The NTC analyzes information about every traveler, including U.S. citizens, before departure to identify possible matches to the Government's consolidated terrorist watch list, Interpol's lost and stolen passport information, criminal activity, fraud, and mala fide travelers.

Through direct networks with commercial airlines and connections with the CBP officers overseas as part of the Immigration Advisory Program, NTC officials are able to issue no-board recommendations to airlines to keep high-risk passengers from traveling to the United States who would otherwise likely be found inadmissible at entry.

In fiscal year 2018, the NTC and Immigration Advisory Program and the regional carrier liaison groups led CBP efforts to prevent the boarding of 16,900 high-risk travelers destined for the United States, a 6 percent increase from fiscal year 2017.

The NTC vetting process for international passengers continues while the flight is en route to the United States in the event new information is discovered. This allows us to identify travelers who,

although they may not be National security risk, may need to be further reviewed or referred for more thorough inspection at the first port of entry upon arrival into the United States.

In addition, expanding the Nation's zone of security beyond the United States improving operational inefficiencies, the National Targeting Center's pre-departure program results in significant monetary savings by preventing inadmissible passengers from boarding flights to the United States where they would most likely be processed by CBP for refusal or removal.

We eliminate additional detention and processing costs for the Government and additional repatriation expenses for commercial carriers.

The NTC works constantly to strengthen existing relationships and build new partnerships within DHS and the U.S. interagency, Immigration and Custom Enforcement, Transportation Security Administration, U.S. Coast Guard, Department of State, and the Department of Defense, to name a few.

International partnerships are also a part of priority. For example, the NTC is a key participant and hosts the International Targeting Center, the first of its kind targeting cell with personnel from the United States, Canada, Australia, and New Zealand and the United Kingdom that coordinate joint multilateral targeting efforts.

Also collocated with the NTC is the National Vetting Center or NVC. The NVC is a collaborative interagency effort to provide a clear picture on the threats to National security and border security and public safety posed by individuals seeking to transit our borders or exploit our immigration systems. My colleague, Director Monte Hawkins, will discuss the NVC in greater detail.

In conclusion, with our partners, CBP has built a multi-layered approach for vetting, identifying, and taking appropriate action to prevent travelers from arriving in the United States who may pose a threat to the homeland. We will continue to use all means within our authority to protect the Nation and its citizens.

Thank you for your time, and I look forward to your questions.

[The joint prepared statement of Mr. Conroy and Mr. Hawkins follows:]

JOINT PREPARED STATEMENT OF DONALD CONROY AND MONTE B. HAWKINS

APRIL 2, 2019

Chairwoman Rice, Chairman Rose, Ranking Member Higgins, Ranking Member Walker, and distinguished subcommittee Members, it is our honor to appear before you today to discuss U.S. Customs and Border Protection's (CBP) role in preventing terrorist travel.

As the unified border security agency of the United States, CBP is responsible for securing our Nation's borders while facilitating the flow of legitimate international travel and trade that is so vital to our Nation's economy. Within this broad responsibility, our priority mission remains to prevent terrorists and terrorist weaponry from entering the United States. To do this, CBP works to identify risks as early as possible in the travel continuum, and to implement secure protocols for addressing potential threats. CBP works with its counterparts to apply its capabilities at multiple points in the travel cycle to increase security by receiving advance information, employing sophisticated targeting systems to detect risk, and acting through a global network to address risks or prevent the movement of identified threats toward the United States at the earliest possible point in their travel, while also protecting the privacy and civil liberties of legitimate travelers.

In concert with its partners, CBP strives to ensure that travelers who may present a risk are appropriately interviewed or vetted, and that any document deficiencies are addressed, before traveling to the United States. CBP has placed officers in strategic airports overseas to work with carriers and host nation authorities. CBP has also built strong liaisons with airline representatives to improve our ability to address threats as early as possible to effectively expand our security efforts beyond the physical borders of the United States. CBP plays a vital role in our Nation's efforts to prevent terrorists and other criminal actors from acquiring U.S. visas or traveling through the Visa Waiver Program (VWP) to the United States. CBP works in close collaboration with our interagency and international government partners, and has a layered enforcement strategy. 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 threats.

Over the past 5 years, international travel has grown by more than 10 percent overall and more than 22 percent at airports. In fiscal year 2018, CBP inspected more than 413 million travelers at 328 ports of entry (POE), of which more than 130 million flew into air POEs. CBP's pre-departure strategy is one of the ways we help 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 to deny or revoke visas, as well as denying or revoking eligibility to travel under the VWP 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, security risks posed by travelers before they reach the United States. As threats evolve, CBP works in close partnership with our foreign counterparts 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.

#### VISA AND TRAVEL AUTHORIZATION SECURITY

Before arriving to the United States, most foreign nationals must obtain a non-immigrant visa from the U.S. Department of State (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 issued. Although the visa application and adjudication processes rest with the DOS, CBP's National Targeting Center (NTC) conducts continuous vetting of valid U.S. immigrant and nonimmigrant visas, and ensures that those visas that have been revoked are not used to travel to the United States. 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 a 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.

Those seeking to travel to the United States via air or sea and under the VWP must apply for and be approved for a travel authorization via the Electronic System for Travel Authorization (ESTA). Through ESTA, CBP conducts 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 vetted 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.<sup>1</sup> Relevant components and offices within the Department of Homeland Security (DHS), as well as our partner agencies, work with CBP to periodically assess the questions asked of VWP travelers through ESTA and make adjustments based on trend analysis or technological developments.

Recurrent vetting helps us determine whether such travel poses a law enforcement or security risk by checking data provided to CBP against information from a variety of sources, including the Terrorist Screening Database and information re-

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

garding lost/stolen passports, INTERPOL wants/warrants, and U.S. immigration violations.

#### ADVANCE INFORMATION

CBP's use of advance information, its pre-departure targeting operations, and its overseas footprint all comprise critical parts of our 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 (overflying) the United States to provide Advance Passenger Information (API) and, for commercial aircraft, Passenger Name Record (PNR) data to CBP. API is primarily derived from the machine-readable zone of the traveler's passport and includes full name, date of birth, citizenship, as well as information about the flight. PNR contains the data that an airline captures during the process of booking a flight reservation. PNR in particular can illuminate associations that assist in finding the unknown threats. This biographic data is vetted against U.S. and international law enforcement and counterterrorism databases to identify high-risk individuals before their arrival in the United States.

CBP supports U.S. Government efforts to help other countries implement U.N. Security Council Resolution (UNSCR) 2178, which calls for strengthened information sharing on known and suspected terrorists, and UNSCR 2396, which mandates the establishment of PNR systems. One way that CBP does this is by sharing our system—the Automated Targeting System—Global (ATS)—with interested partner countries. ATS-G is a Government-off-the-shelf, real-time passenger screening system developed by CBP that processes international flight and traveler data to assist foreign partner government officials in the decision-making process about whether a passenger or crewmember should receive additional screening.

#### ARRIVAL PROCESSING

Even if issued a visa or other travel authorization, however, it is important to note that before being admitted to the United States, all persons are still subject to inspection by CBP officers. CBP officers review entry documents, query CBP and other law enforcement databases, collect biometrics (including from VWP travelers),<sup>2</sup> 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.

In addition, 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 suspected of having a nexus to terrorism who arrive at a POE.

#### NATIONAL TARGETING CENTER

The NTC is positioned to lead the whole-of-Government efforts to combat terrorist travel, while simultaneously facilitating legitimate trade and travel. At the NTC, advance data and access to law enforcement and intelligence records converge to facilitate the targeting of travelers and cargo that pose the highest risk to our security in all modes of inbound transportation. The NTC takes in large amounts of data and uses sophisticated targeting tools and subject-matter expertise to analyze, assess, and segment risk at every stage in the cargo/shipment and travel life cycles. As the focal point of that strategy, the NTC leverages Classified, law enforcement, commercial, and open-source information in unique, proactive ways to identify high-risk travelers and shipments at the earliest possible point prior to arrival in the United States. We operate 24/7/365. The NTC is also a key participant in the International Targeting Center, the first-of-its-kind targeting cell with personnel from 5 countries<sup>3</sup> that coordinate joint multilateral targeting efforts.

#### NATIONAL VETTING CENTER

Co-located within the NTC is the National Vetting Center (NVC), the next step in the helping CBP protect our Nation. The NVC is a collaborative, interagency effort to provide a clearer picture of the threats to National security, border security, and public safety posed by individuals seeking to transit our borders or exploit our

<sup>2</sup> Biometrics are collected for most foreign nationals arriving at U.S. airports.

<sup>3</sup> The United States, Canada, New Zealand, Australia, and the United Kingdom.

immigration system. The NVC strengthens, simplifies, and streamlines the complex way that intelligence, law enforcement, and other information is used to inform operational vetting decisions. It also allows departments and agencies to contribute their unique information while ensuring compliance with applicable laws and policies, and maintaining robust privacy, civil rights, and civil liberties protections.

#### OVERSEAS ENFORCEMENT PROGRAMS

CBP's overseas enforcement programs—Preclearance, Immigration Advisory, and Joint Security Programs (IAP/JSP), and Regional Carrier Liaison Groups (RCLGs)—provide the ability to address the risk posed by travelers before they reach the United States, or prevent the movement of identified threats toward the United States at the earliest possible point.

##### *Preclearance Operations*

Preclearance operations provide CBP's highest level of capability overseas. At preclearance locations, CBP officers work in uniform, have the legal authorities to question travelers and inspect luggage, and complete the same immigration, customs, and agriculture inspections of passengers as at domestic ports of entry. Passengers at a preclearance facility found to be inadmissible to the United States are denied permission to board the aircraft. All mission requirements are completed at the preclearance port prior to travel, which allows the aircraft to arrive at a domestic airport gate in the United States and travelers to proceed to their final destination without further CBP processing, as if they had arrived on a domestic flight; this is a major efficiency for travelers, carriers, and airports.

Preclearance offers benefits for both travel security and facilitation, more comprehensive than those available with IAP/JSP and RCLGs. On a sliding scale, each provides more security coverage than the next—RCLGs are located State-side and provide recommendations through established relationships with commercial airlines; IAP and JSP provide on-site location recommendations, but function in an advisory capacity with voluntary compliance, providing a more limited level of coverage at international locations; preclearance, however, provides for the complete security screening and formal determination of admissibility to the United States for all travelers before passengers ever board a U.S.-bound flight. Through preclearance, CBP is able to work with foreign law enforcement officials and commercial carriers to prevent the boarding of potentially high-risk travelers.

Reinforcing CBP's layered approach to security, CBP always retains the authority to conduct further inspection or engage in enforcement action of a pre-cleared flight upon its arrival in the United States. Preclearance affords the United States the highest level coverage and ability to intercept threats before they reach the United States.

##### *Immigration Advisory Program (IAP)/Joint Security Program (JSP)*

Compared to CBP's preclearance operations, IAP and JSP provide a more limited level of coverage at international locations. Building on the IAP concept, CBP launched the JSP, partnering with host country law enforcement to identify air passengers linked to terrorism, narcotics, weapons, and currency smuggling.

Using advance information from the NTC, IAP officers work in partnership with host government authorities to identify possible terrorists and other high-risk passengers. When a threat is identified, IAP officers issue no-board recommendations to commercial air carriers, helping to prevent terrorists, high-risk, and improperly documented travelers from boarding commercial flights destined for the United States. Using mobile technology, IAP and JSP officers conduct database queries and coordinate with the NTC to confirm whether a traveler is a watch-listed individual. IAP and JSP officers also evaluate the potential risks presented by non-watch-listed travelers.

The IAP and JSP programs are based on the cooperation of the airlines and the host government. IAP and JSP officers do not have the legal authority to compel air carrier or traveler compliance that CBP officers have at a port of entry in the United States or at a preclearance facility overseas. Nevertheless, an IAP or JSP officer's no-board recommendations to an air carrier regarding inadmissible travelers are generally accepted and followed by airlines. Cumulative IAP and JSP no-board recommendations have resulted in savings in adverse action processing costs for travelers who would have been denied entry at U.S. POEs and savings to commercial carriers in costs associated with the transportation of improperly documented travelers.

*Regional Carrier Liaison Groups (RCLGs)*

Finally, the RCLGs were developed to provide coverage of non-IAP airports and support preclearance airports. RCLGs are staffed by CBP officers and utilize established relationships with the commercial airlines to prevent passengers who may pose a security threat, have fraudulent documents, or are otherwise inadmissible from boarding flights to the United States.

## CONCLUSION

The threat against our Nation remains significant, and every day the men and women of CBP are dedicated to identifying and preventing those who intend to harm our country and its people access to the homeland. We want to thank Chairwoman Rice, Chairman Rose, Ranking Member Higgins, Ranking Member Walker, and the Members of the subcommittees for their support of CBP's counterterrorism mission. We appreciate your time and look forward to your questions.

Mr. ROSE. Thank you for your testimony.

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

**STATEMENT OF MONTE B. HAWKINS, DIRECTOR, NATIONAL VETTING CENTER, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. HAWKINS. Chairwoman Rice, Chairman Rose, Ranking Member Higgins, Ranking Member Walker, and distinguished subcommittee Members, thank you for the opportunity to appear before you today. My name is Monte Hawkins, and I am the director of the National Vetting Center, or NVC. I would like to discuss our role in preventing any terrorist travel.

The NVC was established more than a year ago when President Trump signed National Security Presidential Memorandum Number 9. In that memorandum, the President directed the Secretary of Homeland Security, in coordination with the Secretary of State, the attorney general and the director of national intelligence to establish the NVC to improve the manner in which agencies coordinate and use information to identify threats to National security.

Since September 11, 2001, agencies have independently incorporated new technologies and processes to improve the way they leverage sensitive intelligence and law enforcement information when vetting applicants for travel and immigration-related benefits. However, these processes were often designed for single uses, only leverage portions of relevant information and weren't adaptable to address an evolving all-threats landscape.

They did not maximize our ability to provide the sensitive information in a timely and effective manner. What was missing was a single coordinating entity to address these issues and ensure that adjudicators at the Department of Homeland Security, the Department of State and elsewhere receive what they need when they need it for National security partners.

The NVC was created to solve these problems by providing a common technology platform and process to allow for a coordinated and comprehensive review of relevant information. It streamlines the transfer of unclassified applicant and traveler information to Classified environments where it is compared against highly restricted information held by National security partners.

The NVC does not make any adjudications itself, though. Instead, it presents the results of these comparisons in a single user

interface for use by the agencies responsible for adjudicating immigration and travel benefits.

This provides them, for the first time, with a single picture of all the dots of sensitive information to evaluate. Now, immigration and border security decisions will be fully informed before an adjudication is made.

All proposed activities of the NVC are reviewed in advance by separate interagency legal and privacy civil rights and civil liberties working groups. These groups report directly to the National Vetting Governance Board, an interagency oversight body charged with providing guidance and direction to the NVC in the National vetting enterprise.

This P.M.-9 empowered the Secretary of Homeland Security to assign and oversee a director for the NVC. She subsequently delegated those responsibilities to the CBP commissioner. The NVC was not envisioned to be a large bureaucracy so it made sense for CBP to collocate the NVC with its first CBP beneficiary, the National Targeting Center.

But while we are collocated and coordinate closely, the NTC and NVC are different entities with different functions. As Director Conroy just explained, the NTC, and specifically NTC Passenger, conducts analysis and targeting to make tactical adjudication decisions at all points in the travel continuum.

The NVC will ensure that those analysts and targeters receive better, more timely access to the sensitive information they need to make those adjudication decisions. The NTC is a beneficiary of the services the NVC is providing.

The NVC began a phased deployment of operations on December 12, 2018 in support of NTC's vetting of applicants for visa waiver travel authorization to the United States, also known as ESTA.

In the future, if approved by the National Vetting Governance Board, the NVC will endeavor to provide the same level of support to other agencies making travel and immigration-related decisions, including the State Department, other parts of CBP and other components of DHS.

In summary, the NVC is an essential and long-awaited component of the U.S. Government's National vetting enterprise. It furthers the 9/11 Commission's recommendations to enhance interagency collaboration to provide a clear picture of threats against the United States so we can take action to protect the American people.

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

Mr. ROSE. Thank you for your testimony.

I now recognize Ms. Gambler to summarize her statement for 5 minutes.

**STATEMENT OF REBECCA GAMBLER, DIRECTOR, HOMELAND SECURITY & JUSTICE TEAM, U.S. GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. GAMBLER. Good morning, Chairman Rose, Chairwoman Rice, Ranking Member Walker, Ranking Member Higgins, and Members of the subcommittee. I appreciate the opportunity to testify at today's hearing to discuss GAO's work on the screening and vetting

of non-immigrant visa applicants and efforts to screen and inspect air travelers seeking to come to the United States.

Each year the Department of State adjudicated millions of applications for non-immigrant visas. These visas are issued to foreign nationals, such as tourists and students, seeking temporary admission into the United States.

CBP is responsible for inspecting individuals applying for admission to the United States at ports of entry and processes millions of travelers applying for admission each year.

Today I will summarize GAO's past work on data and information related to the adjudication of non-immigrant visa applications and CBP's efforts to screen and inspect air travelers.

First, with regard to State adjudications of non-immigrant visa applications, between fiscal years 2012 and 2017 the total number of applications adjudicated annually peaked at about 13.4 million in fiscal year 2016.

This represented an increase of approximately 30 percent since fiscal year 2012. In fiscal year 2017, non-immigrant visa adjudications decreased by about 7 percent.

On the basis of its adjudication of applications, State either issues non-immigrant visas or refuses them. Between fiscal years 2012 and 2017, the total number of non-immigrant visas issued peaked in fiscal year 2015 at about 10.89 million. This number fell to 9.68 million in fiscal year 2017.

The percentage of non-immigrant visas refused, known as the refusal rate, increased over the time period we reviewed. More specifically, the non-immigrant visa refusal rate rose from about 14 percent in fiscal year 2012 to about 22 percent in fiscal year 2016 and remained about the same in fiscal year 2017.

Non-immigrant visa applicants can be refused a visa on a number of grounds. State data indicate that more than 90 percent of non-immigrant visas refused each year from fiscal years 2012 through 2017 were based on the consular officer's determination that the applicants were ineligible non-immigrants.

Put differently, the consular officers believed that an applicant was an intending immigrant seeking to stay permanently in the United States or did not demonstrate eligibility for the particular visa he or she was seeking.

State data indicates that relatively few applicants, approximately 0.05 percent, were refused for terrorism or other security-related reasons during the time period we reviewed.

Second, with regard to CBP's screening efforts, CBP screens all air 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 pre-departure programs to help identify and interdict high-risk travelers before they board U.S.-bound flights. These programs are pre-clearance, the Immigration Advisory and Joint Security programs and the regional carrier liaison groups.

Pre-clearance 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 document authenticity. 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 assess the effectiveness of these pre-departure programs and DHS concurred. CBP has actions under way to address this recommendation and we will continue to monitor these efforts.

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

[The prepared statement of Ms. Gambler follows:]

PREPARED STATEMENT OF REBECCA GAMBLER

APRIL 2, 2019

GAO HIGHLIGHTS

Highlights of GAO-19-477T, a testimony before the Subcommittees on Border Security, Facilitation, and Operations, and Intelligence and Counterterrorism, Committee on Homeland Security, House of Representatives.

*Why GAO Did This Study*

Previous attempted and successful terrorist attacks against the United States have raised questions about the security of the U.S. Government's screening and vetting processes for NIVs. State manages the visa adjudication process. 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 time. DHS also has certain responsibilities for strengthening the security of the visa process. In 2017, the President issued Executive Actions directing agencies to improve visa screening and vetting, and establishing nationality-based visa entry restrictions, which the Supreme Court upheld in June 2018.

This statement addresses: (1) Data and information on NIV adjudications and (2) CBP programs aimed at preventing high-risk travelers from boarding U.S.-bound flights. This statement is based on prior products GAO issued in January 2017 and August 2018, along with selected updates conducted in December 2018 to obtain information from DHS on actions it has taken to address a prior GAO recommendation.

*What GAO Recommends*

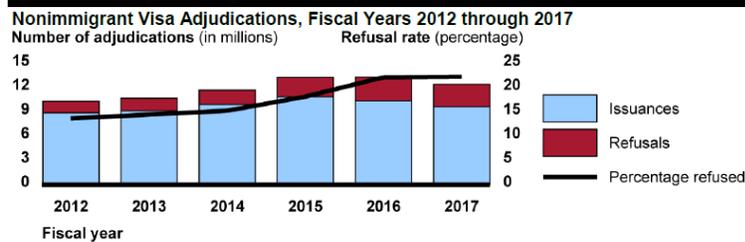
GAO previously recommended that CBP evaluate the effectiveness of its predeparture programs. DHS agreed with GAO's recommendation and CBP has actions under way to address it.

BORDER SECURITY.—U.S. GOVERNMENT EFFORTS TO STRENGTHEN NONIMMIGRANT VISA SECURITY AND ADDRESS HIGH-RISK AIR TRAVELERS

*What GAO Found*

In August 2018, GAO reported that the total number of nonimmigrant visa (NIV) applications that Department of State (State) consular officers adjudicated annually

increased from fiscal years 2012 through 2016, but decreased in fiscal year 2017 (the most recent data available at the time of GAO's report). NIVs are issued to foreign nationals, such as tourists, business visitors, and students, seeking temporary admission into the United States. The number of adjudications peaked at about 13.4 million in fiscal year 2016, and decreased by about 880,000 adjudications in fiscal year 2017. State refused about 18 percent of adjudicated applications during this time period, of which more than 90 percent were because the applicant did not qualify for the visa sought and 0.05 percent were due to terrorism and security-related concerns. In 2017, two Executive Orders and a proclamation issued by the President required, among other actions, visa entry restrictions for nationals of certain listed countries of concern. GAO's analysis indicates that, out of the nearly 2.8 million NIV applications refused in fiscal year 2017, 1,338 applications were refused specifically due to visa entry restrictions implemented per the executive actions.



In January 2017, GAO reported that the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) operates predeparture programs to help identify and interdict high-risk travelers before they board U.S.-bound flights. CBP officers inspect all U.S.-bound travelers on those flights that are precleared at the 15 Preclearance locations at foreign airports—which serve as U.S. ports of entry—and, if deemed inadmissible, a traveler will not be permitted to board the aircraft. CBP also operates 9 Immigration Advisory Program and 2 Joint Security Program locations, as well as 3 Regional Carrier Liaison Groups, through which CBP may recommend that air carriers not permit identified high-risk travelers to board U.S.-bound flights. CBP data showed that it identified and interdicted over 22,000 high-risk air travelers through these programs in fiscal year 2015 (the most recent data available at the time of GAO's report). While CBP tracked some data, such as the number of travelers deemed inadmissible, it had not fully evaluated the overall effectiveness of these programs. GAO recommended that CBP develop a system of performance measures and baselines to better position CBP to assess program performance. As of December 2018, CBP set preliminary performance targets for fiscal year 2019, and plans to set targets for future fiscal years by October 31, 2019. GAO will continue to review CBP's actions to address this recommendation.

Chairwoman Rice, Chairman Rose, Ranking Members Higgins and Walker, and Members of the subcommittees: I am pleased to be here today to discuss GAO's body of work on U.S. Government activities related to screening and vetting non-immigrant visa (NIV) applicants, and identification and interdiction of international air travelers who are potential security threats to the United States. Foreign nationals who wish to come to the United States on a temporary basis must generally obtain a NIV authorizing their travel to the United States.<sup>1</sup> In particular, from fiscal

<sup>1</sup>See 8 U.S.C. §§ 1185, 1201, 1202. Nonimmigrant visas are issued to foreign nationals seeking temporary admission into the United States under a specific nonimmigrant category (8 U.S.C. § 1101(a)(15); 8 C.F.R. § 214.1(a)(1)–(2)), for an authorized period of stay delineated by a particular time frame, or for the duration of a specific program or activity, which may be variable. A visa is not required for travel to the United States by citizens of Canada, as well as participants in the Visa Waiver Program, through which nationals of certain countries may apply for admission to the United States as temporary visitors for business or pleasure without first obtaining a visa from a U.S. embassy or consulate abroad. See 8 U.S.C. § 1187; 8 C.F.R. §§ 212.1, 214.6(d), 217.1–217.7; 22 C.F.R. §§ 41.0–41.3. Foreign nationals seeking permanent status in the United States must generally obtain an immigrant visa, which provides a path to lawful permanent residency. 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).

years 2010 through 2015, the Department of State (State) issued more than 52 million visas for business travel, pleasure, or for foreign student and cultural exchange programs, among other things.<sup>2</sup>

Previous attempted and successful terrorist attacks against the United States have raised questions about the security of the U.S. Government's screening and vetting processes for NIVs. For example, the December 2015 shootings in San Bernardino, California, led to concerns about NIV screening and vetting processes because one of the attackers was admitted into the United States under a NIV. Beginning in calendar year 2017, the President issued Executive Actions aimed at improving the screening and vetting protocols and procedures associated with the visa issuance process, including the imposition of visa entry restrictions for certain categories of foreign nationals from designated countries.<sup>3</sup> Specifically, the President issued two Executive Orders and a Presidential proclamation that required, among other actions, visa entry restrictions for nationals of certain countries of concern, a review of information needed for visa adjudication, and changes to visa (including NIV) screening and vetting protocols and procedures.<sup>4</sup>

State is responsible for visa adjudication and issuance for foreign nationals and is responsible for managing the consular officer corps and its functions at over 220 visa-issuing posts overseas.<sup>5</sup> The process for determining who will be issued or refused a visa contains several steps, including completing an on-line visa application and appearing for an in-person interview at a U.S. embassy or consulate, as shown in figure 1.<sup>6</sup>

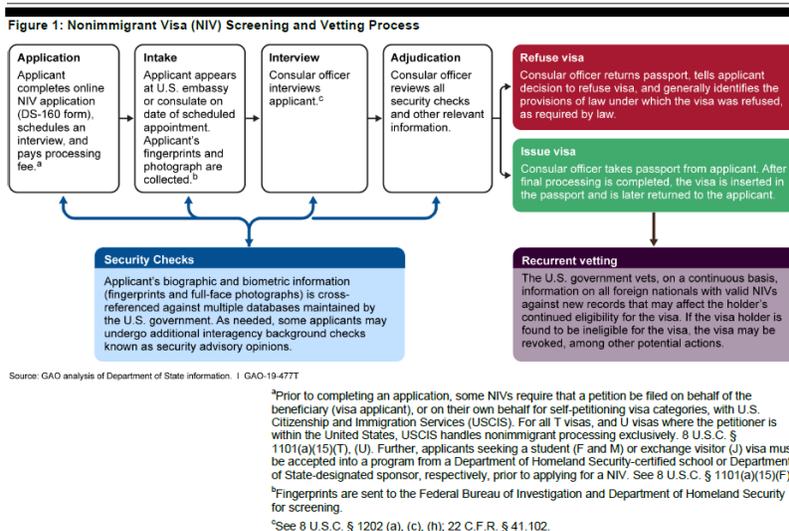
<sup>2</sup>For the purposes of this statement, where we use the term "visa," it is in reference to a non-immigrant visa.

<sup>3</sup>See Exec. Order No. 13780, Protecting the Nation From Foreign Terrorist Entry Into the United States, 82 Fed. Reg. 13,209 (Mar. 9, 2017) (issued Mar. 6). Executive Order (EO) 13780 revoked and replaced a prior EO of the same title, Exec. Order No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017) (issued Jan. 27), implementation of which had largely been halted Nation-wide shortly after issuance by Federal court injunction. Visa entry restrictions under EO 13780 were also blocked by the Federal district courts in March 2017 but, upon review in June 2017, the U.S. Supreme Court permitted implementation of such restrictions subject to an exception for foreign travelers with bona fide ties to the United States. Pursuant to section 2(e) of EO 13780, the President issued Proclamation No. 9645, 82 Fed. Reg. 45,161 (Sept. 27, 2017) (issued Sept. 24), which restricted entry into the United States of nationals from 8 countries (Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen) for an indefinite period. 82 Fed. Reg. 45,161 (Sept. 27, 2017). The Department of State announced that it began fully implementing the proclamation on December 8, 2017, as permitted by the Supreme Court's December 4 order. The proclamation's nationality-based visa entry restrictions were upheld by the Supreme Court in June 2018.

<sup>4</sup>GAO has previously reported on the implementation of these Executive Orders. See GAO, *Border Security and Immigration: Initial Executive Order Actions and Resource Implications*, GAO-18-470 (Washington, DC: June 12, 2018).

<sup>5</sup>See 6 U.S.C. § 236(c), (d); 8 U.S.C. §§ 1201-1202.

<sup>6</sup>See 8 U.S.C. § 1202(a), (c), (h); 22 C.F.R. §§ 41.102, 42.62. Generally, all applicants aged 14 through 79 applying for an NIV must be interviewed in person by a consular officer unless the interview requirement is waived pursuant to statute.



The various security checks NIV applicants undergo generally screen the applicant's information (biographic and biometric) against multiple U.S. Government databases to identify potential matches with records of individuals who are known threats to the United States or other derogatory information that could make the applicant ineligible. In addition, biometric checks include running an applicant's fingerprints and full-face photograph against multiple Government systems. Further, at some locations overseas, Department of Homeland Security's (DHS) Visa Security Program uses the Pre-Adjudicated Threat Recognition and Intelligence Operations Team check to identify National security, public safety, and other eligibility concerns related to visa applicants.<sup>7</sup> Prior to adjudicating the visa application, consular officers must review all such security check results.<sup>8</sup> DHS also vets individuals with NIVs on a recurrent basis, which has resulted in State revoking visas after they have been issued when information was later discovered that rendered the individual inadmissible to the United States or otherwise ineligible for the visa.<sup>9</sup>

In addition, 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. In particular, DHS's U.S. Customs and Border Protection (CBP) is tasked with, among other duties, processing all travelers on U.S.-bound flights and inspecting all people entering or applying for admission to the United States. CBP's National Targeting Center (NTC) conducts traveler data matching, which assesses whether travelers are high-risk by matching their information against U.S. Government databases and lists, and rules-based targeting,

<sup>7</sup>We reported on the Visa Security Program in March 2018. The Visa Security Program provides an additional level of NIV screening and vetting by deploying agents to certain posts overseas to work with consular officers and review NIV applications. See GAO, *Border Security: Actions Needed to Strengthen Performance Management and Planning for Expansion of DHS's Visa Security Program*, GAO-18-314 (Washington, DC: Mar. 20, 2018).

<sup>8</sup>Some applicants are not subjected to all of the security checks depending on certain characteristics, such as age and visa category. For example, State generally does not require that fingerprints be collected for applicants who are either under 14 years old or over 79 years old, or for foreign government officials seeking certain visas. According to State officials, although some applicants do not undergo fingerprint screening, their biographic information is screened against records in the National Crime Interstate Identification Index, which contains criminal history information, via State's Consular Lookout and Support System check. National Crime Interstate Identification Index records include information on persons who are indicted for, or have been convicted of, a crime punishable by imprisonment for a term exceeding 1 year or have been convicted of a misdemeanor crime of domestic violence.

<sup>9</sup>A consular officer or the Secretary of State is authorized to revoke a visa or other documentation at any time, at his or her discretion. A revoked visa is no longer valid for entry or reentry to the United States. INA § 221(i) (8 U.S.C. § 1201(i)).

which enables CBP to identify unknown high-risk individuals. CBP operates multiple predeparture programs that use the results of NTC's analyses to help identify and interdict high-risk travelers before they board U.S.-bound flights.

My testimony discusses: (1) Data and information on NIV adjudications and (2) CBP air predeparture programs. This testimony is based on our prior reports, in particular, those published in January 2017 and August 2018.<sup>10</sup> For these reports, we reviewed agency policies and procedures for NIV screening and predeparture programs; conducted site visits to selected locations to observe NIV operations and the predeparture targeting process; and collected and analyzed data. 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.

NUMBER OF NIV ADJUDICATIONS AND REFUSAL RATES INCREASED FROM FISCAL YEARS 2012 THROUGH 2016, AND DECLINED IN FISCAL YEAR 2017

*NIV Adjudications Increased Annually from Fiscal Years 2012 through 2016 and Declined in Fiscal Year 2017*

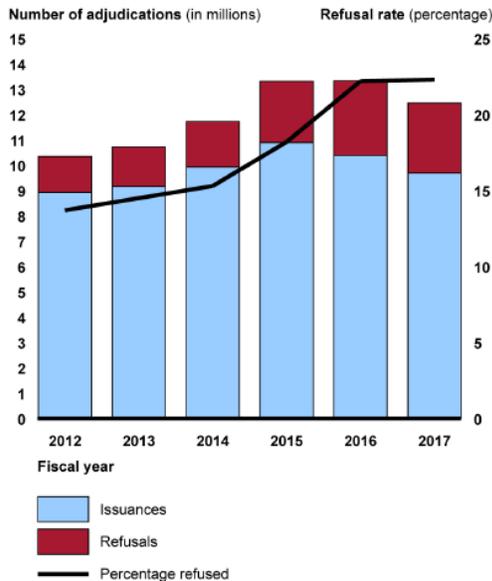
We reported in August 2018 that the total number of NIV applications that consular officers adjudicated (NIV adjudications) annually peaked at about 13.4 million in fiscal year 2016, which was an increase of approximately 30 percent since fiscal year 2012.<sup>11</sup> In fiscal year 2017 (the most recent data available at the time of our report), NIV adjudications decreased by about 880,000 adjudications, or about 7 percent. Figure 2 shows the number of applications adjudicated each year from fiscal years 2012 through 2017.

---

<sup>10</sup>GAO, *Border Security: CBP 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); and *Nonimmigrant Visas: Outcomes of Applications and Changes in Response to 2017 Executive Actions*, GAO-18-608 (Washington, DC: Aug. 7, 2018).

<sup>11</sup>GAO-18-608.

**Figure 2: Issued and Refused Nonimmigrant Visas (NIV) and Refusal Rate, Fiscal Years 2012 through 2017**



Source: GAO analysis of Department of State data. | GAO-19-477T

Note: Issued visas include NIVs that were issued during that fiscal year. Such applications may have been initiated in prior fiscal years. Issued visas include applications that overcame an initial refusal as well as applications that were refused and received a waiver from the Department of Homeland Security. The refusal rate is the number of visas that were ultimately refused divided by the total number of adjudications.

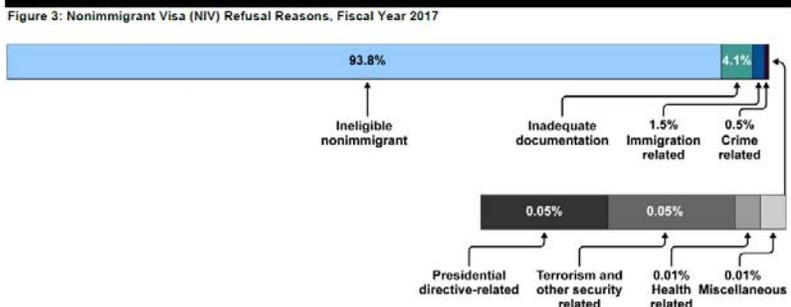
*Most NIV Applications Refused from Fiscal Years 2012 through 2017 Were for Reasons Other than Terrorism and Other Security-Related Concerns*

As shown in figure 2, the percentage of NIVs refused—known as the refusal rate—increased from fiscal years 2012 through 2016, and was about the same in fiscal year 2017 as the previous year.<sup>12</sup> The NIV refusal rate rose from about 14 percent in fiscal year 2012 to about 22 percent in fiscal year 2016, and remained about the same in fiscal year 2017; averaging about 18 percent over the time period. The total number of NIVs issued peaked in fiscal year 2015 at about 10.89 million, before falling in fiscal years 2016 and 2017 to 10.38 million and 9.68 million, respectively.

According to State data, while the majority of NIV refusals from fiscal years 2012 through 2017 were a result of consular officers finding the applicants ineligible, a relatively small number of refusals were due to terrorism and other security-related concerns. State data indicate that more than 90 percent of NIVs refused each year from fiscal years 2012 through 2017 were based on the consular officers' determination that the applicants were ineligible nonimmigrants—in other words, the consular officers believed that the applicant was an intending immigrant seeking to stay permanently in the United States, which would generally violate NIV conditions, or that the applicant otherwise failed to demonstrate eligibility for the particular visa he or she was seeking. For example, an applicant applying for a student visa could be refused as an ineligible nonimmigrant for failure to demonstrate possession of sufficient funds to cover his or her educational expenses, as required. As we reported in August 2018, our analysis of State data indicates that relatively few

<sup>12</sup>The refusal rate is the number of visas that were ultimately refused divided by the total number of adjudications.

applicants—approximately 0.05 percent—were refused for terrorism and other security-related reasons from fiscal years 2012 through 2017.<sup>13</sup> As shown in figure 3, in fiscal year 2017, State data indicate that 1,256 refusals (or 0.05 percent) were based on terrorism and other security-related concerns, of which 357 refusals were specifically for terrorism-related reasons.<sup>14</sup>



Source: GAO analysis of Department of State data. | GAO-19-477T

Note: This figure does not include visas that were initially refused (for example, due to insufficient documentation or for administrative processing) but then subsequently issued, nor does it include visas that were initially refused but later issued per a Department of Homeland Security waiver. For grounds under ineligible nonimmigrant, see Immigration and Nationality Act (INA) § 214(b) (8 U.S.C. § 1184(b)); inadequate documentation, see INA § 221(g) (8 U.S.C. § 1201(g)); terrorism and other security-related ineligibilities, see INA § 212(a)(3) (8 U.S.C. § 1182(a)(3)); for criminal and related ineligibilities, see INA § 212(a)(2) (8 U.S.C. § 1182(a)(2)); for health related ineligibilities, see INA § 212(a)(1) (8 U.S.C. § 1182(a)(1)); for immigration-related ineligibilities, see INA § 212(a)(6), (9) (8 U.S.C. § 1182(a)(6), (9)); and for presidential directive related ineligibilities, see INA § 212(f) (8 U.S.C. § 1182(f)). Pursuant to executive actions taken in calendar year 2017, the President invoked the authority under INA § 212(f) to suspend immigrant and nonimmigrant entry of nationals of certain countries of particular or identified concern. See, e.g., Exec. Order No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017) (issued Jan. 27), Exec. Order No. 13780, 82 Fed. Reg. 13,209 (Mar. 9, 2017) (issued Mar. 6), and Proclamation No. 9645, 82 Fed. Reg. 45,161 (Sept. 27, 2017) (issued Sept. 24). More than 99.5 percent of visa refusals adjudicated in fiscal year 2017 fit within one of these seven categories. The remaining refusal grounds are categorized as miscellaneous (fewer than 400 refusals per year).

<sup>13</sup> INA § 212(a)(3) (8 U.S.C. § 1182(a)(3)). This ground includes engaging in or inciting terrorist activity, being a member of a terrorist organization, participating in genocide, espionage, and committing torture, among other conditions or activities.

<sup>14</sup> The 357 refusals that were specifically for terrorism-related reasons do not include applications for which DHS later issued a waiver. According to State officials, in addition, there were a total of 273 applications that were initially refused for terrorism-related reasons in fiscal year 2017, but for which DHS issued a waiver.

*Executive Actions Taken in Calendar Year 2017 Introduced New Visa Entry Restrictions and Requirements to Enhance Screening and Vetting, Including for NIVs*

The President issued Executive Order 13769, Protecting the Nation from Foreign Terrorist Entry Into the United States (EO-1), in January 2017.<sup>15</sup> In March 2017, the President revoked and replaced EO-1 with the issuance of Executive Order 13780 (EO-2), which had the same title as EO-1.<sup>16</sup> Among other things, EO-2 suspended entry of certain foreign nationals for a 90-day period, subject to exceptions and waivers.<sup>17</sup> In September 2017, as a result of the reviews undertaken pursuant to EO-2, the President issued Presidential Proclamation 9645, Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats (Proclamation), which imposes certain conditional restrictions and limitations on the entry of nationals of 8 countries—Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela and Yemen—into the United States for an indefinite period.<sup>18</sup> These restrictions, identified in table 1, are to remain in effect until the Secretaries of Homeland Security and State determine that a country provides sufficient information for the United States to assess adequately whether its nationals pose a security or safety threat.<sup>19</sup> Challenges to both EOs and the Proclamation affected their implementation and, while EO-2’s entry restrictions have expired,<sup>20</sup> the indefinite visa entry restrictions outlined in the Proclamation continued to be fully implemented as of our August 2018 report.<sup>21</sup>

TABLE 1.—PRESIDENTIAL PROCLAMATION NONIMMIGRANT VISA (NIV) ENTRY RESTRICTIONS BY COUNTRY OF NATIONALITY (AS OF APRIL 2018)

Country(ies) of Nationality	Scope of NIV Restrictions *
Yemen, Libya, Chad .....	All temporary visitor (B-1, B-2, and B-1/B-2) visas**.
Syria .....	All NIVs.
North Korea .....	All NIVs.
Iran .....	All NIVs except nonimmigrants seeking entry on valid student (F and M) or exchange visitor (J) visas.
Venezuela .....	Official-type and diplomatic-type visas for officials of certain government agencies and temporary visitor (B-1, B-2, and B-1/B-2) visas for their immediate family members.
Somalia .....	None***.

Source: GAO analysis of Presidential Proclamation 9645 of September 24, 2017./GAO-19-477T

<sup>15</sup> Exec. Order No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017) (issued Jan. 27) (EO-1).

<sup>16</sup> Exec. Order No. 13780, 82 Fed. Reg. 13,209 (Mar. 9, 2017) (issued Mar. 6) (EO-2).

<sup>17</sup> EO-2, as well as its predecessor EO-1, addressed the immigrant and nonimmigrant visa entry of certain foreign nationals, and refugee admission through the U.S. Refugee Resettlement Program. In conjunction with EO-2, the President, on March 6, also issued a memorandum to the Secretaries of State and Homeland Security and the Attorney General, calling for heightened screening and vetting of visa applications and other immigration benefits. See Memorandum Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry Into the United States, and Increasing Transparency Among Departments and Agencies of the Federal Government and for the American People, 82 Fed. Reg. 16,279 (Apr. 3, 2017). Whereas EO-1 imposed visa entry restrictions for a 90-day period for nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, EO-2 imposed such restrictions on the same countries listed in EO-1 with the exception of Iraq.

<sup>18</sup> Proclamation No. 9645, 82 Fed. Reg. 45,161 (Sept. 27, 2017) (issued Sept. 24).

<sup>19</sup> For example, on April 10, 2018, the President announced that nationals of Chad would no longer be subject to visa entry restrictions under Proclamation No. 9645, because Chad’s identity-management and information sharing practices have improved sufficiently. See Maintaining Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats, Proclamation No. 9723, 83 Fed. Reg. 15,937 (Apr. 13, 2018) (issued Apr. 10).

<sup>20</sup> After the expiration of EO-2’s entry restrictions, the Supreme Court vacated and remanded cases related to EO-2 to the Fourth and Ninth Circuits with instructions to dismiss them as moot. *Trump v. Int’l Refugee Assistance Project*, 138 S. Ct. 353 (2017); *Trump v. Hawaii*, 138 S. Ct. 377 (2017).

<sup>21</sup> According to the U.S. Supreme Court’s June 26, 2018 decision, the President may lawfully establish nationality-based entry restrictions under the INA; therefore, Proclamation 9645 “is squarely within the scope of Presidential authority.” See *Trump v. Hawaii*, 138 S. Ct. 2392 (2018).

Note: The Presidential Proclamation also permits consular officers to grant waivers to the restrictions and authorize the issuance of visas on a case-by-case basis if the visa applicant can demonstrate the following: (a) Denying entry would cause undue hardship to the applicant; (b) the visa applicant's entry would not pose a threat to the National security or public safety of the United States; and (c) his or her entry would be in the U.S. National interest.

\*The Presidential Proclamation has provided certain exceptions to the entry restrictions. For example, unless otherwise specified, suspensions do not apply to diplomatic (A-1 or A-2) or diplomatic-type visas, visas for employees of international organizations and NATO (NATO-1-6, G-1, G-2, G-3, or G-4), or visas for travel to the United Nations (C-2).

\*\*As of April 10, 2018, the Proclamation's visa entry restrictions are not applicable to nationals of Chad.

\*\*\*The restrictions for Somalia only apply to immigrant visas, and do not apply to NIVs.

We reported in August 2018 that our analysis of State data indicates that out of the nearly 2.8 million NIV applications refused in fiscal year 2017, 1,338 were refused due to visa entry restrictions implemented in accordance with the Executive Actions.<sup>22</sup> To implement the entry restrictions, in March 2017, State directed its consular officers to continue to accept all NIV applications and determine whether the applicant was otherwise eligible for a visa without regard to the applicable EO or Proclamation.<sup>23</sup> If the applicant was ineligible for the visa on grounds unrelated to the Executive Action, such as having prior immigration violations, the applicant was to be refused on those grounds. If the applicant was otherwise eligible for the visa, but fell within the scope of the nationality-specific visa restrictions implemented pursuant to the applicable EO or Proclamation and was not eligible for a waiver or exception, the consular officer was to refuse the visa and enter a refusal code into State's NIV database indicating that the applicant was refused solely due to the Executive Actions.<sup>24</sup> More than 90 percent of the NIV applications refused in fiscal year 2017 pursuant to an executive action were for tourist and business visitor visas, and more than 5 percent were for students and exchange visitors.

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.<sup>25</sup> Through these vetting efforts, CBP seeks to identify high-risk travelers from 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 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)<sup>26</sup> against records extracted from U.S. Government databases, including the Terrorist Screening Database (TSDB)—the U.S. Government's consolidated terrorist watch list.<sup>27</sup> Traveler data matching focuses on identifying known high-

<sup>22</sup>The Proclamation's new indefinite restrictions did not go into full effect until fiscal year 2018.

<sup>23</sup>State guidance directed consular officers to halt interviews for visa applicants subject to EO-1 visa entry restrictions beginning on January 28, 2017. This guidance was in place until Federal courts halted the implementation of EO-1 visa entry restrictions in February 2017.

<sup>24</sup>State instructed consular officers to use the refusal code for a refusal based on section 212(f) of the INA (Presidential suspension of, or imposition of restrictions on, alien entry). 8 U.S.C. § 1182(f). It later created a unique refusal code for refusals related to these Executive Actions.

<sup>25</sup>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 (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.

<sup>26</sup>According to CBP officials, information from both: (1) 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 (2) 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.

<sup>27</sup>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*

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.<sup>28</sup>
- 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 Fully Evaluated Overall Effectiveness of These 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 programs as a whole, including implementing a system of performance measures and baselines to assess whether the programs are achieving their stated goals.<sup>29</sup>

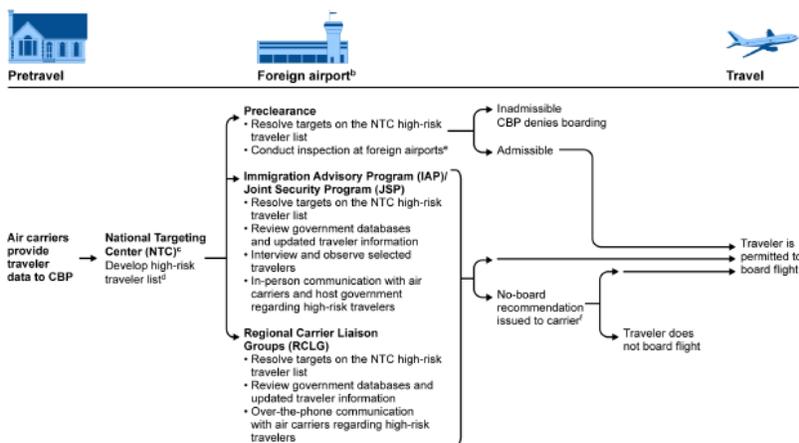
CBP operates three air predeparture programs that are responsible for all U.S.-bound air travelers—(1) Preclearance; (2) the Immigration Advisory Program (IAP) and Joint Security Program (JSP); and (3) the regional carrier liaison groups (RCLG). As we reported in January 2017, CBP data indicated that 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 4.

<sup>29</sup> 2009, *Attempted Attack Could Help Inform Future Efforts*, GAO-12-476 (Washington, DC: May 31, 2012).

<sup>28</sup> In general, when a traveler is identified through rules-based targeting, the traveler is considered to have hit a rule.

<sup>29</sup> GAO-17-216.

**Figure 4: 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<sup>a</sup>**



Source: GAO analysis of CBP information. | GAO-19-477T

<sup>a</sup>For the purposes of this statement, the term travel process denotes the sequential steps that an international traveler takes to travel to the United States and focuses specifically on the points in time when travelers reserve and purchase airline tickets; check-in at the airport; transit to the United States; and arrive at a U.S.-based (i.e., domestic) airport. It does not focus on steps taken by the traveler before a ticket is reserved or purchased, such as obtaining a requisite travel authorization.

<sup>b</sup>This figure generally represents the actions CBP officers take to interdict high-risk travelers who will travel directly to the United States from a foreign last point of departure airport.

<sup>c</sup>CBP's NTC leads all of CBP's predeparture targeting and vetting efforts. The NTC is a 24/7 operations entity within CBP's Office of Field Operations responsible for providing advance information and research about high-risk travelers and facilitating coordination between law enforcement and intelligence agencies in support of CBP's anti-terrorism mission and efforts to keep high-risk travelers from boarding U.S.-bound flights.

<sup>d</sup>For the purposes of this statement, the term "high-risk traveler" refers to any traveler 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. See 8 U.S.C. § 1182 (establishing grounds for inadmissibility). According to CBP, the predeparture programs discussed in this statement aim to interdict all high-risk travelers, but primarily focus on national security concerns and preventing known or suspected terrorists or travelers with connections to known or suspected terrorists from boarding flights destined for the United States.

<sup>e</sup>CBP officers at air Preclearance locations conduct inspections of all U.S.-bound air travelers and determine whether they are admissible into the United States, as if conducted at a domestic U.S. port of entry.

<sup>f</sup>If CBP determines that a traveler at an RCLG, IAP, or JSP location will likely be deemed inadmissible upon arrival in the United States, CBP officers responsible for the location may recommend to the air carrier that it not board the traveler. Air carriers, however, retain authority to board the traveler unless, for example, the traveler has been identified by the Transportation Security Administration as being on the No Fly List, which is a subset of the Terrorist Screening Database that identifies individuals prohibited from, in general, boarding flights to, from, within, or overflying the United States.

*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 March 2018, CBP operated 15 air Preclearance locations in 6 countries.<sup>30</sup> 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.<sup>31</sup> According to CBP officials, an inspection at a Preclearance location is the same inspection as an individual would undergo

<sup>30</sup> 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.

<sup>31</sup> 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) (subject to certain provisos, the Secretary of Homeland Security is authorized to establish and maintain CBP preclearance operations in a foreign country).

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.<sup>32</sup> As a result, travelers arriving at domestic air ports of entry from Preclearance locations do not have to be re-inspected upon entry.<sup>33</sup> According to CBP data, in fiscal year 2015, CBP officers at Preclearance 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.<sup>34</sup>

*Immigration Advisory Program (IAP) and Joint Security Program (JSP).*—IAP and JSP operated 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.<sup>35</sup> 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 in the TSDB, including 106 on the No-Fly List.<sup>36</sup>

*Regional Carrier Liaison Groups (RCLG).*—RCLGs are located and operate at 3 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.<sup>37</sup> 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. We reported in January 2017 that CBP officers working at the 3 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 re-

<sup>32</sup> 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.

<sup>33</sup> 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.

<sup>34</sup> 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.

<sup>35</sup> See 8 U.S.C. § 1225a(b).

<sup>36</sup> 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 is a subset of the TSDB that, in general, identifies individuals prohibited from boarding flights to, from, within, or overflying the United States.

<sup>37</sup> RCLGs are not responsible for travelers departing from Preclearance locations.

sponsibility. 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.<sup>38</sup> 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 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. Therefore, we recommended that CBP develop and implement a system of performance measures and baselines for each program to help ensure that these programs achieve their intended goals. In response, as of March 2018, CBP has developed 3 performance measures for its predeparture programs. On the basis of our review of CBP documentation, as of December 2018, CBP has collected the fiscal year 2018 data relevant to these measures, used those data to set preliminary targets for fiscal year 2019, and plans to analyze the fiscal year 2019 results and set targets for future fiscal years by October 31, 2019. We will review documentation of CBP's analysis of the fiscal year 2019 results and future targets, when available, to determine if CBP's actions address our recommendation.

Chairwoman Rice, Chairman Rose, Ranking Members Higgins and Walker, and Members of the subcommittees, this concludes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

Mr. ROSE. Thank you.

I thank all the witnesses for their testimony.

I will remind each Member that he or she will have 5 minutes to question the panel.

I will now recognize myself for the first questions.

I want to begin, both of these are for both Mr. Conroy as well as Mr. Hawkins, and I want to focus in on the travel ban, specifically Executive Order 13780, also known as the Muslim ban. I want to get down to the core of this. Has it been worth it?

Has it been worth it to alienate millions of people around the world to make certain Americans feel as if they are second-class citizens simply as on the basis of their faith?

According to the GAO, out of 2.8 million non-immigrant visa applications processed in fiscal year 2017, 1,338 individuals were refused entry into the United States because of the Muslim ban.

So to begin first with Mr. Conroy, if the Muslim ban had not been in place, would any of those 1,300 or so individuals been refused on National security grounds?

Mr. CONROY. Chairman Rose, in regards to the travel ban and the issuance of the non-immigrant visa, it is difficult for me to answer had those individuals not been issued a visa. The visa is issued by the Department of State and—

Mr. ROSE. No, but that is not, sir, what I am asking, though. It is that those 1,300 individuals went through our existing system, part of which you control. They passed everything. Then they were banned from getting a visa.

So my question is, is that would any of them have been refused on National security grounds after having gone through the existing system? Would any of them have been?

Mr. CONROY. I would be happy to follow up on those 1,300, but if an individual is going through the vetting and they are not

<sup>38</sup>GAO-17-216.

issued the visa, their travel isn't going to be authorized because they don't have a valid travel document to——

Mr. ROSE. OK. So I understand that, that you don't want to deal with that one particular question. But let us actually look at these 1,300 again.

Would they, after having gone through your system, can you tell me whether the National Targeting Center would have been able to identify any high-risk travelers among these 1,300 before they entered the country? If you are just looking at that sample of 1,300 individuals, would you have been able to identify high-risk?

Mr. CONROY. So again, Chairman, I can't speak to the actual 1,300. But within our systems in Custom and Border Protection and the National Targeting Center at the issuance of the visa we are vetting that information against our holdings for any derogatory information that that applicant or that person has a visa may hit against.

Upon reservation and check-in, we are also vetting that traveler again against our data and our holdings to see if any derogatory information exists that would preclude the admissibility.

So if the person has the ability to travel with a document visa, has made reservations that could match against our systems and if derogatory information exists, we could action.

Mr. ROSE. So are you confident, and this goes for Mr. Conroy and Mr. Hawkins, are you confident in the existing system?

Mr. CONROY. Yes. As CBP we are always continuing to re-evaluate our systems. I think at the NTC——

Mr. ROSE. But you are confident, and Mr. Hawkins, I would like for you to answer this, as well, you are confident that when someone passes through all of your different vetting systems you are confident that they do not represent a threat to this country?

Mr. HAWKINS. As the latest layer in the process, yes, I am confident the NVC provides to the——

Mr. ROSE. So then I will ask you this question again. Those 1,300 individuals passed through your system. Then they were denied entry to this country based off the travel ban. So you have two options here. I understand that we don't want to entertain hypotheticals.

This is not a hypothetical. They passed through your system. You just said that you are confident in your system. Then they were denied entry into this country. So my question to you is very simple. Those 1,300 individuals, do they or do they not represent a threat to this country?

Mr. Conroy first.

Mr. CONROY. Again, Chairman, without knowing who those individuals are and individually seeing the information to run against it, it is difficult for me to answer the question.

Mr. ROSE. You know who those individuals are. They went through your system. You know who they are. This is not a hypothetical.

Mr. CONROY. But Chairman, if they don't have a visa to travel I can't authorize travel unless they have the appropriate documents to board a flight to travel to the United States to be processed at a port of entry.

Mr. ROSE. OK.

So, Mr. Hawkins.

Mr. HAWKINS. Mr. Chairman, the NVC right now was only looking at ESTA travelers. Having only stood up in December, I can't specify—

Mr. ROSE. Of course.

Mr. HAWKINS. The 1,300. So—

Mr. ROSE. No. Of course, I understand that.

So, Mr. Conroy, I want to close out with this. Thirteen hundred individuals, were they or were they not approved? Or did they or did they not trigger off anything before getting to the Muslim ban?

Mr. CONROY. Chairman, it is hard for me to answer that question without knowing—

Mr. ROSE. Well, I can answer for that. Then I will close up my questionings.

They didn't, otherwise they would have been refused entry on another ground. So they didn't. They checked all the boxes. They went through a system that you just told me that you were confident in.

You just said you are confident in our system. They checked all the boxes, and then they were denied entry based off the Nation that they are coming from.

So I urge you, and please, we will follow up with a written question here. I really, truly want to know, and you can go back and look at those 1,300 cases, whether or not you have confidence in your system or whether we need to improve upon our system in order to further vet those 1,300 individuals. Thank you.

With that, I now recognize the Ranking Member of Intelligence and Counterterrorism Subcommittee, the gentleman from North Carolina, Mr. Walker.

Mr. WALKER. Thank you, Mr. Chairman.

Director Hawkins, the goal of the National Vetting Center is to maximize the vetting potential to be robust in near real-time links between the DHS and the intelligence community. So what are the primary challenges to establishing the National Vetting Center, is where I would like to start.

Director Hawkins.

Mr. HAWKINS. Sir, thank you. Some of our challenges are with the sensitivities of some of the information we are trying to access and ensuring that the adjudicators receive that in near-real time to inform their adjudications.

So it is working through all the sensitivities, the protections, and so forth to make sure that the process is trustworthy.

Mr. WALKER. Do you have all the sufficient authority to ensure that all the key players across the DHS and the intelligence community are fully participating in the NVC?

Mr. HAWKINS. We do today, yes, sir.

Mr. WALKER. Good. How long do you think before the National Vetting Center will be mature enough to incorporate data sets related to transnational criminal organizations?

Mr. HAWKINS. Oh, we are looking at expanding beyond counterterrorism information, which is the primary focus today. Our sister, NSPM and NSPM-7, which was approved in the fall before ours, is looking at 5 different threat actor categories—

Mr. WALKER. Yes.

Mr. HAWKINS. Transnational organized crime being one of those, which is a primary focus. I can't speak to exact time lines, but it is certainly high on our radar of incorporating that type of data into our process.

Mr. WALKER. Thank you for those responses.

Ms. Gambler, thank you for being here today. Approximately 40,000 individuals across the world traveled to Iraq and Syria to join ISIS, with several thousand coming from European countries.

Around 2017, as ISIS began to lose some of the territory, a large number began to leave the region, creating a new challenge of detecting the potential return of foreign fighters.

So my question to you is what changes have been made to our vetting system to address concerns about foreign fighters, particularly those with the VWP eligibilities, potentially seeking to travel to the United States?

Ms. GAMBLER. Thank you, Ranking Member Walker.

One of the key changes that has been made to the Visa Waiver Program over time with regard to countries' participation in that program is that countries are required to enter into and share information with the United States through 3 different types of agreements that includes sharing information on lost and stolen passports, sharing information on known criminal history and other things.

One of the key changes has been the requirement for those information-sharing agreements to be implemented.

Mr. WALKER. OK. Thank you.

Mr. Conroy, how are your agencies combating the threat from Westerners who may have spent time in Iraq and Syria or otherwise who subscribe to Jihadi ideologies, but have completely legitimate documents that may have not been flagged in our watch list?

Mr. CONROY. Chairman Walker, in regards to the travel since they battled ISIS, we at CBP have been looking at that threat, adjusting our target rules, looking at outbound travel, as well as identifying those unknowns that are trying to come into the United States as well.

Our systems within the recurrent vetting of the visa hot list, as well as the ESTA hot list we are constantly looking at information that may pose or identify those that pose a risk.

In addition to that, with a collection of biometrics of individuals, we rework at partnerships in our international partners and our interagency and Government partners to make sure that we are trying to share information as much as possible to identify those that are known but that are unknown through our capabilities. We also participate in various foreign fighter task forces as well.

Mr. WALKER. OK. Thank you.

This is a terror travel hearing. By no means am I making the case that that is what is happening at the Southern Border, that we have mass groups of terrorists coming across the Southern Border, but Mr. Hawkins, I would like to ask you a question there.

Do you agree with our former DHS Secretary Johnson, as well as current DHS Secretary Kirstjen Nielsen, that there is a crisis at the border?

Mr. HAWKINS. Sir, I can only speak to the programs, the vetting programs we are involved in today, which is ESTA. The National

Vetting Governance Board will determine where we focus in the future, and they will determine if it is a focus of high priority for us to fold in.

Mr. WALKER. Is it possible for you to vet someone that we do not know about that is crossing our borders?

Mr. HAWKINS. For us, no.

Mr. WALKER. OK.

Ms. Gambler, 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 have prevented their entry into the United States.

How confident are you that the changes that have been made are sufficient to prevent any known or suspected terrorists from gaining entry into the United States?

Ms. GAMBLER. Thank you, Ranking Member Walker. Over time, the U.S. Government has made changes to its screening and vetting programs to strengthen the programs and to strengthen the security and effectiveness of those programs.

One point that I would add, though, is that through our work looking at some of these different programs that are part of the travel life-cycle process, we have identified the need for the Department of Homeland Security to establish performance measures to be able to assess the effectiveness of those programs.

In my opening remarks, I mentioned an open recommendation we have to CBP, related to them establishing performance measures for some of the pre-departure programs.

Another program that we have looked at is ICE's Visa Security Program. We also have an open recommendation there for ICE to establish outcome-based performance measures for that program.

Mr. WATKINS. Thank you, Mr. Chairman. I yield back.

Mr. ROSE. Thank you.

I now recognize the Chairwoman of the Border Security, Facilitation, and Operations Subcommittee, the gentlewoman from New York, Miss Rice, for questions.

Miss RICE. Thank you, Mr. Chairman.

This question I am going to put to Mr. Conroy and to Mr. Hawkins. Let me just state the obvious. No one wants to allow terrorists or anyone who wishes to harm America into the United States. I think everyone agrees with that sentiment.

But I think that we also have to take this in the context of, you know, a potential, complete Southern Border shutdown and whether that will actually make us safer and kind-of also talk about the economic impact that that is going to have as well.

I think it is important that we remain as a country with a welcoming message to the international community, and travelers who do not wish to harm us but just want to come here to visit the United States.

So my question is, how do your agencies balance the need for stringent security with the economic impacts that make the travel and tourism industry our second-largest export, producing \$251 billion in export income in 2017?

Again, this is not just about money. I am not taking away the overriding concern of security to our homeland, but it comes with ancillary effects. So that would be my first question.

Are there existing programs that help you allocate your resources to address threats while also providing opportunities to those travelers we know to be low-risk and making it not so cumbersome and burdensome for them to come here?

Mr. CONROY. Chairwoman Rice, so travel and facilitation is a challenge and we recognize the economic security, as well as we try to protect our Nation from those that come to do harm, National security, other criminal mala fide elements.

Our travel is up 10 percent this year, and in the air environment is up 22 percent. We take our targeting and our capabilities to identify those risks important to the Nation and try to facilitate those that pose the risk to make sure that they are either not boarding or they are examined or other travelers that don't pose a risk are facilitated through the process.

We also take opportunities within our system is, we call it primary lookout overrides so when a traveler is a negative match to our derog we are able to remove that individual from hitting our systems in the future so we don't inhibit that travel or delay their travel in the future. We don't have our analysts looking at individuals that we have already previously vetted.

We try to build as many efficiencies into our targeting capabilities to mitigate risk and threat while at the same time facilitating those that don't pose a risk to this Nation.

Mr. HAWKINS. Madam Chairwoman, while we are looking at individualized risk determinations on all the travelers, at the end of the day, we are trying to do it in the most efficient and effective way possible to support Director Conroy's vetting of ESTA travelers to not delay innocent travelers as much as possible. So we are doing as much as we can to bring speed to that process.

Miss RICE. Mr. Conroy, had the NTC ever have a pilot program involving social media?

Mr. CONROY. So we use social media in a limited basis, the publicly-available information, to identify and assist us in our targeting efforts. We don't use it as the sole decision, but we utilize it to help us as we adjudicate ESTA applications or travel information to see if the individual poses any other further risk.

Miss RICE. So you access social media per individual? You don't just do it in a scatter-shot way? It is an incorporated part of the background checks that you do on people?

Mr. CONROY. It is part of our process when we look at in facilitation and then looking at the individual. If an individual poses a risk and we are doing additional analysis on that traveler who may pose a risk or an inadmissibility or a threat, we utilize publicly-available information to assist us in our determinations.

Miss RICE. So it is only after you have made a somewhat positive finding that might be someone that you don't want to let in? That you then access social media, or maybe I am not understanding it correctly?

Mr. CONROY. So generally when we have an individual that is hitting to one of our hot lists, first thing we have to do or determine is if the person is a match to the information that is being presented, the derogatory information.

Once we determine that the person is a match to the derogatory information, is it sufficient to preclude admissibility and take an

action to deny travel, deny the benefit, such as an ESTA? Or to be allowed travel?

Sometimes we use the publicly-available information to help assist us in identifying if the person poses a threat, the information they are providing is accurate. In some cases we find information that shows the individual maybe has nefarious intentions that helps us make a decision.

Miss RICE. Well, all right, yes, I mean, that is the way the future people post things on social media. We saw that in that last New Zealand horror that happened. I mean, that was all out there. So I think it is obviously something that should be incorporated in.

Ms. Gambler testified, well, in a 2017 report the GAO recommended that CBP should develop and implement a system to measure the performance of CBP's pre-departure programs. Was this done?

Ms. GAMBLER. I can give a status update to that, if that is OK, Chairwoman Rice?

Miss RICE. Great.

Ms. GAMBLER. CBP has been making progress on implementing that recommendation. They have told us that they have established performance measures and have been collecting data. They are working to continue to do that into fiscal year 2019. We are going to continue to monitor their progress, but the recommendation still remains open.

Miss RICE. So did you give them the specific three things that you wanted them to do? Or did you just say come up with a system?

Ms. GAMBLER. We recommended that they come up with a system of performance measures. We did not specify or prescribe what those measures should be.

Miss RICE. Are you at liberty to talk about what they are preliminarily?

Ms. GAMBLER. I think we can follow up with you after the hearing and get you that information, Chairwoman Rice.

Miss RICE. Great. Thank you, very much.

I yield back.

Mr. ROSE. Thank you, Chairwoman.

I now recognize the Ranking Member of the Border Security, Facilitation, and Operations Subcommittee, the gentleman from Louisiana, Mr. Higgins, for questions.

Mr. HIGGINS. Thank you, Mr. Chairman.

Mr. Conroy, under the Visa Waiver Program, nationals of 38 designated countries allowed to travel to the United States for business or tourism for up to 90 days. What types of protections do we have in place to ensure Visa Waiver individuals are not traveling with fraudulent documents?

Mr. CONROY. Mr. Higgins, the ESTA program, which is overseen by Customs and Border Protection in those 38 countries you identified, last year we processed over 15 million applications.

As part of that we denied over 130,000 applications. We look at the information that is available and presented to us within the application. It is not just the biographic information.

The biometric information, as well as the information provided in the application to ensure that whoever is vetting the application to see if that individual that is applying poses any threat.

We utilize that information. Then in addition to that, when the individual is in travel, if we have previous information that the person is into the United States, we are able to validate their biometrics prior to arrival to see if there is any new information in those biometrics that may show an encounter—

Mr. HIGGINS. Specifically regarding fraudulent documents, in your professional opinion, are you finding them to be increasingly sophisticated when they are encountered?

Mr. CONROY. The sophistication of the documents is always a challenge. Within CBP we have a fraud document analysis group where we have officers that are fraud document specialists and subject-matter experts.

Mr. HIGGINS. That group intercepted what was the number for fraudulent documents?

Mr. CONROY. Last year they accepted over 40 million documents and nearly half of those were travel documents.

Mr. HIGGINS. Of that number what was determined to be fraudulent?

Mr. CONROY. I don't know the exact number. I could get that back to you.

Mr. HIGGINS. If you would get that, and we would appreciate that. There was a *60 Minutes* investigation that aired in December effectively saying that the country of Malta is allowing Russian, Chinese, Saudi, and Nigerian citizens to buy Malta citizenship along with the associated European Union passport.

What safeguards do we have in place to mitigate any risks associated with the Visa Waiver country citizenship programs being abused, like the one in Malta, allegedly?

Mr. CONROY. So as part of the Visa Waiver Program, there is an overview from the Department of Homeland Security that we do the country assessments. In addition to it, we rely heavily on our foreign partnerships to ensure that information is being presented or shared with us that poses those threats, or if there is fraud or indications of documents being misused.

Mr. HIGGINS. Is there a process by which a bad actor nation-state that was allowing abuse of that system to be removed from the list?

Mr. CONROY. I am not aware of that.

Mr. HIGGINS. Well, there should be.

Mr. Conroy, you mentioned in your testimony that Customs and Border Protection works to identify risks as early as possible in the travel continuum. It is well-stated. I have long supported CVP programs to effectively push out our borders to ensure that nefarious actors don't step foot on U.S. soil.

Can you speak to some of these programs that CVP operates, such as the PreClearance and Immigration Advisory Program and why they are important?

Mr. CONROY. Absolutely. So when we look at our travel continuum, we take the first opportunity of information that is available to Customs and Border Protection. At the NTC that is the application stage. So as individuals are applying for their ESTA, we

are vetting that information against U.S. Government holdings, to see if anything would prevent derogatory information.

In addition, under the Visa Security Program with Immigration and Customs Enforcement, we work with them in partnership with the Department of State looking at visa applications at the application stage at 37 locations to identify those that may pose a threat when applying for a visa.

In addition to that, we look at the travel information as an individual begins their travel. As the information from the application, now to the travel reservation, that we are matching against our holdings.

We have PreClearance locations in 6 countries. We have Immigration Advisory Programs at 12 airports in 10 countries.

Mr. HIGGINS. Thank you for clarifying that. It is a program we will continue to support.

Quickly, Ms. Gambler, in your testimony you mentioned that the December 2015 shootings in San Bernardino, California, led to concerns about non-immigrant visa screening and vetting process.

Do you think the admittance of Tashfeen Malik on a non-immigrant visa was a result in a gap in our vetting process? Specifically how do you think social media vetting, if enhanced, would have perhaps stopped that entrance?

Ms. GAMBLER. Chairman Higgins, unfortunately, that is not something that we have looked at as part of our audit work. So I can't really speak to it.

But as I mentioned, there have been changes over time that the Federal Government has made to strengthen some of the different programs that are part of this process we are discussing today.

Mr. HIGGINS. Thank you for your candid answer.

Chairman, I yield back.

Mr. ROSE. Thank you, Ranking Member Higgins.

I now recognize the Chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for questions.

Mr. THOMPSON. Thank you, Chairman Rose.

Let me welcome the witnesses to the committee.

Mr. Conroy, good seeing you in a new role. I remember you when you were in Detroit right after 2009 Christmas day incident.

Mr. Hawkins, you responded to Mr. Walker's question that you had everything you needed at the National Vetting Center. Kind-of tell me what kind of resources you have at the vetting center?

Mr. HAWKINS. In terms of our staff, sir?

Mr. THOMPSON. Yes.

Mr. HAWKINS. We have a fairly small staff of core NVC leadership team of about 15 folks, including Government staff and contractors.

We also have and as per the NSPM, we have the on-site intelligence community support element, led by the director of national intelligence. Then we incorporate analysts from the vetting partners in our system.

So as ESTA being our first process, we have analysts from CBP's ESTA program from NTC who sit with us and leverage our process to support the ESTA vetting program.

Mr. THOMPSON. So how many full-time people do you supervise?

Mr. HAWKINS. In terms of staffing at the NVC, I am the only CBP employee. The other Government employees who are there now are currently on detail from other parts of DHS. So I supervise them in terms of NVC activities, but they still report back to their home components.

Mr. THOMPSON. So you don't supervise anybody?

Mr. HAWKINS. Well, I have two deputies per the NSPM, one from FBI and one from State Department who work for me. Then my team of a privacy officer, a lead counselor, a tech director, and a chief of staff.

Mr. THOMPSON. So I am going to ask Mr. Walker's question again.

Mr. HAWKINS. Sure.

Mr. THOMPSON. Do you have everything you need?

Mr. HAWKINS. We aim to be a lean organization. So in terms of our staff, I believe I have today. I think as potentially we grow down the road that might change.

But as what we are doing today, and there will certainly be requests down the road, but as of today, we are OK in terms of our staffing.

Mr. THOMPSON. So if I asked you what did you achieve since you were established in 2018, what could you tell me?

Mr. HAWKINS. Sure. So we have developed a whole technical architecture, which we are happy to brief you on in a Classified setting, because it involves some of our I.C. partners.

Also, we have folded into the NTC's vetting of ESTA travelers, in support of their identification of several hundred travelers of concern, to support their vetting decisions.

Mr. THOMPSON. Mr. Chair, I would love to, at least, in a non-Classified setting, can you provide us that written report of all the good things you have said here today that you are doing?

Mr. HAWKINS. Definitely.

Mr. THOMPSON. Ms. Gambler, several Members have talked about the gaps that still remain. Do you think CBP has accepted your review and fully committed to closing those gaps?

Ms. GAMBLER. Thank you, Chairman Thompson. Yes, CBP has concurred with the recommendations that we have made with regard to these programs. DHS has, more generally, has committed to recommendations we have made in the space. I mentioned our work on the Visa Security Program, for example. DHS and ICE have concurred with those recommendations.

I would add that the Department and the components are making progress toward implementing our recommendations.

Mr. THOMPSON. So again, Mr. Conroy, with respect to what happened in Detroit in 2009, can you bring us fast-forward to some of the things we are doing now so that that might not occur again, in terms of the travel to this country?

Mr. CONROY. Mr. Chairman, so as a result of the 2009 underwear bomber, our pre-departure program is one of those where we have the Immigration Advisory Programs.

Then we started looking at denying boarding of individuals shortly after the event, the change in our relationship with our regional carrier liaison groups to where we could push out recommendations to airlines to deny boarding of travelers.

Shortly after that, we also created the visa hot list. We are working with the Department of State where recurrent vetting information on already-issued visas to ensure that new information is presented that we can match against that information, make recommendations to Department of State to revoke that visa and then deny the travel of that individual as well.

We are very self-critical of our operation at the National Targeting Center and we are always looking to improve our processes in our vetting and in our partnerships. We look at it from the four pillars of authorities, our data, our competencies, and our partnerships.

Then within those areas we look at our partners to see if we can either benefit from their competencies, their data or their authorities or their information, as well as providing some of our capabilities and our information to mitigate the future threats. It is a constantly-evolving process that we are always looking to improve.

Mr. THOMPSON. But your testimony is that since that incident we have expanded and enhanced a number of processes that we take for people coming to this country?

Mr. CONROY. That is correct.

Mr. THOMPSON. Thank you.

I yield back, Mr. Chair.

Mr. ROSE. Chairman, thank you.

The Chair will now recognize other Members for questions they may wish to ask the witnesses. In accordance with our committee rules, I will recognize Members who were present at the start of the hearing based on seniority on the committee, alternating between Majority and Minority. Those Members coming in later will be recognized in the order of their arrival.

The Chair recognizes for 5 minutes the gentlewoman from Arizona, Mrs. Lesko.

Mrs. LESKO. Thank you, Mr. Chair, and thank you for letting me ask questions first.

I have two questions. Just going to ask it to whoever thinks can answer it the best. The first question is how much do you use biometrics, and how do you use it? Do we need to expand the use of it?

The second question is the flood of caravans and people coming over and to the Southern Border, how is that affecting the vetting process?

Mr. CONROY. So, Congresswoman Lesko, from the biometrics perspective, every traveler that is a non-U.S. citizen is biometrically processed at our ports of entry. That is upon arrival.

In addition to that, we work with our partners in the vetting process when individuals are applying for various status. In non-immigrant visas, for example, when biometrics are run that we provide support to our interagency partners and adjudicate those biometrics that may hit the derogatory information.

In addition to that, we utilize the biometrics on individuals when they are in travel to match that biometric against the biographic to see if there is new information on that biometric that may pose a risk that is not biographically available as well.

We have expanded the biometrics from the facial, the biometric entry and exit, as you may be aware it helps the facilitation and

the validation of individuals and their identities to their biographic information, anything we may have in our holdings and this expansion as we go forward.

It is always the collection of biometrics and not just biographics that we want to match against to identify those threats.

In regards to the caravan, we continue to support the officers and agents in the field with our capabilities. Last year we processed over 20,000 calls at the National Targeting Center for assistance.

If it is from our Southern Border, if it is from our foreign partners or other agencies that are asking us to provide assistance in running and identifying some of the individuals that are encountered along the Southern Border. That information is hitting against that.

The officers and agencies there can reach back to the National Targeting Center and we will provide any services that we can within the capabilities and the tools that we have available to support them.

Mrs. LESKO. Thank you, Mr. Chair.

Either you, sir, or someone else, has the flood of people crossing the border affected that process? I mean, we have been told by Secretary Nielsen and others that, you know, I believe we are at a total crisis on the Southern Border and, you know, Border Patrol agents are having to take people to hospitals and, you know, diverting them from their jobs and, you know, doing all types of things.

So I was wondering if there is, you know, what you have seen as far as this? I am just concerned that with all of this going on that we may be missing some terrorists that are coming over our Southern Border. Has there been an ill effect?

Mr. CONROY. So there are challenges with that, and I would offer to have a team to come and brief you specifically on just those challenges that we are dealing with the border. It is an unprecedented event and it has some challenges. I think we see some of the challenges now today.

From the National Targeting Center, though, to step it back to our global outreach and extending our borders, we take a hemispheric approach within the Western Hemisphere and working with our key allies in the Western Hemisphere if it is through partnerships, if it is through capabilities and information sharing, to extend our capabilities with our partners in the Western Hemisphere to target those threats that may pose a threat to the whole hemisphere and denying those that pose a threat of National security or other criminal activity from getting into the country that ended up into our southern borders where we don't want to be the first line of defense.

We want our borders to be the last line of defense and work with our international partners. We are doing a good job, I believe, at mitigating that threat as best as possible.

Mrs. LESKO. Thank you.

I yield back.

Mr. ROSE. Thank you.

The Chair recognizes for 5 minutes the gentlewoman from Michigan, Ms. Slotkin.

Ms. SLOTKIN. Thank you. Sorry to be late, apologies. I apologize if some of this has been covered, but I guess I would ask this. So I am from Michigan so we have three border crossings. The Government has made some major changes, obviously, since 9/11.

The threats have evolved and we have reshaped how the Government approaches immigration and travel. Can you help me understand where some of the improvements have been and then some of the gaps that you still feel like you have?

Mr. CONROY. So within the National Targeting Center, ma'am, we are always looking for improvements in our capabilities, if it is technology, if it is through additional data or it is through partnerships of sharing in our capabilities.

We are continually looking at the threat to see as it evolves and then transitions that we are trying to stay ahead or identifying those threats as they may move if it is from Northern Border, Southern Border or within our air environments.

Ms. SLOTKIN. So just help me out with some gaps. There has got to be some things that you are working on where, you know, you try to get ahead of something, a future threat, a different kind of threat. Help us understand it can't be all great. Help me understand some of the things you are still working on.

Mr. CONROY. We are working within our partnerships, our international partners and our interagency government partners is identifying those gaps as to transitions.

It really comes down to our partnerships within the intel community, the investigative agencies, State and local and our foreign partners and the information sharing that we provide and that they provide to help us adjust to those gaps that maybe start to present themselves and mitigate them as possible.

I can't really talk to any specific gaps that I am seeing right now in what we are doing in our efforts to prevent terrorist travel and individuals getting on flights to come into the United States.

Ms. SLOTKIN. OK. I would just offer, as a former CIA officer, that any time you say I have no risks or gaps, it is sort-of a tell that you aren't looking hard enough or you are not thinking creatively about future threats.

If you can't say it because it is Classified that is a different answer than you have no worries, but I wouldn't personally want to be on record as saying I have no worries with the way the threats evolve.

Sorry, I am just making sure. Tell me about the Visa Waiver Program. So while foreign nationals from most countries get a visa to come to the United States, others come through the Visa Waiver Program.

What are we doing to improve the Visa Waiver Program? Just walk me through where you think it stands and what you are doing to improve it.

Mr. CONROY. So I, as you may be aware, there are 38 countries that participate in the Visa Waiver Program, when an individual of those countries applies for the visa waiver in ESTA, the Electronic System for Travel Authorization.

We run it through our data for any kind of derogatory information and we take the biographic and the biometric, as well as the additional application information to run against our holdings.

We are continually looking at the improvements as to how do we take that data and run it against additional holdings, such as the National Vetting Center and bringing in partners that help us be more effective in looking at those threats? It may be against information that we don't have access to but that other partners do that can share it back to us.

Ms. SLOTKIN. OK. Then one of the things that, and as much as you are able to say in an unclassified setting, just how you have seen since 9/11 foreign fighter travel change and evolve?

What are things that you are looking at differently now? Help us understand how you have evolved to the new threats, what you have been doing to adapt and what you are seeing on the ground?

Mr. CONROY. So as we identify the threat we also start transitioning our threshold targeting capabilities looking at individuals that are traveling out of the country that may be going to conflict areas and identifying those travelers as well.

We have adjusted our threshold targeting to identify unknowns and travelers that may be trying to come back to the United States or travel through other routes into the country.

In addition, our targeting threshold against our visa, already-issued visas, as well as the ESTA applications that identify any new information, participating in numerous foreign fighter task force.

Our biggest relationship is with our foreign partnerships, is really identifying those relationships to ensure that we are sharing terrorist identify information of these individuals to ensure that they don't pose a risk and that we can identify them if they should attempt to travel to the United States.

Ms. SLOTKIN. Thank you.

I yield back my time.

Mr. ROSE. Thank you.

The Chair recognizes for 5 minutes the gentleman from Mississippi, Mr. Guest.

Mr. GUEST. Thank you, Mr. Chairman.

To our witnesses I want to thank you and thank your agencies for what you do each and every day to keep our communities safe.

In preparing for today's hearing some information was provided to Members of the committee, and I just want to ask your opinion if this information sounds correct. It says on average that the Department of Homeland Security stops "10 known or suspected terrorists attempting to travel to the United States." Does that sound like an accurate figure?

Mr. CONROY. Yes, it does.

Mr. GUEST. Then the information goes on and it says, "Furthermore, more than 40,000 individuals from over 120 countries travel to Iraq and Syria to join terrorist groups." Again, that 40,000 number, does that figure seem to be accurate to you?

Mr. CONROY. The exact number I don't know the accuracy, but I know that there is concerns regarding the volume of foreign fighters.

Mr. GUEST. I know you talked just a minute ago, Mr. Conroy, about information sharing, but do we currently have in place a vetting program to identify those that are traveling abroad that would

either seek to join a terrorist group or seek to provide material assistance to a terrorist group?

Mr. CONROY. So from the United States' perspective at the National Targeting Center, we do target travelers that are departing the United States into foreign locations. We don't necessarily have the information on foreign travel and targeting.

That is where our partnerships come in and our abilities to share information and provide our partner agencies that maybe are countries that don't have the capabilities to help target against those threats that are traveling through their countries.

Mr. GUEST. One more piece of information contained in the briefing says that "the CBP is responsible for vetting individuals and cargo before they enter the United States at any one of the 328 U.S. ports of entry." That is part of CBP's responsibility. Is that correct?

Mr. CONROY. So with the CBP and the National Targeting Center we vet information from advanced travel. Unfortunately, like on our Southern Border and our Northern Border, we don't get advanced travel information to target against those individuals.

Mr. GUEST. Well, and that was going to be my next question, is how do we properly vet individuals that are not entering our country through ports of entry along our unsecured portion of our Southwest Border?

Read reports, news reports that over 90,000 people or estimates of 90,000 people will have entered the country just last month across the unsecured portion of our border. Those are the individuals that we have captured. How do we vet people who are not entering our country through ports of entry? Is it impossible?

Mr. CONROY. Unless the identity information is provided to us to the National Targeting Center, it is hard for us to vet against an individual we don't know about.

Mr. GUEST. Then I want to follow up with one additional line of questioning. There was some questions earlier about 1,300-some-odd individuals who had been denied entry into the United States that had been previously granted a visa. I guess my question is, is after an individual has been granted a visa does that end the vetting process at that point?

Mr. CONROY. No, it doesn't. Once an individual's visa has been issued we still are running it through our visa hot list of recurrent vetting to—

Mr. GUEST. And is—

Mr. CONROY. If new information becomes available it will hit to our system so we can match the derogatory information that may not have been available at the time of application to see if it re-raises to a level of inadmissibility or national security.

Mr. GUEST. So the issuing of the visa is just one step in the vetting process?

Mr. CONROY. That is correct.

Mr. GUEST. I believe there was testimony or maybe I read in the documents preparing for today's hearing that vetting continues before an individual is allowed to board a plane. Is that correct?

Mr. CONROY. That is correct.

Mr. GUEST. That vetting continues even as the individuals have boarded the plane and are en route to the United States. Is that correct?

Mr. CONROY. That is correct.

Mr. GUEST. So an individual that has been granted a visa, that does not mean that that individual is automatically going to be allowed to travel to our country. There may be information received that your agency has that would prevent someone with a valid visa from being able to travel if they were a known or suspected terrorist. Is that correct?

Mr. CONROY. That is correct.

Mr. GUEST. Thank you.

I yield back.

Mr. ROSE. Thank you. I just have one further question. Then I think further pending any other Members here with any further questions we will wrap this up.

On March 6, Secretary Nielsen came to testify before this entire committee and she spoke to the fact that the Department makes decisions based off a model.

The opiates streaming across the border, Fentanyl in particular coming through ports of entry also, as she claims, through the Southern Border, that the people are allocating personnel based off this model, allocating resources based off this model.

She also said that they look to this model to determine how to allocate resources in regards to the threat of terrorist travel, again, over the entirety of the Southern Border, ports of entry, airports. Over and over and over again we heard about this model.

When I asked her for additional information on this model that the DHS uses, she informed me that she would love to come and share details with me and the rest of the committee regarding the model.

So my question is do you know which model or models she referred to in her testimony? I refer specifically to Mr. Conroy and Mr. Hawkins.

Mr. CONROY. Chairman Rose, I do not know those models. I am more than happy to follow back with our agency to see what we can get for you as far as that.

Mr. ROSE. OK.

Mr. HAWKINS. Sir, same here. I am not aware of those.

Mr. ROSE. Do you know of anyone that has used this model? Have you seen or heard of anyone referencing this model in terms of your daily work lives?

Again, Mr. Conroy.

Mr. CONROY. In regards to a specific model I can't mention that, but I know there are efforts from all threats if it is from narcotics, for National security, that within the National Targeting Center and CBP that we are working with the Department to address those threats.

Mr. ROSE. Sure. Sure.

Mr. Hawkins.

Mr. HAWKINS. I am not aware, sir. I am sorry.

Mr. ROSE. So suffice it to say that if this model does exist neither of you were consulted in terms of the development of this model?

Is that correct, Mr. Conroy?

Mr. CONROY. The National Targeting Center for Passenger looking at the National security threats in some of the topics, as you had mentioned, I don't think I would have necessarily been involved in those conversations. But not to say that there wasn't conversations at the National Targeting Center within other divisions.

Mr. ROSE. OK, thank you.

Mr. Hawkins.

Mr. HAWKINS. Same here, sir.

Mr. ROSE. OK. Thank you so much.

With that, I thank the witnesses for their valuable testimony and the Members for their questions. Members of the committee may have additional questions for the witnesses and we ask that you respond expeditiously in writing to these questions.

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

Again, I would just like to reiterate from both the Republicans and Democrats and mention this, thank you for your service to this country.

Without objection, this subcommittee stands adjourned.

[Whereupon, at 11:21 a.m., the subcommittees were adjourned.]

## APPENDIX

---

### QUESTIONS FROM CHAIRMAN MAX ROSE FOR DONALD CONROY

*Question 1.* According to GAO, out of the 2.8 million non-immigrant visa applications refused in fiscal year 2017, 1,338 applications were refused because of the Muslim Ban, or Executive Order 13780. If the Muslim Ban had not been in place, would any of these 1,338 individuals have been refused on National security grounds?

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

*Question 2.* On March 6, Secretary Nielsen testified before this committee, saying DHS has “surge models throughout the Department, whether it is FEMA, whether it is TSA, we do everything based on risk. So when we saw risk in gaps, we move around the personnel in a temporary fashion to address that gap.” Do you know which model or models she referred to in her testimony? Were you involved in creating these “surge” models? If not, who was? Do you use “surge” models at the National Targeting Center or the National Vetting Center?

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

### QUESTION FROM CHAIRWOMAN KATHLEEN M. RICE FOR DONALD CONROY

*Question.* Based on your testimony, I understand that you look at social media to supplement or augment any derogatory information on an individual. Is there a standardized way to incorporate social media searches for the entire population you are screening? If so, please provide the standards for the utilization of social media while screening visa waiver applicants. In addition, has CBP conducted and completed a cost-benefit analysis for this type of screening? If yes, please provide the committee with a copy of this analysis.

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

### QUESTION FROM CHAIRMAN MAX ROSE FOR MONTE B. HAWKINS

*Question.* On March 6, Secretary Nielsen testified before this committee, saying DHS has “surge models throughout the Department, whether it is FEMA, whether it is TSA, we do everything based on risk. So when we saw risk in gaps, we move around the personnel in a temporary fashion to address that gap.” Do you know which model or models she referred to in her testimony? Were you involved in creating these “surge” models? If not, who was? Do you use “surge” models at the National Targeting Center or the National Vetting Center?

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

### QUESTION FROM CHAIRWOMAN KATHLEEN M. RICE FOR MONTE B. HAWKINS

*Question.* Does the National Vetting Center utilize social media information in any way separate from CBP’s screening?

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

### QUESTION FROM CHAIRMAN BENNIE G. THOMPSON FOR MONTE B. HAWKINS

*Question.* Please provide the committee with an unclassified written report of all that the National Vetting Center has accomplished since its establishment in 2018.

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

