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THE OUTER RING OF BORDER SECURITY: DHS'S INTERNATIONAL SECURITY PROGRAMS

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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CONTENTS

Page

STATEMENTS

The Honorable Candice S. Miller, a Representative in Congress From the State of Michigan, and Chairman, Subcommittee on Border and Maritime Security:
Oral Statement 1
Prepared Statement 3
The Honorable Filemon Vela, a Representative in Congress From the State of Texas, and Ranking Member, Subcommittee on Border and Maritime Security:
Oral Statement 5
Prepared Statement 5

WITNESSES

Mr. Alan D. Bersin, Assistant Secretary and Chief Diplomatic Officer, Office of Policy, U.S. Department of Homeland Security:
Oral Statement 8
Prepared Statement 10
Mr. John Wagner, Deputy Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security:
Oral Statement 13
Prepared Statement 15
Mr. Lev J. Kubiak, Assistant Director, International Operations, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security:
Oral Statement 21
Prepared Statement 22
Ms. Rebecca Gambler, Director, Homeland Security and Justice Issues, U.S. Government Accountability Office:
Oral Statement 27
Prepared Statement 29

APPENDIX

Question From Honorable Brian Higgins for Alan D. Bersin 57

THE OUTER RING OF BORDER SECURITY: DHS'S INTERNATIONAL SECURITY PROGRAMS

Tuesday, June 2, 2015

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 10:03 a.m., in Room 311, Cannon House Office Building, Hon. Candice S. Miller [Chairwoman of the subcommittee] presiding.

Present: Representatives Miller, Smith, Rogers, Barletta, Hurd, McSally, Vela, and Torres.

Mrs. MILLER. I think we are expecting a few more Members, but in the interest of time and there are a number of hearings happening this morning, the Committee on Homeland Security, Subcommittee on Border and Maritime Security, will come to order. The subcommittee is meeting today to examine the Department of Homeland Security's international programs.

We are pleased to be joined by Mr. Alan Bersin, who is a frequent guest here, of the Department of Homeland Security's Office of Policy; Mr. John Wagner, again another frequent guest, from the Office of Field Operations at U.S. Customs and Border Protection; Mr. Lev Kubiak of the U.S. Immigration and Customs Enforcement—I appreciate him coming again—and, also, Ms. Rebecca Gambler is back again of the Government Accountability Office.

We learned on 9/11 and again with the Christmas day bomber that we cannot wait to act until terror plots reach our shores. Pushing our borders out gives the Nation's security professionals the time and space to interdict plots before they reach the homeland. For more than 10 years the Department of Homeland Security and, in particular, its operational components have done just that.

Today we have several programs in place to stop suspected terrorists, foreign fighters, and others with significant derogatory information provided by the intelligence community from ever coming to America. No system is perfect, of course.

But the earlier in the travel and the visa process we can begin to conduct security checks, have a CBP Officer examine and preclear an individual or do a security advisory opinion to make sure we are examining visas appropriately, the safer the homeland will be.

The vetting these programs do has created an outer ring of border security which has become even more important due to the sig-

nificant and growing threat that fighters from the Islamic State of Iraq and Syria, ISIS, pose to our Nation.

These fighters could be one flight away, bringing with them the skills, training, ideology, and commitment to killing Americans that they learned overseas, and that is why it is so important that the DHS officers and attaches abroad conduct security operations.

Today the DHS has a large footprint overseas with more than 1,800 people stationed in 77 foreign countries across the globe. I certainly understand that the posting of DHS personnel overseas is a cumbersome process with significant costs. In many cases, it costs more than $500,000 per person each year. Space is limited at many consulates and embassies overseas.

So it is incumbent on the Department to use and to constantly update its risk-based approach so that the American people are getting good security value for the expense. Threats that originate overseas have evolved over time, and our security posture should evolve with it.

DHS should constantly re-evaluate the location of their officers to ensure that we have our men and women in the right countries. Additionally, if we can do some of the screening and vetting work here at home, we should.

When the security of the homeland requires the Department to have officers overseas, we need to maximize their use to cover multiple countries within their respective issue areas as well as ensure their personal safety.

To that end, we are glad to see that, in many cases, the DHS utilizes a regional model where its attachés are covering several nearby countries to make sure the Department's investigations are being properly supported overseas.

We are also pleased that where we have the visa security program officers overseas we have the PATRIOT program that examines the totality of data on ESTA and visa applications. However, this program is limited to just those posts where visa security units are in place.

Despite the visa security program's proven security value and robust Congressional support, this program has not been expanded to all high-risk posts overseas. No issue has kept CBP leadership busier over the past few years than pre-clearance operations.

Failure to properly consult with stakeholders and the Congress and other process fouls on pre-clearance expansion caused a great deal of consternation on Capitol Hill and in this committee. I hope that the Department has looked at some of the early missteps and will keep Congress fully abreast of future plans, especially in light of the recent announcement of the intention to expand pre-clearance to 10 additional locations.

We certainly want to be clear that we support pre-clearance where it makes sense. Pre-clearance has been used as a security screening and trade facilitation tool since the early 1950s, and since 9/11 the security value of these operations has only been heightened. However, as was made clear by legislation the House passed last year, we cannot repeat the mistakes of the Abu Dhabi agreement.

Expansion of pre-clearance has to be done is such a way that supports both our security and facilitation objectives and does not

disadvantage our domestic airlines at the same time. The full committee plans on taking up pre-clearance legislation once again later this month, actually, and I certainly look forward to its quick passage by both the House and the Senate.

Defeating terrorists' ability to move internationally has long been a focus area for this subcommittee. We have and will continue to be champions for pushing the border out because our National security demands it.

So we will be looking forward to hearing from Mr. Wagner on CBP's plans to expand pre-clearance operations overseas. We are also interested in hearing more about the work that the DHS led vetted units throughout the world, including Central America, to help better capacity of law enforcement, to build the capacity of law enforcement, and to help lead to better conditions to reduce migration into the United States.

Our enemies are intent on attacking our country and are actively seeking to avoid our countermeasures. We must be one step ahead instead of constantly reacting to their latest attack. DHS' presence overseas is the crucial part of the outer ring of border security and provides many opportunities to break up plots early in the travel and visa cycle.

The purpose, again, of this hearing to make sure that DHS and the Government as a whole are taking full advantage of every tool in our tool kit to limit terrorist mobility as far from our shores as possible and to ensure that limited taxpayer funds are used as effectively as possible.

Again, I thank the witnesses for being here this morning. We look forward to all of your testimony.

[The statement of Chairman Miller follows:]

STATEMENT OF CHAIRMAN CANDICE S. MILLER

We learned on 9/11 and again with the Christmas day bomber that we cannot wait to act until terror plots reach our shores. Pushing our borders out gives the Nation's security professionals the time and space to interdict plots before they reach the homeland.

For more than 10 years, DHS, and in particular its operational components have done just that. Today we have several programs in place to stop suspected terrorists, foreign fighters, and others with significant derogatory information provided by the intelligence community from ever coming to America.

No system is perfect, of course, but the earlier in the travel and visa process we begin to conduct security checks, have a CBP Officer examine and pre-clear an individual, or do a security advisory opinion to make sure we are examining visas appropriately, the safer the homeland will be.

The vetting these programs do has created an "outer ring of border security," which has become even more important due to the significant and growing threat that fighters from the Islamic State in Iraq and Syria (ISIS) pose to our Nation.

These fighters could be just one flight away—bringing with them the skills, training, ideology, and commitment to killing Americans they learned overseas. This is why it is so important that DHS officers and attachés abroad conduct security operations.

Today, DHS has a large footprint overseas with more than 1,800 people stationed in 77 foreign countries across the globe.

I understand that the posting of DHS personnel overseas is both a cumbersome process with significant cost—in many cases costing more than $500,000 per person each year.

Space is limited at many consulates and embassies overseas, so it is incumbent on the Department of Homeland Security to use, and constantly update, its risk-based approach so that the American people are getting good security value for the expense.

Threats that originate overseas have evolved over time, and our security posture should evolve with it. DHS should constantly reevaluate the location of their officers to ensure that we have our men and women in the right countries. Additionally, if we can do some of the screening and vetting work here at home, we should. When the security of the homeland requires the Department to have officers overseas, we need to maximize their use to cover multiple countries within their respective issue areas, as well ensure their personal safety.

To that end, I am glad to see that, in many cases, DHS utilizes a regional model, where its attachés are covering several nearby countries to make sure the Department's investigations are being properly supported overseas.

I am also pleased that where we have Visa Security Program officers overseas we have the PATRIOT program that examines the totality of data on ESTA and visa applications. However, this program is limited to just those posts where Visa Security Units are in place. Despite the Visa Security Program's proven security value, and robust Congressional support, this program has not been expanded to all high-risk posts overseas.

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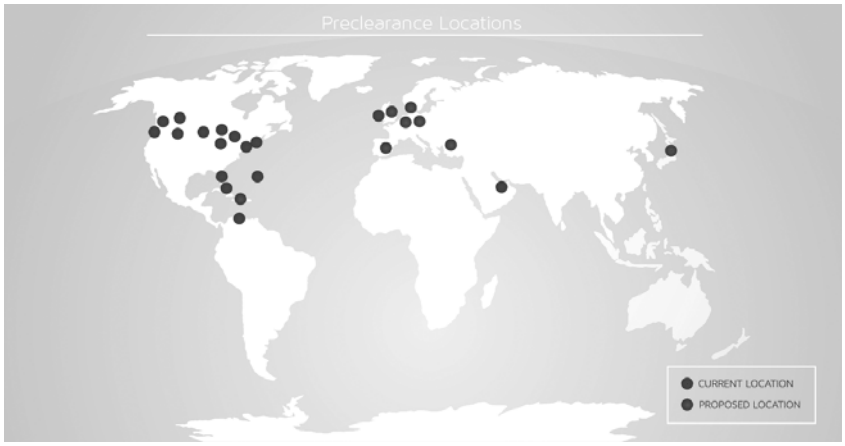
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I am also interested in hearing more about the work of DHS-led vetted units that work throughout the world, including Central America, to help build capacity of law enforcement, and help lead to better conditions to reduce migration to the United States.

Our enemies are intent on attacking our country and are actively seeking to avoid our countermeasures. We must be one step ahead, instead of constantly reacting to their latest attack. DHS's presence overseas is a crucial part of the "outer ring of border security" and provides many opportunities to break up plots early in the travel and visa cycle.

The purpose of this hearing is to make sure DHS and the Government as a whole are taking full advantage of every tool in our tool kit to limit terrorist mobility as far from our shores as possible, and ensure that limited taxpayer funds are used as effectively as possible. I thank the witnesses for being here today and look forward to your testimony.





Mrs. MILLER. At this time the Chairman now recognizes the Ranking Member of the subcommittee, the gentleman from Texas, Mr. Vela.

Mr. VELA. I would like to thank Chairman Miller for holding today's hearing, examining the Homeland Security's international border security program. I would like to file my written statement for the record, if you might.

Mrs. MILLER. Without objection.

[The statement of Ranking Member Vela follows:]

STATEMENT OF RANKING MEMBER FILEMON VELA

JUNE 2, 2015

Thank you, Chairman Miller, for holding today's hearing examining the Department of Homeland Security's international border security programs.

As you know, my Congressional district is located along our Nation's Southwest Border, in the Rio Grande Valley of Texas.

While some may presume that DHS's border security activities begin and end at our physical borders, that is not the case.

For example, a truck carrying goods from one of the hundreds of maquiladoras across the border into my district would likely have submitted an electronic manifest to Customs and Border Protection an hour or more before arriving at the bridge.

Similarly, the shipper of a container arriving at the Port of Brownsville would have transmitted information about the shipment to CBP days before its arrival at the port.

The container may have even been shipped from a Container Security Initiative port, where CBP has personnel stationed at overseas ports helping to secure U.S.-bound maritime cargo.

Likewise, a traveler arriving at the local airport in Brownsville may have started his journey at a CBP Pre-clearance airport abroad, landing in Houston without needing to go through customs before boarding a flight to our local airport.

Each of these is an example of DHS efforts to begin screening people and goods before they arrive.

Their efforts not only better secure our borders, but also facilitate legitimate travel and commerce that is the lifeblood of border communities and so vital to our Nation's economy.

DHS has a significant global footprint, with about 1,800 personnel at posts around the world.

Given the location of my district, I am interested in hearing from our witnesses today about what DHS is doing in Mexico, particularly to combat transnational criminal organizations and enhance border security.

For instance, I hope to hear about ICE's Transnational Criminal Investigative Units (TCIUs).

These units consist of ICE personnel working with specially vetted foreign law enforcement personnel to fight transnational criminal threats.

It's my understanding that ICE plans to expand the program by establishing a TCIU in Mexico this year.

I hope to have an update today about the status of and plans for that unit.

I am also interested in understanding about whether the new TCIU is expected to help address the on-going security situation in Tamaulipas, Mexico, across from my Congressional district.

The security and prosperity of my district and so many communities like it depends in part on security and prosperity across the border, and I want to continue to be supportive of U.S. efforts to that end.

Again, I thank the witnesses for joining us today and I look forward to your testimony.

With that, Madam Chairman, I yield back the balance of my time.

Mr. VELA. I know that the focus of this hearing is our international security programs around the country. But just here recently—if you might indulge me just for these 5 minutes to focus in on one particular area, which happens to be my back yard, because just this weekend, as I was in my district, friends, neighbors came to me with stories of gun battles that occurred just last Friday not with 5 miles from my district office.

It was about 2 years that Mr. Bersin and I first met in my office, and we discussed this issue. For the last year-and-a-half I have repeatedly had discussions and warned administration officials about the degree of violence in Matamoros, Mexico, which is right at the border of Brownsville. More than 100,000 people have died in Mexico since 2006.

The most recent travel warning reads like this—the most recent State Department travel warning for Mexico warns visitors to the state of Tamaulipas, which includes Matamoros, Reynosa, and Nuevo Laredo, which are right across the border from the towns of Brownsville, McAllen, and Laredo, to defer all nonessential travel. Throughout the state, violent crime, including homicide, armed robbery, carjacking, kidnapping, extortion, and sexual assault, pose significant safety risks.

State and municipal law enforcement capacity is limited to nonexistent in many parts of Tamaulipas. Violent conflicts between

rival criminal elements and/or the Mexican military can occur in all parts of the region and at all times of day. Violent criminal activity occurs more frequently along the Northern Border.

While no highway routes through Tamaulipas are considered safe, the highways between Matamoros Cuidad Victoria, Reynosa Cuidad Victoria, Cuidad Victoria and Tampico, Monterrey and Nuevo Laredo, Matamoros and Reynosa, and Monterrey and Reynosa are more prone to criminal activity.

Organized criminal groups sometimes target public and private passenger buses traveling through Tamaulipas. These groups sometimes take all passengers hostage and demand ransom payments. In Tamaulipas, U.S. Government employees are subject to movement restrictions and a curfew between midnight and 6 a.m.

Matamoros, Reynosa, Nuevo Laredo, and Cuidad Victoria have experienced numerous gun battles and attacks with explosive devices in the past year. The number of reported kidnappings in Tamaulipas is among the highest in Mexico. The number of U.S. citizens reported to the consulates in Matamoros and Nuevo Laredo as being kidnapped, abducted, or disappearing involuntarily in 2014 has also increased.

In February, the United States Consulate in Matamoros reported 227 separate security incidents in the U.S. border region, including a carjacking at a supermarket frequented by the U.S. Consulate employees. The 227 incidents represented only a fraction of actual criminal activity due to self-censorship by journalists.

On February 2 and February 5, the U.S. Consulate General in Matamoros warned U.S. citizens of increased violence due to rolling gun battles between Los Ciclones and Los Metros factions.

U.S. Consulate staff and their families were advised to restrict travel temporarily due to the violence. That month the U.S. State Department warned Consulate personnel to stay indoors to avoid the daytime convoys of cartel gunmen, some armed with grenade launchers.

During that same week, two of my constituents, both veterans of Iraq and Afghanistan, went missing, and we have not heard or seen from them since.

What I am hoping today is to get some sort of assessment of our diplomatic efforts to ensure that the government of Mexico addresses the situation and, also, to get an assessment of what can we do from the standpoint of enhancing our capability of ensuring the safety of not just our Homeland Security employees in Mexico, but our Department of Justice employees and Department of State employees.

With that, I yield back.

Mrs. MILLER. I want to thank the gentleman very much for his opening statement because, as this subcommittee hearing is about the outer ring of border security as we think about terrorist activity, it is stopping it, as we said, before it comes from overseas, here right on our own border, particularly the Southern Border.

As you know, I am on the Northern Border. But listening to you about gun battles and kidnapping and people disappearing, some of our veterans, et cetera, in criminal activity that is happening there, it is a very sober reminder of the challenges that we face. All the folks that are lined up in front of us today are helping us

to face those challenges. So that we will be something that will be interested in hearing.

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

Let me formally introduce our four witnesses. We will start with Mr. Bersin, who serves as the assistant secretary and chief diplomatic officer of the U.S. Department of Homeland Security's Office of Policy.

In this capacity, Mr. Bersin oversees DHS' international engagement, serves as the principal adviser to the Secretary in all matters pertaining to international affairs, and is responsible for leading the Department's strategic planning and policy formulation functions. From 2010 to 2011, Mr. Bersin served as acting commissioner of the U.S. Customs and Border Protection.

Mr. John Wagner became deputy assistant commissioner, Office of Field Operations, in April 2014. He has been assigned to U.S. Customs and Border Protection at headquarters in the District of Columbia since 1999 and has worked on many different policy and operational issues. He has led many of the OFO's business transformation efforts, including the deployment of the internationally acclaimed Global Entry program and the Automated Passport Control kiosk for international travelers.

Mr. Lev Kubiak assumed the role of assistant director of international operations at U.S. Immigration and Customs Enforcement in June 2014. In this position, Mr. Kubiak is responsible for a budget of more than $130 million and the operational oversight of 63 offices in 46 countries and 8 Department of Defense liaison offices, with over 400 personnel. He began his career as a special agent in the agency's Detroit office in 1995. In November 2001, he transferred to the U.S. Customs Services Office of International Affairs in Washington, DC.

Ms. Rebecca Gambler is a director in the U.S. Government Accountability Office, Homeland Security and Justice Team, where she leads GAO's work on border security, immigration, and the Department of Homeland Security's management and transformation. Prior to joining GAO, Ms. Gambler worked at the National Endowment for Democracy's International Forum for Democratic Studies.

Their full statement will appear in the record.

The Chairman now recognizes Mr. Bersin for his testimony.

STATEMENT OF ALAN D. BERSIN, ASSISTANT SECRETARY AND CHIEF DIPLOMATIC OFFICER, OFFICE OF POLICY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. BERSIN. Good morning. Thank you, Chairman Miller, Ranking Member Vela, distinguished Members of the subcommittee. It is, as always, a privilege to appear before this subcommittee. The title of the hearing is instructive: "The Outer Ring of Border Security: DHS's International Security Programs."

We have learned that homeland security, as the Chairman suggested, is inherently a transnational enterprise. We basically learned that, in a global world, the idea of waters as lines on a map separating one country from another is an old-fashioned idea, although it still has currency and relevance.

Instead, we have come to see homeland security as involving the flow globally of massive numbers of people, goods, ideas, capital, and now electrons on a 7/24/365-day-a-year basis. This is about massive, intensified flows of goods and people.

From this perspective, the homeland security mission is to keep dangerous people and dangerous things away from the American homeland. That requires, by definition, that we not see the traditional borders—land, sea, and air—as being the first line of defense, the 327 airports, seaports and land ports that dot our Nation, but, rather, that we view those ports of entry as the last line of defense and that, in fact, we do accomplish a lot of the work of securing the flow of goods and people, ideas, capital, and electrons toward the homeland by engaging with foreign partners abroad and by placing DHS employees abroad to actually start the process of gaining advance information so that we can conduct risk assessments and begin to differentiate between high-risk and low-risk cargo and high-risk and low-risk passengers coming to the homeland.

The Department learned this in two events in 2009 and 2010. In 2009, the underwear bomber, Umar Farouk Abdulmutallab, bought an airplane ticket in Africa, got on an airplane in Africa, flew to Schiphol airport in the Netherlands and then boarded a Northwest airliner flight headed for Detroit, intending to blow up the airplane over Detroit. Were it not for the actions of passengers on the plane, he would have accomplished his terrorist aim.

In fact, on that flight, our CBP employees had identified Abdulmutallab as a high-risk passenger and would have placed that person in secondary at the Fort Wayne County International Airport. But, of course, he would have completed his terrorist act.

We learned, therefore, that the border began in the context of air travel at the point of departure at Schiphol airport in the Netherlands and that we needed to rework the way in which we accomplished our work of protecting the American homeland.

What has happened in the last 5 years with advance passenger information systems, with pre-clearance developments, with immigration advisory programs, all of which Deputy Assistant Commissioner Wagner will be in a position to explain, and with the visa security program, and other programs that Homeland Security International conducts, we have actually moved the borders out. By placing our people abroad, working with foreign governments can secure the flow of people toward the homeland.

Ten months later, in October 2010, the Yemen plot from al-Qaeda in the Arabian Peninsula demonstrated the same with regard to cargo. The stuffing of PETN and explosives into the printer cartridges, intending to blow up a UPS and FedEx airplane, led us to look at securing cargo long before it arrived. All of those packages were addressed to synagogues in Chicago.

Yes, indeed we had intended to look at those packages when they arrived at the mail depot in O'Hare. We learned that that was not feasible. As a result, we have engaged and have expanded the international programs.

I look forward, Madam Chairman, Members of the committee, to discussing those programs with you, the theory behind it, during the course of your questioning. Thank you.

[The prepared statement of Mr. Bersin follows:]

PREPARED STATEMENT OF ALAN D. BERSIN

JUNE 2, 2015

INTRODUCTION

Chairman Miller, Ranking Member Vela, and distinguished Members of the subcommittee, it is a privilege to appear before you today. My name is Alan Bersin; I am the assistant secretary of international affairs and chief diplomatic officer in the Office of Policy at the U.S. Department of Homeland Security (DHS).

Canada and Mexico are the United States' first- and third-largest trade partners and the first- and second-largest destination for U.S. goods, and are therefore a top priority for DHS activities and resources. The Caribbean represents a third geographic border, and many of its countries share a robust social-cultural, economic, political, and security connection with the United States on account of strong trade and historic immigration ties. DHS continues to work closely with Canada to implement the *Beyond the Border Declaration and Action Plan for Perimeter Security and Economic Competitiveness*. Similarly, with Mexico, DHS continues work through the *Declaration on 21st Century Border Management and the High-Level Economic Dialogue* toward an efficient secure border that encourages legitimate trade, travel, and commerce, and also deters criminal activity. These efforts with Canada and Mexico demonstrate the degree of success we can achieve when governments collaborate to jointly address issues of common interest based on a shared agenda.

Our close partnerships with counterparts in Canada, Mexico, and the Caribbean have contributed to a more secure and economically prosperous homeland. The expedited movement of lawful trade and travel through our ports of entry is central to DHS's mission and a key component of our Nation's economic security interests. Today, I will highlight a series of international programs that have advanced the Department's efforts to simultaneously enhance the security of our Nation and facilitate legitimate trade and travel. Our efforts support the key priorities outlined in the Quadrennial Homeland Security Review to:

(1) Prevent terrorism and enhance security;
(2) Secure and manage our borders;
(3) Enforce and administer our immigration laws;
(4) Safeguard and secure cyber space; and
(5) Strengthen National preparedness and resilience.

In addition to these goals, from the Secretary's Unity of Effort initiative, we have developed an institutional mechanism called the DHS International Footprint Review which establishes and achieves international goals, such as dismantling transnational criminal organizations and deterring illicit flows of goods and people, through an appropriate alignment of resources.

DHS achieves these goals through coordination, cooperation, and when appropriate, joint action with our international partners in all domains: Land, air, and sea, as well as where applicable, public health security and cyber space cooperation.

Land Domain

In the land domain, the Department has outlined strategies for cooperation along both the Northern and Southern Borders. In 2012, DHS released the Northern Border Strategy, which takes a Department-wide look at the Northern Border, considers all of DHS's authorities, responsibilities, and capabilities, and sets out a cross-cutting and all-missions approach. Similarly, in early 2015, the Department promulgated the Southern Border and Approaches Campaign Plan, which creates three new Joint Task Forces and utilizes component assets and resources toward a series of unified goals within the Western Hemisphere. These task forces include:

- Joint Task Force—East, which is responsible for our Southeast Maritime approaches, led by U.S. Coast Guard (USCG) Vice Admiral William "Dean" Lee;
- Joint Task Force—West, which is responsible for our Southwest land border, led by U.S. Customs and Border Protection (CBP) Commander Robert L. Harris; and
- Joint Task Force for Investigations, which will support the work of the other two Task Forces and focus on investigations throughout the Nation and with our foreign partners, led by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations Special Agent-in-Charge David Marwell.

Additionally, we have Border Enforcement Security Task Forces (BEST) along both borders that include investigative teams focused on cross-border crime, with participation from foreign law enforcement personnel. The BESTs have proven to be

an effective law enforcement mechanism to identify threats, address vulnerabilities, and identify, disrupt, and dismantle transnational criminal organizations.

The United States also strengthens its law enforcement and emergency management capabilities in the land domain with reciprocal information-sharing practices, the development of cross-border communication networks, and the sharing of best practices. Through *Beyond the Border* and the *21st Century Border Initiative*, the United States partners with our Canadian and Mexican counterparts to improve technology to increase communication among emergency management personnel. These partnerships also extend to increasing communication among law enforcement personnel to better dismantle the transnational criminal organizations that threaten our citizens' security. Similarly, the United States works with our Canadian counterparts to coordinate research and development, acquisition, and operational activities to maximize resources in order to protect the homeland against weapons of mass destruction threats.

As part of the *Beyond the Border Declaration* and *Action Plan*, the United States and Canada have developed coordinated Entry/Exit Information Systems at their shared land border to facilitate exchanges of biographical entry information such that an entry into one country is considered an exit from the other. This exchange helps enhance the integrity of the immigration system and border management practices, as it is important for Canada and the United States to be able to determine when individuals both enter and depart our respective countries. Since June 2013, our countries exchange exit data for third-country nationals, including permanent residents of Canada and the United States, at all common automated land ports of entry. The final phase, now anticipated to occur in 2016, will expand the program to share information on all travelers including U.S. and Canadian citizens.

DHS also recently implemented Criminal History Information Sharing (CHIS) agreements with three Central American and three Caribbean nations that share criminal history information on foreign nationals who were convicted of certain offenses, prior to their removal from the United States.

Air Domain

In the air domain, DHS relies heavily on its Electronic Advance Passenger Information System (eAPIS) and Passenger Name Record (PNR) data, along with the Secure Flight Program, to assess passengers' level of risk and provide instructions to border officers and airlines on how to handle inbound passengers, including identifying those who require further inspection. DHS collaborates with Canada, Mexico, and Caribbean nations through joint information exchange programs, including a liaison exchange program that has Canadian and Mexican analysts co-located at the U.S. National Targeting Center. U.S. and Caribbean nations likewise have established information sharing and response operations with the Caribbean Community and Common Market (CARICOM). Through the *Beyond the Border Action Plan*, Canada will implement an electronic travel authorization similar to DHS's Electronic System for Travel Authorization (ESTA) program for travelers from Visa Waiver Program countries. The United States and Canada are seeking to enhance the sharing of information in this domain through the on-going implementation of automated sharing of biographic and biometric visa and immigration information.

Additionally, CBP partners with foreign nations to share joint technologies and information to counter multiple threats from Transnational Criminal Organizations. The Office of Air and Marine shares an exclusive version of the Air and Marine Operations Surveillance System (AMOSS) with the countries of Mexico and the Bahamas, in addition to incorporating sensor data from Mexico, Canada, the Bahamas, and the Dominican Republic to enhance Domain Awareness and international response capability beyond their respective borders. In addition to AMOSS, Mexico also utilizes CBP's Advanced Targeting System—Global (ATS–G) to create rule sets which aid in identifying potential threats.

Furthermore, CBP has pre-clearance locations in four Caribbean and eight Canadian airports. Pre-clearance enables the Department to simultaneously secure our borders while facilitating lawful trade and travel by conducting in foreign airports immigration, customs, and agriculture inspections of international air passengers that would otherwise be performed on arrival in the United States. Currently, CBP is considering expanding pre-clearance operations into additional airports worldwide. Passengers are also screened in accordance with the Transportation Security Administration's domestic standards, which enable passengers to exit directly into the sterile area of the destination airport. Three of the Canadian pre-clearance locations also screen checked baggage to domestic standards per the "No Hassle Flying Act of 2012". This allows baggage to be transported directly to connecting flights. Currently, CBP is looking to expand this effort into other countries.

Sea Domain

In the sea domain, DHS' USCG maintains high levels of cooperation with foreign partners. The USCG engages with the Mexican navy on a variety of issues, including: Interdictions, training exercises, search and rescue, and environmental challenges such as oil spills. In addition, the Canada-U.S. Shiprider program trains and cross-designates Canadian and U.S. law enforcement officers who enforce the law on both sides of the international boundary while riding together on the same vessels. Through Shiprider, armed Canadian and U.S. law enforcement officers are able to transit back and forth across the border to help secure it from threats to National security, as well as to prevent cross-border smuggling and trafficking. Through the North American Maritime Security Initiative (NAMSI), the Coast Guard also works jointly with Canadian and Mexican sea services to exercise emergency response plans, policies, and procedures as they pertain to maritime security and defense readiness events.

The United States likewise has had effective engagement with Caribbean nations in the sea domain. The U.S. Government provided Defender Class SAFE boats to several Caribbean nations. The USCG in partnership with the Department of Defense helps maintain their mission readiness for search-and-rescue and law-enforcement interdiction operations with maintenance and programmatic support through the State Department's Caribbean Basin Security Initiative (CBSI)-funded Technical Assistance Field Teams. Additionally, in an effort to codify and standardize a comprehensive approach to effective, consistent international maritime security in the post-9/11 world, the International Maritime Organization and its Member States developed the International Ship and Port Facility Security (ISPS) Code. The ISPS Code is the principal international blueprint for the implementation of maritime security measures and supporting infrastructure. Furthermore, the USCG conducts the TRADEWINDS exercise, which is a maritime training exercise for the Eastern Caribbean and regional partner nations. This exercise brings together police and defense forces to exercise regional information-sharing networks, improve maritime interdiction coordination, develop regional training capacity, improve asset sustainment and maintenance, and address illicit trafficking.

Public Health Security and Cyber Space Cooperation

In addition to engagement with our international partners in the air, land, and sea domains, DHS also works with our neighboring countries to strengthen our defenses against threats that are borderless. For instance, DHS coordinates closely with our North American partners on public health security issues. During the Ebola outbreak, DHS worked with international partners to share information and best practices, coordinate efforts, and align screening procedures. Canada is following protocols similar to those of CBP with regard to active and passive targeting of travelers from affected countries and stationing quarantine officers at its six largest airports.

Beyond the response to Ebola, both Canada and Mexico are part of the North American Plan for Animal and Pandemic Influenza (NAPAPI). DHS is one of four U.S. Government agencies that participate in the NAPAPI Senior Coordinating Body and is represented by the assistant secretary for health affairs and chief medical officer. In March 2015, DHS participated with our health security working group partners as a Senior Coordinating Body Member in a trilateral table-top exercise which focused on information sharing and emergency communications, sample sharing, and the availability of and access to medical countermeasures.

Cyber space is a global, borderless domain that is an engine of economic growth and social opportunity yet presents unique challenges requiring close cooperation with our international partners. DHS works with international partners to exchange threat and vulnerability information, jointly address cyber crime, and build capacity to secure cyber space for the common good. The DHS National Protection and Programs Directorate/Cybersecurity and Communications (NPPD/CS&C) office also works closely with Canada. NPPD/CS&C maintains a strong partnership with Public Safety Canada (PS) on cybersecurity issues, including the regular exchange of cyber threat and vulnerability information, and incident response coordination between the National Cybersecurity and Communications Integration Center (NCCIC) and the Canadian Cyber Incident Response Center. CS&C and PS also work toward improved collaboration on issues of mutual interest through implementation of the Cybersecurity Action Plan, agreed to in 2012. Also, the Cyber Security Division of DHS Science and Technology's Homeland Security Advanced Research Projects Agency has engaged in several jointly-funded collaborative cybersecurity research and development projects covering multiple areas of cybersecurity with Defense Research and Development Canada (DRDC).

DHS's bilateral cybersecurity collaboration with Mexico has focused on incident management coordination, industrial control systems security, and cybersecurity awareness-raising, and DHS and Mexico are exploring ways to increase this collaboration including issues such as cyber crime and critical infrastructure security and resilience. CS&C and Mexico also cooperate through regional and international fora, particularly the Organization of American States.

The United States Secret Service (USSS) and ICE likewise have equally important relationships with Canada and Mexico on cyber. The ICE attaches in Canada and Mexico support Canadian and Mexican law enforcement in the investigation of cyber-related crime. These cases include, but are not limited to: Child exploitation investigations; mass marketing fraud; identity theft; on-line illegal marketplaces; counter-proliferation; intellectual property rights violations; and related money laundering via the internet. The USSS international engagement in Mexico and Canada regarding cyber is primarily focused on investigations of transnational cyber crime and training foreign law enforcement on cyber crime investigations.

CONCLUSION

Collaboration with our neighboring countries and partners is a key element to strengthening homeland security. DHS will continue to partner with countries around the world to most effectively carry out our core missions. Through international collaboration—in particular our work at our land and maritime borders with our North American partners—we not only enhance our ability to prevent terrorism and transnational crime, but we also leverage the resources of our international partners to more efficiently and cost-effectively secure global trade and travel. The successes in our partnerships with Canada, Mexico, and the Caribbean highlight the importance of the Department's international engagement.

Thank you for the opportunity to testify today. I welcome the opportunity to address your questions.

Mrs. MILLER. Thank you very much.

The Chairman recognizes Mr. Wagner.

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

Mr. WAGNER. Good morning, Chairman Miller, Ranking Member Vela, and distinguished Members of the subcommittee. It is a privilege to appear today to discuss U.S. Customs and Border Protection's international security programs and how these efforts support our strategy to secure America's borders and facilitate legitimate travel.

CBP processes nearly 100 million travelers each year who arrive via commercial aircraft at our Nation's ports of entry. As CBP anticipates threats and develops measures to prevent terrorists and their threats from succeeding, CBP deploys a strategy that focuses on securing air travel by pushing our borders outward through, first, early identification of potential threats through targeting and information sharing; second, the ability to address these threats overseas; and, third, by building capacity with the global community to improve information sharing and early enforcement capabilities.

Through this strategy, we seek to ensure that our physical border is the last line of defense rather than the first. At CBP, we implement this strategy through a complement of international security programs, each with differing authorities and capabilities, some of which are dependent on the host country, supported by CBP's targeting capabilities and deployed strategically based on deliberative assessments, including National security, volume of travel, workload, and economic benefits. This multi-layered, intel-

ligence-driven strategy covers different stages of the international travel sequence starting well in advance of a traveler boarding a plane.

So before traveling to the United States, most foreign nationals seeking admission to the United States must obtain either a visa or a Visa Waiver Program travel authorization through the ESTA program. From this moment, CBP begins deploying targeting and analytical capabilities through our National Targeting Center to perform assessments of the applications against law enforcement, intelligence, and National security-related data.

Last fiscal year CBP denied over 39,000 ESTA applications, of which over 800 were related to issues of National security. Once travel is booked by a person, but before that flight departs, CBP uses airline reservation data, passenger manifest, previous border inspection information, intelligence, and law enforcement information to identify potential areas of National security concern or otherwise inadmissible travelers.

CBP's then able to address any potential concerns through a suite of three international enforcement and liaison programs: Preclearance, the Immigration Advisory Program and, finally, our Regional Carrier Liaison Groups. Pre-clearance provides the highest level of enforcement capability overseas with inspection of clearance of passengers on foreign soil prior to boarding the plane.

At these locations, CBP Officers operate with authorities and operational capabilities similar to those in the United States in uniform and with the legal authorities to question travelers and inspect luggage per the negotiated agreements with the host country.

We have over 600 CBP Officers and agriculture specialists supporting pre-clearance in 15 locations in 6 countries. Last year preclearance accounted for over 16 million travelers, which is about 15 percent of all U.S.-bound commercial air passengers. Over 10,000 of these travelers were found to be inadmissible pre-clearance locations last year.

As announced by the Secretary last Friday, we plan to enter into pre-clearance negotiations with 10 additional airports in 9 more countries. While there is much work to do, we will be aggressively pursuing and commencing negotiations with each of these countries in the very near future. These airports were selected on the basis of 4 key evaluation criteria: Security, facilitation, feasibility, and strategic impact.

The second program I would like to discuss is the Immigration Advisory Program, where we have CBP Officers at 11 airports in 9 foreign countries. They work closely and directly with foreign authorities and air carriers to identify and address potential concerns, when necessary, and make recommendations to the airlines to not board identified individuals.

Our officers receive passenger selection information from CBP's National Targeting Center that has identified these individuals of concern. IAP officers also assess the potential risk of travelers through roving- and intelligence-based targeting. Last year the program prevented over 3,500 individuals from boarding flights to the United States, of which about 100 had National security concerns.

The third program, the Regional Carrier Liaison Group, under our National Targeting Center, provides coverage at locations not

staffed by pre-clearance or the Immigration Advisory Program. This group utilizes established relationships with the commercial airline carriers and form direct lines of communication to prevent passengers of concern from boarding U.S.-bound flights who may pose a security threat, have fraudulent documents or are otherwise inadmissible.

Last fiscal year the Regional Carrier Liaison Group issued over 7,500 no-board recommendations to prevent travel to the United States, of which over 250 had National security concerns.

CBP's targeting capabilities continue up to the point of departure and even while the flight is en route to the United States, vetting passengers and travel information, including visas and ESTA authorizations. This continual vetting ensures, as noted earlier, that any changes in a traveler's eligibility are identified in real time and allows CBP to coordinate appropriate actions, such as referring individuals for further inspection when he or she arrives.

CBP will continue to engage with our interagency and informational partners and commercial air carriers to improve and expand our international security efforts.

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

[The prepared statement of Mr. Wagner follows:]

PREPARED STATEMENT OF JOHN WAGNER

JUNE 2, 2015

INTRODUCTION

Chairwoman Miller, Ranking Member Vela, and distinguished Members of the subcommittee. Thank you for the opportunity to discuss the integral role of international programs and initiatives as part of U.S. Customs and Border Protection's (CBP) multi-layered strategy to secure America's borders and facilitate legitimate travel.

On a typical day, CBP welcomes to the United States nearly a million travelers at our air, land, and sea ports of entry (POEs) with almost 300,000 of those arriving by air. The volume of international air travelers has increased by 22 percent from 2009 to 2014 and is projected to increase 4 to 5 percent each year for the next 5 years. As threats in the commercial air travel environment have evolved to include not only aircraft and travelers present in the United States, but also aircraft bound for the United States, we can no longer view our border as the first line of defense, but rather as a last line of defense.

CBP's multi-layered, intelligence-driven strategy are integrated into every aspect of our travel security operations at every stage along the international travel sequence—including when an individual applies for U.S. travel documents; reserves, books or purchases an airline ticket; checks-in at an airport; while en route; and upon arrival at a U.S. port of entry. Accordingly, an integral part of CBP's multi-layered strategy is CBP's pre-departure strategy. A critical objective of this pre-departure strategy is to work closely with our international partners in extending our zone of security to interdict threats as far from the homeland as possible.

In concert with our international partners, CBP strives to ensure that travelers who present a risk are appropriately interviewed or vetted before boarding a flight bound for the United States, 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, and has built strong partnerships with airline representatives to improve our ability to address threats as early as possible and effectively expand our security efforts beyond the physical borders of the United States.

CBP continually evaluates and supplements our layered security measures with enhancements that strengthen our ability to identify and prevent the international travel of those individuals or groups who wish to do us harm. The success of our security measures depends on the ability to gather, target, analyze, share, and respond to information in a timely manner—using both strategic intelligence to iden-

tify existing and emerging threat streams, and tactical intelligence to perform link analysis and targeted responses.

These efforts seek to keep our international air transportation sectors safe and prevent threats from ever reaching the United States. These efforts also enhance efficiency and create savings for the U.S. Government and the private sector by preventing inadmissible travelers from traveling to the United States.

EXTENDING THE ZONE OF SECURITY

CBP's pre-departure strategy is a risk-based, layered approach to security that extends our border security efforts outward to detect, assess, and mitigate, at the earliest possible point, any risk posed by travelers before they reach the United States. Focused on identifying and addressing potential risks long before they reach our borders, CBP's pre-departure security efforts integrate multiple key capabilities and programs that together form a layered strategy for applying security capabilities at multiple points along the travel cycle. CBP's sophisticated targeting systems at the National Targeting Center (NTC) receive advance passenger information to identify potential risks and 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 those risks or prevent the movement of identified threats toward the United States at the earliest possible point.

Targeting and Detecting Risk

As part of CBP's pre-departure strategy and throughout the international travel cycle, the NTC continuously analyzes passenger information, including visas and Visa Waiver Program (VWP) travel authorizations. CBP devotes its resources to identifying the highest threats, including those who may not have been previously identified by law enforcement or the intelligence community.

As threats evolve, CBP works in close partnership with our foreign counterparts—including those in Europe, North Africa, and the Middle East—to develop greater situational awareness of emerging threats, leverage each other's 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 this shared threat to our security.

CBP works closely with other U.S. Department of Homeland Security (DHS) components, the Department of State (DOS), the Department of Defense, the intelligence community, and our foreign counterparts to leverage assets and resources to detect and address emerging terrorist threats and identify and address any and all potential security vulnerabilities. Staff from the NTC and CBP Office of Intelligence interact with our foreign counterparts—including those from Five Eyes countries,[1] and in the Middle East—on an almost daily basis to collaborate on efforts to meet our mutual needs.

We continually seek opportunities to foster these relationships as a means to build a network of partners that share information and react quickly to identify and mitigate constantly evolving threats to the homeland. This network approach enables CBP to proactively initiate engagement so that when a threat is identified, information flows quickly not only to those directly involved in a particular activity, but to all identified stakeholders.

Our networking efforts include leveraging CBP's own targeting capabilities to provide foreign country and partnering government officials with technical solutions for identifying risk, and provide a platform for CBP to work with foreign partners to build and enhance their own capabilities to use advance air passenger data to target for counterterrorism, law enforcement, and immigration purposes. This includes supporting law enforcement cooperation and information sharing particularly regarding foreign fighters transiting the region through enhanced traveler risk assessments. These efforts all work toward establishing a foreign partner's baseline capability of vetting and conducting risk assessments on advance information of commercial air travelers.

In order to enhance our relationship with partner nations and to support our mission to disrupt the movement of terrorists, criminals, instruments of terror and contraband, CBP has developed a program to place liaison officers with partner nation law enforcement agencies. Their principal duty will be to facilitate the flow of law enforcement information, specifically related to the travel of terrorists and the flow of goods that support terrorism. However, officers assigned as liaisons will also have the ability to exchange information related to counter trafficking, the use of fraudulent travel documents, criminal travel, and illicit currency smuggling.

[1] United States, Canada, Australia, New Zealand, and the United Kingdom.

Additionally, CBP positions Attachés and International Advisors in multiple countries around the world. Attachés are posted in U.S. Embassies and Consulates abroad and work in unison with the CBP component offices to secure the border from beyond by working closely with the host foreign government and overseas representatives of all the U.S. Government agencies represented at post to detect and deter transnational criminal activity. Attachés work closely with investigative personnel of U.S. and host nation law enforcement and intelligence agencies and advise the U.S. Ambassador or Consul General on CBP programs and capabilities. CBP Attachés support and oversee all CBP programs in their area of responsibility and educate stakeholders about CBP's international programs including travel security and various capacity-building programs. International Advisors are usually embedded with the U.S. Department of Defense and/or host nation border agencies and serve as CBP international advisors, liaisons, and consultants on border management issues. The advisor represents CBP's views on international migration issues and activities including the safety, reliability, and efficiency of transnational borders and provides expertise to foreign nations including infrastructure modernization, contraband detection, and interdiction.

Our interagency and international partnerships are critical elements of our predeparture strategy and our international travel security operations. We work closely with our partners at multiple stages of the travel continuum to identify and, if necessary, address the potential threat at the earliest opportunity.

Visas and Travel Authorization Security

From the moment of potential travel, an initial layer of defense in securing international air travel is preventing dangerous persons from obtaining visas, travel authorizations, and boarding passes. Before boarding a flight destined for the United States, most foreign nationals must obtain a nonimmigrant visa (NIV)—issued by a U.S. embassy or consulate—or, if they are eligible to travel under the VWP, they must apply for a travel authorization through the Electronic System for Travel Authorization (ESTA).[2]

Through ESTA, CBP conducts enhanced vetting of VWP applicants in advance of travel to the United States, in order to assess whether they are eligible to travel under the VWP, could pose a risk to the United States or the public at large. In response to increasing concerns regarding foreign fighters and other terrorist threats, DHS recently strengthened the security of VWP by implementing enhancements to ESTA. These enhancements include a series of additional questions VWP travelers must answer on the ESTA application, including other names or citizenships; parents' names; contact and employment information; and city of birth. These improvements are designed to provide an additional layer of security for the VWP and increase our ability to distinguish between lawful applicants and individuals of concern.

CBP also conducts vetting of non-immigrant visas. Although the visa application and adjudication processes rest with DOS, NTC conducts continuous vetting of U.S. nonimmigrant visas that have been recently issued, revoked, and/or denied. This recurrent vetting ensures that changes in a traveler's visa status are identified in near-real time, allowing CBP to immediately determine whether to provide a "no board" recommendation to a carrier, recommend that DOS revoke the visa, or whether additional notification should take place for individuals determined to be within the United States.

To further enhance visa screening efforts, U.S. Immigration and Customs Enforcement (ICE), CBP, and DOS have implemented an automated visa application screening process that significantly expands DHS's ability to identify serious threats to National security and public safety at the point of inception in an individual's immigration life-cycle and revolutionizes the way the U.S. Government screens foreign nationals seeking entry to the United States. The program also results in synchronized reviews of information across these agencies and allows for a unified DHS response and recommendation regarding a visa applicant's eligibility to be issued a visa. This process also serves as a precursor to and works in conjunction with the current DOS Security Advisory Opinion (SAO) and Advisory Opinion (AO) programs. This collaborative program leverages the three agencies' expertise, authorities, and technologies, such as CBP's Automated Targeting System (ATS), to screen pre-adjudicated visa applications. These efforts significantly enhance the U.S. Government's anti-terrorism efforts, improving the existing process by extending our

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

borders outward and denying high-risk applicants the ability to travel to the United States.

Pre-Departure Targeting

Once travel is booked, CBP gathers information, assesses risk, and conducts pre-departure vetting for all international flights departing for the United States by commercial air. CBP leverages all available advance passenger data—including Passenger Name Record (PNR) and Advance Passenger Information System (APIS) data, previous crossing information, intelligence, and law enforcement information, as well as open-source information in its anti-terrorism efforts at the NTC—to make risk-based operational decisions before a passenger boards an aircraft, continuing until the traveler enters the United States.

When a traveler purchases a ticket for travel to the United States, PNR is generated in the airline's reservation system, which includes information on itineraries, co-travelers, changes to the reservation, and payment information. CBP receives passenger data from commercial air carriers at operationally determined intervals up to 96 hours prior to departure and concluding at the scheduled departure time.

Further, APIS regulations require that commercial air carriers transmit all passenger and crew manifest information before departure, prior to securing the aircraft doors. CBP vets APIS information, which includes passenger biographic data and travel document information, on all international flights to and from the United States against the Terrorist Screening Database (TSDB), criminal history information, records of lost or stolen passports, public health records, and prior immigration or customs violations and visa refusals. CBP uses APIS and PNR data to identify known or suspected threats before they depart the foreign location.

The NTC vetting process for international passengers continues while the flight is en route to the United States in order to identify any travelers who, although not necessarily National security risks, may need a more thorough inspection at the port of entry upon arrival in the United States.

Early Enforcement Approaches

Supported by these targeting efforts, CBP leverages its overseas enforcement capabilities to prevent terrorists and other inadmissible aliens from boarding commercial aircraft bound for the United States through three programs that further support efforts to extend our zone of security: Preclearance; the Immigration Advisory Program and the Joint Security Program; and Regional Carrier Liaison Groups.

In fiscal year 2014, CBP's pre-departure programs identified over 20,000 passengers who would have been deemed inadmissible to the United States and prevented such passengers from boarding aircraft at foreign locations. This effort significantly increases security and reduces the cost to the U.S. Government for adverse action processing costs for travelers who would have been denied admission at U.S. ports of entry, approximately $50 million, and the airlines who are required to return inadmissible travelers to their points of origin.

Pre-clearance Operations

Pre-clearance operations provide CBP's highest level of capability overseas and support CBP's extended border strategy by providing for the inspection and clearance of commercial passengers on foreign soil, prior to departure for the United States. At pre-clearance 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 pre-clearance facility found to be inadmissible to the United States are denied boarding to the airplane. All mission requirements are completed at the pre-clearance 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; a major efficiency for travelers, carriers, and airports.

Currently, CBP operates 15 air pre-clearance locations in 6 countries: Canada (Calgary, Edmonton, Halifax, Montreal, Ottawa, Toronto, Vancouver, and Winnipeg), Ireland (Dublin and Shannon), The Bahamas (Freeport and Nassau), Aruba, Bermuda, and the United Arab Emirates (Abu Dhabi). In fiscal year 2014, CBP officers processed 17.4 million travelers for entry into the United States at international pre-clearance locations, which included 21 percent of all commercial aircraft and 16 percent of travelers arriving by air destined for the United States. CBP also conducts immigration pre-inspection on ferries in Victoria, Canada and on cruise vessels and trains in Vancouver, Canada.

At our pre-clearance location in the United Arab Emirates (UAE), CBP Officers exercise broad authorities to help mitigate threats, both known and unknown, based on our analysis of current threats. The UAE receives flights from Yemen, North,

West, and East Africa (Morocco, Nigeria, Kenya, Ethiopia, and Sudan), Saudi Arabia, Pakistan, Iraq, Iran, Lebanon, Bangladesh, and India, all high-risk pathways for terrorist travel. In the UAE, CBP Officers are allowed a full complement of authorities to question and search individuals and baggage, access to the full complement of technology systems, and are authorized to have access to firearms and other law enforcement tools. Additionally, ICE's Homeland Security Investigations directorate has Attaché offices located overseas to follow up on any investigative leads generated from CBP pre-clearance operations.

Pre-clearance 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, but function in an advisory capacity with voluntary compliance; 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, leveraging its full legal authority, as opposed to a purely advisory role. Pre-clearance also provides unique facilitation benefits, allowing pre-cleared passengers to proceed to their final destination without further CBP processing, as if they had arrived on a domestic flight.

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. Pre-clearance affords the United States the highest level coverage and ability to intercept threats before they reach the United States. In light of the terrorist threat we face now and in the future, there will be locations where pre-clearance provides important security benefits available in no other way.

In October 2014, CBP announced a plan to evaluate and prioritize foreign airports for expansion of pre-clearance operations, and requested all interested airports to express their interest in writing prior to December 2014. Letters of interest were received from 25 airports, and DHS Technical Teams, consisting of CBP and Transportation Security Administration (TSA) representatives, completed onsite evaluations to determine the feasibility of pre-clearance operations at applicant airports. Based on the technical visits and information collected, CBP submitted a comprehensive report outlining recommendations for pre-clearance expansion locations to the DHS Secretary. With the announcement of potential pre-clearance locations, CBP and TSA will work through an interactive process with each selected airport to develop a feasible pre-clearance model beneficial to both parties, including an examination of feasibility by CBP, TSA, and respective airport stakeholders.

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

Compared to CBP's pre-clearance operations, IAP and JSP provide a more limited level of coverage at international locations. Through IAP, CBP officers in plain clothes are posted at major gateway airports in Western Europe, with a presence in Asia and the Middle East including: Amsterdam, Frankfurt, London Heathrow, London Gatwick, Manchester, Madrid, Paris, Tokyo, and Doha. 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. JSP officers are posted in Mexico City and Panama City.

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. In Mexico and Panama, JSP officers collaborate with host government law enforcement to jointly engage travelers arriving into and departing the host country (U.S. and foreign-to-foreign commercial flights). 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 pre-clearance 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.

Regional Carrier Liaison Groups

Finally, the RCLGs were developed to provide coverage of non-IAP airports and support pre-clearance airports. Located in Honolulu, Miami, and New York, 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.

ARRIVAL PROCESSING AND TRUSTED TRAVELERS

CBP's use of advance information, our pre-departure targeting operations, and our overseas footprint as part of CBP's pre-departure strategy, all comprise critical parts of CBP's multi-layered security strategy to address concerns long before they reach the physical border of the United States. It is important to note that upon arrival in the United States, all persons are subject to inspection by CBP Officers. CBP Officers review entry documents, query CBP and other law enforcement databases, collect biometrics,[3] and interview each traveler 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 Officers remove from circulation all counterfeit, fraudulent, and altered travel documents, as well as lost or stolen travel documents presented for use by an individual other than the rightful holder, such as those presented by impostors. CBP's Fraudulent Document Analysis Unit (FDAU) serves as the central repository and point of analysis for all fraudulent travel documents interdicted or recovered by CBP personnel. FDAU analysis of fraudulent documents provides intelligence, alerts, and training back to the field as well as serves as a mechanism to remove fraudulent documents from circulation to prevent their further use—a lesson learned from the 9/11 Commission Report. This cyclical process adds a layer of security to the homeland by removing an additional opportunity for misuse.

CBP's Carrier Liaison Program (CLP) is designed to enhance border security by increasing commercial carrier effectiveness in identifying improperly documented travelers destined to the United States and removing fraudulent documents from circulation. Specially-trained CBP Officers provide interactive training to commercial air carrier participants to improve the air carrier's ability to detect and disrupt improperly documented passengers. The CLP is another key component of CBP's layered approach and enhances CBP's ability to thoroughly vet passengers based on their true identities. Since the program's inception in 2005, CLP has provided training to more than 34,800 airline industry personnel.

Trusted Traveler Programs

Identifying and separating low-risk travelers from those who may require additional scrutiny is a key element in CBP's efforts to facilitate and secure international travel. CBP's trusted traveler programs, such as Global Entry, provide expedited processing upon arrival in the United States for pre-approved, low-risk participants through the use of secure and exclusive lanes and automated kiosks. At airports, program participants proceed to Global Entry kiosks, present their machine-readable passport or U.S. permanent resident card, place their fingertips on the scanner for fingerprint verification, and complete a customs declaration. The kiosk issues the traveler a transaction receipt and directs the traveler to baggage claim and the exit. Travelers must be pre-approved for the Global Entry program. All applicants undergo a rigorous background check and in-person interview before enrollment. While Global Entry's goal is to speed travelers through the process, members may still be selected for further examination when entering the United States. Any violation of the program's terms and conditions will result in appropriate enforcement action and revocation of the traveler's membership privileges.

CONCLUSION

As terrorists change their methods and tactics and technologies continue to evolve, CBP will work with DHS, Federal and international partners—as well as commercial carriers—to adapt and respond swiftly and effectively. We will continue to collaborate to strengthen on-going efforts and facilitate the development of new innovative tools to secure international air travel against terrorists and others who threaten the safety of the traveling public and the security of our Nation.

Chairwoman Miller, Ranking Member Vela, and Members of the subcommittee, thank you for the opportunity to testify today. I look forward to answering your questions.

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[3] Biometrics are collected for most foreign nationals arriving at U.S. airports.

Mrs. MILLER. Thank you.
Mr. Kubiak.

STATEMENT OF LEV J. KUBIAK, ASSISTANT DIRECTOR, INTERNATIONAL OPERATIONS, HOMELAND SECURITY INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. KUBIAK. Good morning, Chairman Miller, Ranking Member Vela, and distinguished Members of the subcommittee.

ICE Homeland Security Investigations' most important function is to address threats to the homeland, and doing so before they reach our Nation's borders enhances the security of trade, travel, and financial systems by identifying and disrupting the illicit actors, organizations, and activities within them.

There are more than 400 HSI personnel and 63 offices around the world with foreign counterparts to mitigate threats to public safety and National security through our unique investigative authorities.

In fiscal year 2014, these attachés' efforts through their international counterpart relationships resulted in 2,500 criminal arrests, the seizure of 11,000 firearms, over a million pounds of narcotics, 400 million dollars' worth of counterfeit merchandise, and $43 million in international criminal proceeds.

In recent years, HSI has increased our effectiveness through these relationships in regions of the world that are most important to us, with programs such as the transnational criminal investigative unit and the enhancement of the visa security program. In our TCIUs, HSI special agents work alongside their vetted foreign counterparts to investigate criminal organizations that threaten the security and economy of both our countries. These TCIUs increase partner capabilities, lead to the exchange of best practices, and build stronger relationships which facilitate seamless information exchange between HSI and the host nation partners.

Vetted foreign officers attend an intense 3-week course at our academy taught by HSI and funded through partnerships with the Department of State, which builds both of our joint capacities to attack criminal networks. Just last month I had the honor of participating in the graduation of 12 Panamanians and 12 Guatemalan Federal police, who are now back in their countries working along HSI agents to decrease crime. I would invite each of you to attend one of those graduations which we will have this summer.

Currently HSI has TCIU partnerships with 8 countries with more than 200 foreign law enforcement officers. During fiscal year 2014, those TCIUs arrested 631 suspects, seized 30,000 pounds of cocaine, and $14 million in cash from various criminal organizations, to name a few accomplishments.

We are working with our Mexican counterparts to create 2 units there and additional units in Central America both this year and next with funding provided by Congress. Those units will increase our joint efforts to attack human smuggling and illicit financial networks that destabilize those countries and operate throughout the Americas.

The visa security program is another critical program that enhances security of the United States while facilitating legitimate

travel. As this committee well knows, the Homeland Security Act directs DHS to assist the State Department in identifying visa applicants who seek to enter the United States for terrorist or criminal activities. The visa adjudication process presents the first opportunity to assess whether an individual seeking entry to the United States poses a threat.

HSI, its sister agency, CBP, and the State Department have collaborated to enhance visa security efforts through automation. The PATRIOT system now automatically screens visa application data against DHS holdings prior to the applicant's interview.

The PATRIOT system uses interagency and intelligence community resources to identify National security and public safety threats, and the screening is done jointly by HSI and CBP. The individuals that pose a threat are subject then to additional in-depth review of visa applications both here in the United States and by specially trained his agents overseas.

When a review and interview substantiate the threat, HSI agents recommend refusal or revocation of visas. In fiscal year 2014, the visa security program reviewed more than 2.2 million visa applications received at the 21 posts. The State Department has, to date, concurred with every one of our visa denial recommendations, nearly 8,700 last year.

It is these types of outcomes that drive us to expand. Therefore, with additional funding provided by Congress this year, HSI is expanding visa security operations to four additional posts before the end of the fiscal year and anticipates additional posts next year if funding allows.

While TCIUs and the visa security program demonstrate two important international capabilities, the bulk of HSI's principle engagement with international partners remains the routine interaction on investigative matters between our foreign deployed special agents and their international partners.

Every day, at 63 locations around the world, HSI special agents collaborate regionally with foreign law enforcement officers to dismantle or disrupt transnational criminal organizations. Our foreign personnel work tirelessly with their counterparts to investigate the full scope of our broad investigative authority.

We are involved in many other innovative efforts to enhance the Nation's security through international partnerships. We have strong collaboration with Europol. We have cooperation on cybercrimes with Interpol. We are attacking wildlife trafficking in Africa and throughout the Asia region. We are securing trade and travel throughout the world within these other efforts and these activities.

I appreciate the time of the committee today, and I look very much forward to your questions.

[The prepared statement of Mr. Kubiak follows:]

PREPARED STATEMENT OF LEV J. KUBIAK

JUNE 2, 2015

INTRODUCTION

Chairman Miller, Ranking Member Vela, and distinguished Members of the subcommittee: Thank you for the opportunity to discuss the international engagement and enforcement efforts of U.S. Immigration and Customs Enforcement (ICE). I am

honored to provide an overview of our international operations and highlight some successes and the challenges I believe we currently face.

I would like to briefly outline the structure of ICE to help you understand our mission and responsibilities. ICE is divided into two operational components: Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI). The role of ERO is to identify, apprehend and, ultimately, remove unlawful aliens from the United States in accordance with law and policy. HSI investigates transnational crime and conducts a wide range of domestic and international criminal investigations arising from the illegal movement of people and merchandise into, within, and out of the United States, often in coordination with other Federal agencies.

HSI enforces more than 400 Federal laws and regulations with jurisdiction over the investigation of crimes with a nexus to U.S. borders and ports of entry. HSI focuses its broad investigative authority on three operational priorities—border security, public safety, and counterterrorism/National security. Our agency investigates offenses that stem from its traditional customs and immigration authorities: Weapons smuggling and illegal exports of defense-related materiel and technology; war crimes and human rights violations; narcotics and contraband smuggling; financial crimes; cyber crimes and child exploitation; human trafficking and human smuggling; commercial fraud and intellectual property violations; transnational gangs; and document and benefit fraud, to name a few.

I would like to broadly discuss HSI's international operations and note some successes we recently achieved with our foreign partners. One of HSI's most important priorities from an international perspective is to stop threats before they reach our Nation's borders. HSI deploys approximately 250 special agents and 170 support staff to 63 offices in 46 countries. HSI works with foreign counterparts to mitigate threats to public safety and National security through investigative activity. In fiscal year 2014, HSI collaborated with international counterparts to arrest over 2,500 suspects abroad, and to seize $43 million in criminal proceeds, 11,000 firearms, 1 million pounds of narcotics, and $397 million worth of counterfeit merchandise. These statistics demonstrate HSI's efforts to attack transnational criminal organizations (TCOs) at their root in foreign countries.

TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS

The effectiveness of HSI overseas stems from the quality of relationships we have with our foreign law enforcement counterparts. The relationships we build with foreign authorities are fundamental to attacking TCOs. HSI is particularly proud of the formalized relationships it has established with numerous foreign law enforcement partners through its Transnational Criminal Investigative Units (TCIUs).

TCIUs are investigative units comprised of HSI special agents working alongside foreign law enforcement to investigate common threats. Foreign personnel assigned to our TCIUs undergo a strict vetting process, including a polygraph examination. Upon completion of vetting, candidates must successfully complete a 3-week International Task Force Agent Training course at the Federal Law Enforcement Training Center in Glynco, Georgia. This training is provided by ICE and funded by the Department of State (DOS) Bureau of International Narcotics and Law Enforcement Affairs. I recently attended one of these courses, and I can tell you first-hand that the training we provide to our international partners is top-notch. It is based on the training we provide to our own special agents.

Upon completion of training, TCIU members work together with HSI to investigate significant threats. TCIUs facilitate seamless information exchange between HSI special agents and their host nation partners. These units obviously provide a great benefit to the United States, but they also serve the host nation's interest. TCIUs enhance the host country's ability to investigate and prosecute individuals involved in transnational criminal activity that threatens the National security of the partner nation. TCIUs identify targets, collect evidence, share intelligence, and facilitate the prosecution of TCOs, both in-country and through the U.S. judicial system. Currently, HSI has eight TCIUs with more than 200 foreign law enforcement officers. During fiscal year 2014, our TCIUs arrested a combined total of 631 suspects, seized nearly 30,000 pounds of cocaine, more than $14 million in cash, $17 million worth of counterfeit merchandise, and numerous firearms from TCOs.

TCIUs routinely accomplish significant outcomes for HSI overseas. Let me highlight two recent successes that underscore the value our units. Last year, HSI special agents and their partners in the Colombian TCIU developed criminal intelligence that resulted in the seizure of 6,910 kilograms of cocaine at the port of Cartagena. The estimated street value of that seizure exceeded $200 million.

In 2013, Panamanian authorities developed information on a North Korean vessel transiting the Panama Canal from Cuba to North Korea. The vessel's manifest described its cargo as sugar. Panamanian authorities selected the vessel for inspection, and the TCIU discovered 240 tons of munitions, radar equipment, and two MiG fighter jets concealed beneath 20 million pounds of sugar. The military materiel violated United Nations Security Council Resolution 1718, and was seized by Panamanian authorities based on the professional work done by the TCIU.

We plan to expand the TCIU program to Mexico this year and to Jordan, Kenya, and the Philippines in fiscal year 2016.

THE VISA SECURITY PROGRAM AND PATRIOT

As you know, the Homeland Security Act directs DHS to assist in the identification of visa applicants who seek to enter the United States for illegitimate purposes, including criminal offenses and terrorism-related activities. The visa adjudication process often presents the first opportunity to assess whether a potential visitor or immigrant poses a threat to the United States. The Visa Security Program (VSP) represents HSI's front line in protecting the United States against terrorists and criminal organizations by preventing foreign nationals who pose a threat to National security from entering the United States.

Within HSI's international footprint, we deploy specially-trained agents overseas to screen and vet visas at 21 high-risk locations in order to identify potential terrorist and criminal threats before they reach the United States. HSI accomplishes this vitally important role by conducting targeted, in-depth reviews of individual visa applications and applicants prior to visa issuance, and making recommendations to consular officers to refuse or revoke visas when warranted. HSI actions complement the consular officers' screening, applicant interviews, and reviews of applications and supporting documentation. ICE will expand visa security operations at four additional posts this year, which will bring the total to 25.

ICE and U.S. Customs and Border Protection (CBP), in collaboration with DOS, have initiated an automated program to enhance visa security efforts. The Pre-Adjudicated Threat Recognition Intelligence Operations Team (PATRIOT) initiative is the automated screening of visa application information against DHS holdings prior to the applicant's interview. The process includes in-depth vetting of applicants identified as potentially having derogatory information, who may be of investigative interest, or ineligible to receive U.S. visas. The PATRIOT initiative takes a risk-based approach and uses interagency resources from ICE, CBP, DOS, and the intelligence community to identify National security and public safety threats.

In fiscal year 2014, the VSP reviewed over 2 million visa applications, which resulted in the refusal of more than 8,600 visas. Over 5,000 of these refusals were because the applicants had some suspected connection to terrorism or terrorist organizations. In addition, the VSP enhances visa vetting by increasing automated data exchange between DOS and the CBP National Targeting Center (NTC). The NTC provides tactical targeting and analytical research to prevent terrorist and terrorist weapons from entering the United States. The flow of on-line visa information to DHS systems is now automated and information is sent back to DOS using an automated interface. ICE will leverage these modernization efforts to increase investigations of visa applicants who pose the greatest threats to National security.

Furthermore, ICE deploys VSP personnel to the NTC to augment and expand current operations. The co-location of VSP personnel at the NTC helps increase both communication and information sharing. The NTC conducts pre-departure vetting of all travelers on flights bound for the United States. Vetting identifies high-risk passengers who should be the subject of no-board recommendations to carriers, including those whose visas have been revoked.

COORDINATION WITH THE U.S. DEPARTMENT OF STATE

Effective border security requires broad information sharing and cooperation among U.S. agencies. In October 2006, ICE entered into to a memorandum of understanding (MOU) with the DOS Bureau of Consular Affairs in order to exchange visa and immigration data. The agreement allows ICE and DOS to exchange information contained in each other's electronic databases pertaining to foreign persons seeking entry into the United States. This exchange of information allows Consular Affairs personnel to query and access ICE and CBP records. Consular Affairs personnel can then take into consideration prior violations when adjudicating visa applications for foreign persons who have applied to enter the United States. The exchange of information allows ICE enforcement personnel to query the DOS Consular Consolidated Database and access passport and visa application information of persons under investigation by ICE. This information sharing also acts as an exchange for ongoing

criminal investigations. If, for example, a suspect of an on-going HSI criminal investigation applies for a visa, ICE and DOS employees can collaborate to achieve an advantageous outcome.

In January 2011, ICE signed an MOU outlining roles, responsibilities, and collaboration between ICE, Consular Affairs, and the Diplomatic Security Service. To facilitate information sharing and reduce duplication of efforts, ICE and DOS conduct collaborative training and orientation prior to overseas deployments. Once they are deployed to overseas posts, ICE and DOS personnel work closely together in working groups, meetings, training, and briefings, and engage in regular and timely information sharing.

HUMAN SMUGGLING AND HUMAN TRAFFICKING INVESTIGATIONS

Investigating human smuggling and human trafficking organizations is one of our highest priorities. HSI is the principal Federal agency for enforcing U.S. laws related to international human smuggling and human trafficking. Let me explain the difference between human smuggling and human trafficking. Human smuggling is a transportation-based crime that violates the integrity of the border and the immigration system. Human trafficking, on the other hand, is a crime against a person involving the exploitation of an individual, and is often referred to as modern-day slavery.

HSI has developed a comprehensive, victim-centered approach to aggressively target human traffickers. HSI investigates various forms of human trafficking, including sex trafficking, in which a commercial sex act is induced by force, fraud, or coercion, or in which the victim is a minor; and labor trafficking, in which the victim is forced or coerced into labor against his or her will. HSI's foreign offices focus on two lines of effort to counter human trafficking: Operational coordination with foreign counterparts and building foreign partner capacity. In fiscal year 2014, HSI provided human trafficking training or outreach to 10,650 international partners in 723 instances. We also are fully committed to the DHS Blue Campaign, which unifies the Department's outreach efforts.

In response to last year's crisis of unaccompanied Central American children arriving at U.S. borders in unprecedented numbers, HSI initiated Operation Coyote to target human smuggling organizations. The operation was designed to stem the flow of illegal Central American migration, including that of unaccompanied children. HSI deployed additional personnel to Mexico and Central America to leverage partners and focus efforts on human smuggling investigations.

To date, Operation Coyote has resulted in HSI opening 482 investigations, 1,037 criminal arrests, and the seizure of more than $1.2 million in currency. HSI special agents assigned throughout Central America routinely share criminal intelligence with foreign partners and build capacity in human smuggling and human trafficking enforcement. In collaboration with international partners, HSI identified 15 major human smuggling organizations operating in Central America and Mexico in fiscal year 2014. Six of these organizations have been dismantled and the remaining nine organizations have been disrupted.

HSI continues to work closely with CBP. In December 2013, HSI established a permanent presence at the NTC, and created the NTC-Investigations Division (NTC–I) to enhance collaboration of our shared border security mission. The establishment of the NTC–I provides HSI with an increased presence to work alongside CBP subject-matter experts in support of the entire U.S. border security continuum, from CBP interdictions and HSI investigations to the joint exploitation of intelligence and cross-cutting border enforcement efforts.

As part of our overarching efforts to combat human smuggling and human trafficking, we also lead two interagency initiatives. The Human Smuggling Cell harnesses DHS's unique access to trade and financial data to develop information on individuals or organizations involved in human smuggling, and serves as the coordination center for all HSI investigative operations to combat human smuggling organizations. In addition, the interagency Human Smuggling and Trafficking Center works with HSI's foreign offices to exchange information with foreign governments and organizations to prevent human smuggling, human trafficking, and the criminal facilitation of clandestine terrorist travel.

COUNTERTERRORISM AND COUNTER-PROLIFERATION INVESTIGATIONS

Secretary Johnson has directed DHS components to continue to focus on counterterrorism activities as a top priority. At ICE, we seek to leverage our expertise and the investigative methodologies to counter criminal and terrorist organizations. Both sets of bad actors seek to exploit legitimate U.S. trade, travel, and financial systems in furtherance of their financial or ideological objectives.

Within HSI, our goal is to prevent terrorist attacks against the United States before they materialize by ensuring that our various investigative programs, and domestic and international field offices, collaborate within the intelligence community and with Federal, State, local, Tribal, and international law enforcement partners. HSI is the second-largest contributor of Federal task force agents to the Federal Bureau of Investigation's Joint Terrorism Task Forces (second only to the FBI itself), which rely on our investigative expertise and broad enforcement authorities.

HSI also contributes to the Federal Government's efforts to prevent foreign adversaries from illegally obtaining U.S. military products and sensitive technology, including weapons of mass destruction and their components. HSI's Counter-Proliferation Investigations (CPI) program oversees a broad range of investigations related to export law violations. CPI targets the trafficking and illegal export of conventional military equipment, firearms, controlled technology, and materials used to manufacture weapons of mass destruction, including chemical, biological, radiological, and nuclear materials. HSI enforces U.S. export laws involving military items and controlled dual-use goods, as well as products going to sanctioned or embargoed countries.

As part of these efforts, HSI leads the Export Enforcement Coordination Center (E2C2), a multi-agency center that serves as the Government's clearinghouse for the exchange of information and intelligence related to export enforcement. The E2C2 serves as a conduit between Federal law enforcement agencies and the intelligence community for export licensing and enforcement activities.

HSI frequently enables its foreign partners to make significant seizures or arrests in this realm based on our criminal intelligence. For example, in June 2013, special agents assigned to Mexico provided specific information to Mexican authorities that resulted in the seizure of 98 firearms, including assault rifles, a .50 caliber rifle, grenade launchers, numerous handguns, and 30,000 rounds of ammunition from the Gulf Cartel.

In September 2014, acting on time-sensitive information from a domestic investigation, HSI special agents provided criminal intelligence to Spanish authorities that resulted in the discovery of 90 assault rifles and handguns hidden in secret compartments inside a vehicle exported from the United States to Lebanon. These cases highlight HSI's abilities to leverage its network of foreign law enforcement contacts to achieve desirable outcomes.

FINANCIAL INVESTIGATIONS

HSI must target its resources to the command and control elements of a TCO. Often the critical node of a TCO is its finances. The goal of all HSI's financial investigations is to deny TCOs their ill-gotten gains. HSI continually evaluates current threats and adapts its efforts to stay ahead of developing trends. For instance, HSI focuses on several emerging trends, including interstate funnel accounts, which are high-activity accounts with multiple deposits from numerous sources by TCOs to move illicit proceeds within the interior of the United States; trade-based money laundering, through which TCOs transfer illicit proceeds disguised as legitimate international trade; and virtual currencies, which TCOs use to disburse illicit proceeds with the benefits of anonymity, liquidity, and international accessibility.

HSI financial investigations focus on identifying the methods by which TCOs move, store, and attempt to legitimize illicit proceeds through money laundering, bulk currency smuggling, and other financial and trade-related crimes. HSI has enjoyed great success in this area in recent years. For example, an HSI New York money laundering investigation recently revealed that HSBC Bank was the financial institution of choice for Mexican drug cartels, which deposited hundreds of millions of dollars in illicit proceeds into accounts at that bank. That investigation revealed major compliance shortcomings on the part of HSBC, which ultimately resulted in the criminal forfeiture of $1.9 billion.

In another example, from this past fall, an investigation led by our offices in Los Angeles and Bogota, Colombia targeted drug cartels that laundered illicit proceeds through a complex, trade-based money laundering scheme involving retail stores in the Los Angeles Garment District. In this case, HSI seized more than $142 million in currency, bank accounts, and property—an agency record for the largest seizure to occur in one investigation in a single day.

CHILD EXPLOITATION INVESTIGATIONS

HSI has a long and successful history in investigating and disrupting the sexual exploitation of children, principally involving two categories of crimes: Production/distribution of child pornography and child sex tourism. HSI employs the latest technology to collect evidence and track the activities of individuals and organized

groups sexually exploiting children through the use of websites and peer-to-peer trading. HSI leverages the unique resources of its Cyber Crimes Center, which enables special agents with specialized expertise, resources, technical advice, and training to assist in a variety of cyber crimes.

HSI works with several well-regarded institutions to investigate child exploitation. For example, HSI receives law enforcement tips from the National Center for Missing and Exploited Children's CyberTipline regarding suspected crimes of sexual exploitation committed against children. HSI has shared thousands of leads with foreign law enforcement to rescue children from lives of abuse, fear, and shame. HSI also partners with the Virtual Global Task Force, which seeks to build relationships between international law enforcement agencies, non-government organizations, and private industry to help protect children from transnational child sexual exploitation.

Many times, our special agents encounter evidence of the sexual abuse of children on-line, but are initially unable to determine who or where the suspects or victims are located. The HSI Victim Identification Program combines technological and investigative capabilities and resources to rescue child victims of sexual exploitation. HSI analyzes and enhances material that depicts abuse to identify clues that may lead to the identity of the victim, suspect, or geographic location.

HSI's technical expertise and its relationship with foreign law enforcement recently saved a child. In early 2014, British police reported to HSI's office in London that they had witnessed a suspect abuse an infant in a live internet forum. Working together, HSI and its British counterparts combed through digital clues and determined the suspect appeared to reside in California. Within 7 hours of British police witnessing this unconscionable act, HSI's office in Los Angeles located and arrested the suspect, and rescued his 3-month-old infant son. Thanks to quick actions of HSI and its partner, the suspect was recently convicted and sentenced to 21 years in prison and, indeed, the child's life was changed for the better. I can think of no better example of the value of our foreign partnerships.

CONCLUSION

I am grateful for the opportunity to appear before you today and for your continued support of ICE and its law enforcement mission. I am confident that we will continue to build upon the momentum we have generated as a result of our considerable operational achievements around the world. HSI remains committed to working with this subcommittee to forge a strong and productive relationship going forward to help prevent and combat threats to our Nation.

Mrs. MILLER. Thank you.

Ms. Gambler.

STATEMENT OF REBECCA GAMBLER, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES; U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Ms. GAMBLER. Good morning, Chairwoman Miller, Ranking Member Vela, and Members of the subcommittee.

I appreciate the opportunity to testify at today's hearing to discuss GAO's work reviewing DHS efforts to screen and inspect passengers and maritime containerized cargo before they board or are put on vessels to the United States.

DHS deploys multiple inspection and targeting programs abroad to address high-risk travelers and cargo. According to DHS, as of May 2015, the Department and its components had about 1,800 FTEs in almost 80 countries.

My remarks today will reflect our findings in two areas related to DHS' international programs: No. 1, Departmental actions to align programs abroad with resource use and strategic priorities and, No. 2, observations on specific DHS overseas programs.

First, DHS has taken action toward aligning its programs abroad with resource use and priorities. For example, DHS has established a governance board to coordinate crosscutting issues related to international engagement.

DHS has also reviewed its international footprint or its complete set of resources deployed abroad to evaluate the placement of resources on the basis of DHS' mission areas, cost, and potential for engagement with host countries. However, DHS has not yet established specific Department-wide strategic priorities for use of its resources abroad.

Further, while DHS conducted a one-time exercise to assess the Department's international footprint, it has not established a routine process to continually assess the alignment between strategic goals and resource decisions. DHS also does not have comparable cost data for its programs abroad and does not have a standardized framework to capture these data to help informed resource decision making.

Second, with regard to specific DHS programs abroad to target and inspect passengers and cargo before they depart for the United States, GAO has issued numerous reports on such programs. For example, with regard to one of ICE's overseas activities, the visa security program, we have reported on efforts to expand the program and address challenges and its operations.

Under this program, ICE deploys personnel to certain U.S. embassies and consulates to assist the Department of State's consular officers with security reviews of visa applications, among other things. We have identified challenges in the visa security program, such as limited guidance regarding interactions between ICE officials and consular officers, lack of performance measures to accurately evaluate the program, and variation in the training of consular officers by the Visa Waiver Program agents from post to post.

We have also found that ICE did not track information on the time ICE agents spent on non-Visa Waiver Program activities. We also identified gaps in ICE's plans to expand the program to additional diplomatic posts, noting that ICE's plans did not address all posts identified by the agency as being high-risk.

With regard to CBP programs related to targeting and inspecting travelers before they board vessels bound for the United States, we have on-going work for the committee and the subcommittee reviewing these programs, including pre-clearance operations and the immigration advisory program. We will be reporting on results from our work in the future.

Finally, with regard to targeting and inspecting maritime containerized cargo, GAO's work has addressed three of CBP's programs, including the Container Security Initiative, the Customs-Trade Partnership Against Terrorism program, or C–TPAT, and the Secure Freight Initiative.

Through the Container Security Initiative, CBP targets U.S.-bound containerized cargo shipments and requests examinations of high-risk containers before they are loaded onto U.S.-bound vessels. We reported that CBP has made progress in implementing the program, but has not regularly assessed foreign ports for risk since 2005. CBP took steps to rank ports for risk in 2009, but did not use the results from that assessment to modify program locations.

As part of our work, we used CBP's risk model and applied it to fiscal year 2012 cargo shipment data. Through this analysis, we found that the Container Security Initiative did not have a presence at about half of the foreign ports CBP considered high-risk

and about one-fifth of the ports where CBP had a presence were lower-risk locations at the time of our review.

In closing, we have made recommendations to DHS in all of these areas and others to help the Department and its components in their efforts to better manage, oversee, and assess their programs abroad. DHS has agreed with some of these recommendations and has actions planned or underway to address some of them. We will continue to monitor DHS' efforts in response to our recommendations.

This ends my oral statement. I would be pleased to answer any questions Members may have.

[The prepared statement of Ms. Gambler follows:]

PREPARED STATEMENT OF REBECCA GAMBLER

JUNE 2, 2015

GAO HIGHLIGHTS

Highlights of GAO–15–668T, a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

The *National Strategy for Counterterrorism* calls for a rapid and coordinated effort that uses U.S. Government resources to mitigate threats to homeland security. DHS contributes to the U.S. Government's efforts to combat terrorism and works to prevent inadmissible travelers and cargo from entering the United States. DHS's overseas efforts include ensuring visa security, inspecting passengers prior to boarding U.S.-bound flights, and identifying high-risk cargo shipments.

This statement addresses: (1) The extent to which DHS has aligned resource use abroad with strategic priorities and (2) selected DHS programs abroad aimed at preventing high-risk travelers and maritime containerized cargo from entering the United States. This statement is based on prior products GAO issued from 2008 through January 2015, along with selected updates conducted in May 2015 to obtain information from DHS on actions it has taken to address prior GAO recommendations.

What GAO Recommends

GAO previously made recommendations to DHS to inform its resource deployment abroad and strengthen screening and targeting programs. DHS agreed with GAO's recommendations to inform resource deployment abroad and has actions planned or underway to address them. DHS did not agree with some of GAO's recommendations related to VSP; GAO continues to maintain that all of these recommendations should be addressed.

BORDER SECURITY.—PROGRESS AND CHALLENGES IN DHS'S EFFORTS TO ADDRESS HIGH-RISK TRAVELERS AND MARITIME CARGO

What GAO Found

In September 2013, GAO reported on actions the Department of Homeland Security (DHS) had taken to align its programs abroad with its resource use and with other U.S. Governmental strategic priorities. GAO found that DHS had taken actions to better align its resource use with its programs abroad consistent with requirements set forth in law. Specifically, from 2011 to early 2012, DHS conducted a one-time review of its international footprint—the complete set of DHS resources and efforts it has deployed abroad—and created a Department-wide international engagement plan. However, DHS had not established specific Department-wide strategic priorities for resource use abroad. Specifically, DHS: (1) Had not established Department-wide strategic priorities for international engagement, such as specific types of activities or target regions to further combating terrorism goals; (2) did not have a mechanism for monitoring alignment between resource deployment abroad and strategic priorities; and (3) did not have reliable, comparable cost data for its programs and activities abroad and had not established a standardized framework to capture these data. GAO recommended that DHS establish Department-wide strategic priorities, a mechanism to routinely monitor alignment between strategic priorities and resource deployment abroad, and reliable cost data to provide DHS

with critical information to make informed resource deployment decisions. DHS concurred and, as of May 2015, has taken steps to implement GAO's recommendations, such as drafting an international engagement strategy to identify specific Department-wide priorities and establishing a common cost framework. DHS plans to finalize this strategy by early summer 2015 and use it a mechanism to facilitate additional footprint reviews in future budget years.

DHS deploys multiple screening and targeting programs designed to help interdict high-risk travelers, such as potential terrorists, and otherwise inadmissible passengers and cargo shipments before they board U.S.-bound commercial vessels. For example, in March 2011, GAO reported on the Visa Security Program (VSP) through which DHS's U.S. Immigration and Customs Enforcement (ICE) deploys personnel to certain U.S. embassies and consulates to conduct security reviews of visa applications, among other things. GAO found that ICE had limited guidance for the program and could improve its program expansion planning. DHS concurred with GAO's recommendations to issue guidance and strengthen its planning and took steps to address them. GAO also found that DHS did not collect comprehensive data on all VSP performance measures and track the time officials spent on visa security activities; DHS did not concur with GAO's recommendations to address these limitations. Further, since 2008, GAO has reported on CBP's programs intended to secure the maritime global supply chain—the flow of goods from manufacturers to retailer—and cargo destined for the United States. For example, in September 2013, GAO found that CBP had not regularly assessed foreign ports for risks to since 2005. While CBP took steps to rank ports for risks in 2009, CBP did not use this information to modify where CBP staff were posted. DHS concurred with GAO's recommendation to periodically assess the supply chain security risks from foreign ports and has plans to conduct such assessments by the end of 2015.

BORDER SECURITY.—PROGRESS AND CHALLENGES IN DHS'S EFFORTS TO ADDRESS HIGH-RISK TRAVELERS AND MARITIME CARGO

Chairman Miller, Ranking Member Vela, and Members of the subcommittee: I am pleased to be here today to discuss the Department of Homeland Security's (DHS) international programs and activities related to screening and inspecting passengers and maritime containerized cargo. The National Strategy for Counterterrorism calls for a rapid, coordinated, and effective effort that uses the resources of the entire Government to mitigate threats to National and homeland security.[1] DHS—with its specific knowledge and skills in border and maritime security, immigration, and law enforcement, among other areas—contributes to the U.S. Government's efforts to combat terrorism and works to prevent inadmissible travelers and goods from entering the United States. In pursuit of this objective, DHS seeks to identify security vulnerabilities and interdict threats at the earliest possible point in the travel, trade, and immigration life cycles to make the Nation's physical borders the last, not the first, line of defense.

DHS's efforts to combat terrorism start abroad before travelers and cargo are approved for departure to the United States. Most notably, DHS deploys multiple inspection and targeting programs designed to help interdict high-risk travelers, such as potential terrorists, and otherwise inadmissible passengers and cargo before they board commercial aircraft and vessels bound for the United States. DHS also works alongside foreign government officials to support them in assessing their own security vulnerabilities at air and sea ports and strengthen their security infrastructure by providing training and conducting critical infrastructure assessments, among other things. DHS's Office of International Affairs (OIA) has primary responsibility for coordinating all aspects of the Department's international operations, and for developing, coordinating, and executing Departmental international policy, including negotiating agreements with other countries, developing policy and programs, interacting with foreign officials, and working with DHS personnel abroad.

DHS components are generally responsible for making operational decisions, such as allocating resources and conducting activities that correspond to their particular missions to meet the Department's mission needs.

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[1] *The National Strategy for Counterterrorism* supports the *National Security Strategy,* which lays out an approach for advancing American interests, including the security of the American people. *The National Strategy for Counterterrorism* sets out the approach to one of the President's top National security priorities—disrupting, dismantling, and eventually defeating al-Qaeda and its affiliates and adherents. It also acknowledges the need to counter other transnational terrorist networks. See White House, *National Strategy for Counterterrorism* (Washington, DC: June 2011) and White House, *National Security Strategy* (Washington, DC: May 2010).

Several DHS components are responsible for implementing programs aimed at screening, inspecting and, if warranted, preventing high-risk travelers and cargo from traveling to and entering the United States and are responsible for deploying staff to certain foreign air and sea ports and U.S. embassies to meet these objectives. U.S. Customs and Border Protection (CBP), the Federal agency with primary responsibility for securing U.S. borders, is authorized to vet, target, screen, and inspect travelers and cargo prior to entering the United States and, in certain circumstances and locations, before their transit to the United States. U.S. Immigration and Customs Enforcement (ICE), the agency with responsibility for enforcing U.S. customs and immigration laws, regulations, and policies, is authorized to investigate a wide range of domestic and international activities arising from the illegal movement of people and goods into, within, and out of the United States.[2]

This statement is based on related reports and testimonies we issued from 2008 through January 2015 that examined DHS's efforts to target, interdict, screen, and inspect passengers and maritime containerized cargo traveling to the United States (see app. I for a list of related GAO products), and discusses:

- the extent to which DHS has aligned resource use abroad with strategic priorities and
- selected DHS programs abroad aimed at preventing high-risk travelers and maritime cargo from entering the United States.

This statement includes selected updates we conducted in May 2015 on DHS's efforts to address our previous recommendations related to DHS's management and prioritization of its resources abroad, the visa security program, and efforts to protect the maritime global supply chain—the flow of goods from manufacturers to retailers—and containerized cargo. It also includes preliminary observations on CBP's international air passenger predeparture inspections efforts. We are currently reviewing these programs at the request of the full committee, its subcommittees, and other Members. Our reports incorporated information we obtained and analyzed from officials at various DHS components, including CBP and ICE, such as program plans, policies, and procedures. More detailed information about our scope and methodology can be found in our reports and testimonies. 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. We also reviewed recent DHS Office of Inspector General (OIG) reports on the Visa Security Program and DHS's efforts to target and vet foreign nationals.[3] For our on-going work on CBP's international air passenger predeparture inspection efforts, we analyzed agency-wide policy guidelines and procedures for operating these programs overseas. We also interviewed CBP officials to obtain their views on CBP's roles and responsibilities for implementing and managing its predeparture inspections programs, as well as CBP's plans to expand these programs in the future. We conducted all of this work 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.

DHS HAS ENHANCED ITS RESOURCE ALIGNMENT, BUT COULD BETTER ASSURE RESOURCES DEPLOYED ABROAD SUPPORT HIGHEST PRIORITIES

In September 2013, we reported on actions DHS has taken to align its programs abroad with its resource use and with other U.S. Governmental strategic priorities. We found that DHS had taken actions toward increasing organizational and programmatic alignment for its resource use abroad consistent with requirements set

[2] The U.S. Coast Guard, the Federal agency with primary responsibility for safeguarding U.S. maritime interests, is also responsible for ensuring the safety of the Nation's ports. The Coast Guard is the lead agency responsible for assessing the security of ports that ship goods to the United States, coordinating maritime information sharing efforts, and promoting domain awareness in the maritime environment. As of May 2015, the Coast Guard had 368 full-time equivalents stationed in 28 countries to assist with maritime security efforts. In addition, the Transportation Security Administration—the Federal agency with primary responsibility for securing civil aviation, including U.S.-bound flights—had 87 full-time equivalents stationed in 22 countries to assist with aviation security efforts.

[3] DHS OIG, *The DHS Visa Security Program,* OIG–14–137 (Washington, DC: Sept. 10, 2014) and DHS OIG, *Information Sharing on Foreign Nationals: Overseas Screening,* OIG–11–68 (Washington, DC: Apr. 7, 2011).

forth in law.[4] For example, we found that DHS had established an intradepartmental governance board to provide a formal organizational mechanism for DHS component heads and OIA to collaborate and coordinate crosscutting policy issues related to international engagement. We also found that DHS reviewed its international footprint—the complete set of resources and efforts DHS has deployed abroad—with the intention of enhancing organizational and programmatic alignment. This "footprint review" was led by OIA, in coordination with component heads, and it evaluated the placement of resources on the basis of DHS's strategic mission areas, cost, and potential for engagement with host nations.[5] Furthermore, in March 2013, the Secretary of Homeland Security signed DHS's first *International Engagement Plan* to promote common international objectives and priorities across the Department. The plan maps key activities abroad to DHS's strategic mission areas, and includes specific strategies in separate international engagement plans for various regions of the world.

Despite these efforts, we found that DHS could not provide overall assurance of alignment of its resource use abroad with Department-wide and Government-wide strategic priorities. Although DHS has a broad mission set and decision making about resource use abroad is decentralized to the components, we found that DHS had not established specific Department-wide strategic priorities—such as specific types of activities or target regions to further combating terrorism goals—for resource use abroad to help promote organizational alignment in resource decision making. While DHS's *International Engagement Plan* linked DHS's strategic missions to the kinds of activities that DHS conducts abroad, we found that it did not establish specific priorities to help guide resource decision making. DHS officials from OIA and the Office of Counterterrorism Policy agreed that DHS's *International Engagement Plan* did not represent a clear priority focus on countries with factors that represented more immediate threats to the homeland and did not necessarily serve to identify a clear set of priorities and principles that would help to guide future resource decisions. To address these concerns we recommended that DHS establish specific Department-wide priorities for resources abroad. DHS concurred, and as of May 2015, has started to draft an international engagement strategy to identify specific Department-wide priorities. According to DHS officials, OIA hopes to use the plan to help inform the Department's fiscal year 2017 budget request and intends to finalize the plan no later than early summer 2015.

We also found that although OIA conducted a one-time exercise from 2011 to early 2012 to evaluate the Department's international footprint to try to bring it into better organizational and programmatic alignment, DHS had not established a routine or ingrained process that would continually assess the alignment between strategic goals and resource decisions. For example, we found each of the operational components that we interviewed, such as CBP and ICE, described different rationales and methods for deciding where and how many resources to deploy around the world. At the time of our review, OIA officials stated they had not devised an approach for implementing a routine, ingrained process with Department-wide methods and metrics, but officials agreed that such methods and metrics that were meaningful to all of the components would help provide a coherent strategic overlay to give the Department better assurance of alignment between resource use and strategic priorities. To address these concerns, we recommended that DHS establish a routine, institutionalized mechanism to ensure alignment of the Department's resource use abroad with the highest Department-wide and Government-wide strategic priorities. DHS concurred, and as of May 2015, OIA plans to use the international engagement plan as the foundation of a footprint review, starting with a specific international region, to identify opportunities to realign resources with priorities and to identify crosscutting management efficiencies for the Department's fiscal year 2017 budget request.

In addition, in 2013, we found that DHS did not have comparable cost data for its programs and activities abroad and had not established a standardized framework to capture these data to help inform resource decision making and to achieve

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[4] GAO, *Combating Terrorism: DHS Should Take Action to Better Ensure Resources Abroad Align with Priorities,* GAO–13–681 (Washington, DC: Sept. 25, 2013). For example, every 4 years, DHS is required to conduct a comprehensive review—known as DHS's *Quadrennial Homeland Security Review*—of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department. See 6 U.S.C. § 347.

[5] The *Quadrennial Homeland Security Review* identifies five strategic mission areas for DHS focus: (1) Preventing Terrorism and Enhancing Security, (2) Securing Our Borders, (3) Enforcing and Administering Immigration Laws, (4) Safeguarding and Securing Cyberspace, and (5) Ensuring Resilience to Disasters.

management efficiencies when addressing issues that are common across the department. We found that each of the components tracked its international expenditures differently, and according to OIA officials, the effort to collect comparable information that reliably informs management decision making had been challenging.[6] According to OIA officials, a standardized reporting framework for the costs of conducting activities abroad—for example, salaries, housing, and fees paid to embassies to cover certain administrative and security costs—across the Department could enable OIA to identify best practices that could lead to cost savings in international deployments and enhance the ability to assess the outcomes and cost-effectiveness of programs and activities carried out abroad. We recommended that DHS establish a common reporting framework to allow for the collection of reliable, comparable Department-wide cost data for resource use abroad. DHS concurred, and, as of May 2015, had established a common cost framework.

DHS CARRIES OUT ACTIVITIES ABROAD THAT HELP PREVENT HIGH-RISK PASSENGERS AND CARGO FROM TRAVELING TO AND ENTERING THE UNITED STATES

DHS conducts various programs and mission activities abroad to prevent people and cargo posing a threat to the United States from reaching the homeland. These include, among other things, efforts to ensure visa security, inspect international passengers prior to boarding a flight bound for the United States, and identify and target high-risk maritime containerized cargo shipments before being loaded onto U.S.-bound vessels. According to DHS's Office of Operations Coordination and Planning data, as of May 2015, DHS OIA and DHS operational components had approximately 1,800 full-time equivalents (FTE) in almost 80 countries to help combat terrorism and achieve other mission goals.[7] CBP had 801 FTE employees stationed in 43 countries and ICE had 380 FTEs in 45 countries.

In September 2013, we reported that DHS seeks to identify security vulnerabilities and interdict threats at the earliest possible point in the travel, trade, and immigration lifecycles, such as prior to visa issuance.[8] CBP, which operates the National Targeting Center (NTC), supports DHS's efforts by providing tactical targeting and analytical research of people and goods prior to their departure to the United States.[9] NTC monitors the movement of potential terrorists and containerized cargo and works to prevent them and any weapons of mass destruction or othercontraband from entering the country through land, air, and sea ports. According to CBP program officials assigned to NTC, NTC staff analyze various sources of Government data, including lists of known terrorists; data on foreign visitors whose official authorization permitting entry into and travel within the United States has elapsed; passport, criminal, and other law enforcement information; immigration records; and cargo manifest data. Through CBP's Automated Targeting System (ATS), CBP officers identify and target passengers and cargo container shipments for inspection.[10] Among other things, ATS uses a set of rules that assess different factors in the data to determine the risk level of a passenger or shipment. According to CBP program officials assigned to NTC, CBP makes available information from its databases and ATS to ICE and CBP officials deployed abroad, among others, to assist with in carrying out their respective missions as they relate to passengers and cargo, and to reduce the vulnerabilities associated with the global supply chain.

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[6] For our September 2013 report, we attempted to produce cost data for international expenditures. Although we determined that the data were sufficiently reliable to report a general estimate of expenditures for programs and activities abroad, in many cases it took months for DHS to produce the expenditure data and some components reported to us that meeting the request was difficult. After attempting to collect separate expenditure data for training and technical assistance expenditures, we ultimately determined that sufficiently reliable data were not available.

[7] DHS's Office of Operations Coordination and Planning maintains the Overseas Personnel and Activities Locator, which tracks all DHS personnel deployed abroad. The locator is updated monthly with self-reported data from the components, which may capture some personnel on travel duty in additional to permanently deployed FTEs.

[8] GAO–13–681.

[9] The NTC was established on October 22, 2001, under the Department of the Treasury's U.S. Customs Service and began operations in November 2001. NTC subsequently became part of CBP with the establishment of DHS pursuant to the Homeland Security Act of 2002. In addition to CBP personnel, the NTC is staffed by the U.S. Coast Guard, ICE, the Federal Air Marshal Service, and the Transportation Security Administration.

[10] ATS is an enforcement and decision support system that compares passenger and cargo manifest information against intelligence and other law enforcement data, and consolidates data from various sources to create a single, comprehensive record for each U.S.-bound passenger and shipment.

Visa Security

In March 2011, we reported on ICE's efforts to strengthen visa issuance procedures.[11] We found that ICE, through the Visa Security Program (VSP), works to prevent terrorists and otherwise inadmissible travelers from attempting to enter the United States by screening visa applicants before the travel process begins. Specifically, we reported that VSP is intended to prevent terrorists, criminals, and other ineligible applicants from receiving visas. Under VSP, ICE deploys personnel to certain U.S. embassies and consulates to assist the Department of State's consular officers with security reviews of visa applications and investigations of passport and visa fraud, among other things.[12] ICE is also responsible for training consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications. As of May 2015, ICE reported that it had established 21 visa security units in 15 countries. When reviewing applications for visas under VSP, ICE agents screen applicant information against CBP immigration data and ATS targeting and intelligence data to identify applicants that potentially match records of individuals who are known or suspected threats to the United States or have immigration violations or derogatory information related to their criminal histories.[13]

In March 2011, we reported, among other things, on DHS's efforts to expand VSP and challenges to VSP operations overseas.[14] In general, we found that ICE and the Department of State had limited guidance regarding interactions between consular officers and ICE officials for the screening and issuance of visas, and that training of consular officers by VSP agents varied from post to post, with some consular officers at some posts receiving no training. We also found that ICE lacked performance measures to accurately evaluate VSP mission objectives. Moreover, we found that VSP agents performed various investigative and administrative functions beyond their visa security responsibilities, a fact that at times slowed or limited visa security activities, and ICE did not track this information in the VSP tracking system, making it unable to identify the time spent on investigative and administrative functions. Finally, we found that ICE's plans to expand VSP did not cover 11 of 20 additional diplomatic posts identified by ICE as high-risk.

We made several recommendations to help DHS better manage VSP at posts overseas. First, we recommended that DHS issue guidance requiring ICE to provide training for consular officers. DHS concurred and has issued guidance to enhance the training of consular officers by VSP offices abroad. Second, we recommended that DHS ensure that ICE collects reliable data to allow ICE to accurately evaluate VSP performance and report to Congress on progress toward the VSP mission objectives. DHS stated that the VSP captured all the required performance metrics. However, as we reported, we determined on the basis of our analysis that ICE was collecting some data on the required performance measures, but that the data were not sufficient to accurately demonstrate the progress made toward the program's stated objectives. We continue to believe that without collecting comprehensive data on the performance measures identified by ICE, DHS cannot accurately demonstrate progress of VSP in enhancing National security. Third, we recommended that DHS develop a mechanism to track the amount of time spent by ICE on visa security activities and other investigations as part of VSP, in order to determine appropriate staffing levels and resource needs for VSP operations at posts overseas. DHS did not concur with this recommendation and has taken no action to implement it. DHS stated that ICE tracks case investigation hours through its case management system, and that adding the metric to the VSP tracking system would be redundant. However, we found, according to ICE documentation, that ICE cannot accurately determine the amount of time that VSP agents spend on investigative and visa security activities because ICE does not distinguish between the hours logged by VSP agents and hours logged by other ICE officials at posts abroad and that ICE does not maintain accurate data on the time VSP agents spend on visa security activities at posts. Without accurate data to determine the amount of time VSP agents spend on the visa security activities, ICE is not well-positioned to determine whether the current allocations of staffing and resources at posts are adequate to carry out the visa security reviews and fulfill VSP's objectives. Thus, we continue to believe our

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[11] GAO, *Border Security: DHS's Visa Security Program Needs to Improve Performance Evaluation and Better Address Visa Risk Worldwide,* GAO–11–315 (Washington, DC: Mar. 31, 2011).

[12] See 6 U.S.C. § 236.

[13] Specifically, ICE uses data from TECS (not an acronym), which is an automated enforcement and antiterrorism database maintained by CBP that provides information for law enforcement and border security purposes, and can exchange information automatically with other U.S. Government systems.

[14] GAO–11–315.

recommendation has merit, and should be fully implemented. Lastly, we recommended that DHS develop a plan to provide VSP coverage at high-risk posts where the possibility of deploying agents may be limited. DHS concurred, and ICE reported that it has enhanced its information technology systems so that screening and reviewing applicants at all posts world-wide will now be feasible.

Passenger Predeparture Inspections

CBP's efforts to identify high-risk and potentially inadmissible travelers begin before travelers enter a port of embarkation and continue between ports of entry until CBP officers officially approve or deny travelers' entry into the United States. Specifically, CBP, through its predeparture inspection programs, screens and inspects travelers destined for the United States while they are still overseas. These programs utilize established relationships with host countries and air carriers to work to prevent passengers who may pose a security threat, have fraudulent documents, or who are or may be otherwise inadmissible from boarding flights to the United States. Specifically, CBP operates three pre-departure inspection programs—preclearance; the Immigration Advisory Program (IAP) and Joint Security Program (JSP); and the regional carrier liaison groups (RCLG). According to senior CBP officials responsible for overseeing predeparture inspection programs, the United States intends to expand these programs to additional locations. As of May 2015, DHS and the Department of State are continuing to work together to determine which countries the United States might consider for expansion. We are currently reviewing these programs at the request of the full committee, its subcommittees, and other Members. We anticipate reporting on the results of our analyses by early 2016. Preliminary observations from our on-going work are as follows.

Preclearance.—CBP pre-clearance locations serve as ports of entry into the United States where CBP Officers are authorized and empowered to make admissibility decisions about passengers and their accompanying goods or baggage destined for the United States.[15] According to CBP program documents and officials, an inspection at a pre-clearance location is essentially the same inspection an individual would undergo at a port of entry in the United States, and CBP Officers conducting preclearance inspections exercise identical authority as CBP Officers at domestic ports of entry to approve or deny admission into the United States. Once precleared, a passenger is admitted to the United States and will not require additional CBP inspection upon arrival. However, according to CBP's deputy director of pre-clearance operations, CBP Officers retain the authority to inspect these travelers and their accompanying goods or baggage after arriving in the United States should inspection be warranted.[16] According to CBP program documentation, as of May 2015, CBP has 568 staff located in pre-clearance facilities in 15 locations in six countries.[17]

Immigration Advisory Program and Joint Security Program.—According to CBP program documents and officials we interviewed, under both IAP and JSP, CBP partners with foreign governments and air carriers to identify and prevent high-risk travelers, travelers without proper documents, and other potentially inadmissible travelers from boarding U.S.-bound flights.[18] According to CBP program documentation, as of May 15, 2015, CBP has 41 IAP and 11 JSP staff in 11 locations around the world. IAP officers operate primarily at airports in Western Europe, and have access to the sterile and boarding areas of the host airports to question passengers and review their travel documents.[19] Building on the IAP concept, CBP launched JSP in two locations in 2009. According to a senior CBP official responsible for overseeing IAP, under JSP agreements with these host governments, CBP Officers partner with the host country law enforcement to identify air passengers linked to terrorism, narcotics, weapons, and currency smuggling. In addition, he stated that while CBP Officers at these locations do not have unescorted access to the host air-

[15] See 8 U.S.C. § 1103(a)(7), 19 U.S.C. § 1629. See also 8 C.F.R. §§ 235.1, 235.5; 19 C.F.R. §§ 148.22, 162.6, 162.8.

[16] In addition, CBP program documents explain that flights arriving in the United States from pre-clearance airports are also permitted to land and disembark at domestic terminals wherein such passengers are not required to undergo subsequent Transportation Security Administration screening measures if connecting to another flight.

[17] CBP has pre-clearance locations in Aruba, the Bahamas (Nassau, Freeport), Bermuda, Canada (Calgary, Edmonton, Halifax, Montreal, Ottawa, Vancouver, Victoria, and Winnipeg), Ireland (Dublin, Shannon), and the United Arab Emirates (Abu Dhabi). CBP's pre-clearance in Victoria, Canada only processes maritime passengers.

[18] See, e.g., 8 U.S.C. § 1103(a)(7).

[19] The sterile area of an airport is, in general, the area beyond a security screening checkpoint that provides passengers access to boarding aircraft and to which access is generally controlled by the Transportation Security Administration in the United States or host country security at a foreign airport through the screening of persons and property. See, e.g., 49 C.F.R. § 1520.5.

port's sterile area and must be accompanied by local law enforcement personnel, they do have the ability to question passengers and review their travel documents. Further, both IAP and JSP officers themselves may not exercise U.S. immigrations and customs authorities at the airport as CBP officers stationed at pre-clearance locations do. However, a senior IAP and a JSP official stated that officers work closely with the air carriers and local law enforcement to identify fraudulent passports and visas and other factors that may render a passenger inadmissible to the United States and support a no-board recommendation to the commercial air carrier—i.e., recommending that the carrier not transport the passenger because the passenger will likely be deemed inadmissible upon arrival in the United States. Moreover, these officials stated that CBP Officers at both IAP and JSP locations can conduct queries of CBP databases and ATS targeting information and coordinate with the NTC to confirm whether a traveler is a threat to the United States or otherwise inadmissible. At JSP locations, CBP Officers use ATS targeting information in conjunction with local law enforcement and host government data to identify threats, question passengers, and review travel documents for all travelers arriving at and departing the host country (including U.S.-bound and foreign-to-foreign commercial flights).

Regional Carrier Liaison Groups.—According to CBP officials at NTC, Regional Carrier Liaison Groups (RCLGs) are to assist commercial carriers with questions related to document fraud and inadmissibility. As of May 2015, CBP has RCLGs in New York, Miami, and Honolulu. According to CBP programs officials at the NTC, each of these locations assists air carriers in designated parts of the world, and also assists CBP Officers at designated pre-clearance locations make admissibility decisions. According to CBP program officials assigned to NTC, RCLGs use Government databases, immigration data, other NTC resources, and ATS to provide technical real-time assistance to air carriers through their phone center, and can make no-board recommendations directly to the air carriers. In addition, according to CBP documentation, RCLGs are to provide training on U.S. entry requirements, passenger assessment, and fraudulent document detection, among other things, to air carriers at U.S. ports of entry and at airports abroad.

Security of Maritime Cargo

DHS plays a large role in ensuring the safety of maritime containerized cargo and vessels bound for the United States. Ports are critical gateways for the movement of commerce through the global supply chain. The facilities, vessels, and infrastructure within ports, and the cargo passing through them, all have vulnerabilities that terrorists could exploit. While there have been no known incidents of containers being used for terrorism-related purposes, criminals have exploited containers for other illegal purposes, such as smuggling weapons, people, and illicit substances. Within DHS, CBP is primarily responsible for maritime supply chain security and the screening of high-risk maritime cargo. Specifically, CBP is focused on the security of the cargo shipped to the United States from foreign ports. From 2008 to January 2015, we reported on DHS's efforts to assess potentially risky foreign ports, and target, screen, and interdict vessels and cargo container shipments destined for the United States.[20] CBP operates three programs intended to secure the maritime global supply chain—the flow of goods from manufacturers to retailer—and cargo destined for the United States—the Container Security Initiative (CSI), the Customs-Trade Partnership Against Terrorism (CTPAT), and the Secure Freight Initiative (SFI).

Container Security Initiative.—CSI is a bilateral Government partnership program operated by CBP that aims to identify and examine U.S.-bound cargo container shipments that are at risk of containing weapons of mass destruction or other terrorist contraband.[21] As part of the program, CBP Officers are stationed at select

[20] GAO, *Supply Chain Security: CBP Needs to Enhance Its Guidance and Oversight of High-Risk Maritime Cargo Shipments,* GAO–15–294 (Washington, DC: Jan. 27, 2015); *Maritime Security: Progress and Challenges with Selected Port Security Programs,* GAO–14–636T. (Washington, DC: June 4, 2014); *Supply Chain Security: DHS Could Improve Cargo Security by Periodically Assessing Risks from Foreign Ports,* GAO–13–764 (Washington, DC: Sept. 16, 2013); *Supply Chain Security: Container Security Programs Have Matured, but Uncertainty Persists over the Future of 100 Percent Scanning,* GAO–12–422T (Washington, DC: Feb. 7, 2012); *Maritime Security: Progress and Challenges 10 Years After the Maritime Transportation Security Act,* GAO–12–1009T (Washington, DC: Sept. 11, 2012); *Supply Chain Security: Feasibility and Cost-Benefit Analysis Would Assist DHS and Congress in Assessing and Implementing the Requirement to Scan 100 Percent of U.S.-Bound Containers,* GAO–10–12 (Washington, DC: Oct. 30, 2009); and *Supply Chain Security: U.S. Customs and Border Protection Has Enhanced Its Partnership with Import Trade Sectors, but Challenges Remain in Verifying Security Practices,* GAO–08–240 (Washington, DC: Apr. 25, 2008).

[21] See 6 U.S.C. § 945.

foreign seaports and review information about U.S.-bound containerized cargo shipments. CBP uses ATS to target U.S.-bound container shipments and request examinations of high-risk containers before they are loaded onto U.S.-bound vessels. CBP has CSI staff located at 58 foreign ports. In September 2013, we reported on CBP's progress in implementing CSI.[22] Specifically, we found that CBP had not regularly assessed foreign ports for risks to cargo under CSI since 2005. While CBP took steps to rank ports for risks in 2009, we found that CBP did not use results from this assessment to make modifications to the locations where CSI staff are posted because of budget cuts. By applying CBP's risk model to fiscal year 2012 cargo shipment data, we found that CSI did not have a presence at about half of the foreign ports CBP considered high-risk, and about one-fifth of the existing CSI ports were at lower-risk locations. We recommended that DHS periodically assess the supply chain security risks from all foreign ports that ship cargo to the United States and use the results of these risk assessments to inform any future expansion of CSI to additional locations and determine whether changes need to be made to existing CSI ports and make adjustments as appropriate and feasible. DHS concurred with our recommendation, and in February 2015, CBP officials told us that the agency plans to conduct periodic assessments of the supply chain security risks from all ports that ship cargo to the United States.[23] According to CBP officials, CBP plans to complete the necessary steps to implement this recommendation by the end of December 2015.

Customs-Trade Partnership Against Terrorism.—C–TPAT, operated by CBP, was established through the Security and Accountability for Every Port (or SAFE Port) Act of 2006.[24] C–TPAT is a voluntary public-private-sector partnership with private stakeholders in the international trade community that aims to secure the flow of maritime cargo bound for the United States. Under C–TPAT, CBP officials work with member private companies to review the security of their international supply chains and improve the security of their cargo shipments to the United States. In return, C–TPAT members receive various incentives to facilitate the flow of legitimate cargo, such as reduced scrutiny of their shipments. In 2008, we reported, among other things, that CBP took steps to improve the security validation process for C–TPAT applicants and implemented numerous actions to address C–TPAT management and staffing challenges.[25] However, we found challenges with the technology CBP used to help ensure that validation information is consistently collected, documented, and uniformly applied to decisions regarding the awarding of benefits to C–TPAT members, and that CBP lacked a systematic process to ensure that members take appropriate actions in response to security validation findings. We also found that C–TPAT's performance measures were insufficient to assess the impact of C–TPAT on increasing supply chain security. We made recommendations to CBP to strengthen C–TPAT program management and oversight. Specifically, we recommended, among other things, that CBP document key data elements needed to track compliance with the SAFE Port Act and other CBP internal requirements and to identify and pursue opportunities in information collected during C–TPAT member processing activities that may provide direction for developing performance measures of enhanced supply chain security. CBP has since implemented these recommendations by, for example, creating an automated platform to track and capture the content and communication between CBP and C–TPAT members to ensure that C–TPAT validation report recommendations are implemented and identifying analytical tools and data for trend analysis to better assess C–TPAT's impact on the supply chain.

Secure Freight Initiative.—The Secure Freight Initiative (SFI) started as a pilot program among CBP, the Department of Energy, and the Department of State intended to test the feasibility of using radiation detection and nonintrusive imaging equipment to scan 100 percent of cargo containers bound for the United States before they are loaded onto vessels at foreign seaports.[26] In 2009, we reported that

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[22] GAO–13–764.

[23] CBP plans to use two data sources to complete these assessments. The first is to complete a foreign port risk assessment by using an existing country risk assessment developed by a third party. In addition, the CBP Office of Intelligence and Investigative Liaison is in the process of developing a World Risk Matrix. CBP officials plan to use both the risk assessment and the World Risk Matrix to compile a final risk assessment of all foreign ports that ship cargo to the United States.

[24] See Pub. L. No. 109–347, 120 Stat. 1884 (2006).

[25] GAO–08–240.

[26] In response to the SAFE Port Act requirement to implement a pilot program to determine the feasibility of scanning 100 percent of U.S.-bound containers with both radiation portal monitors and nonintrusive imaging equipment, CBP, the State Department, and the Department of

Continued

scanning operations at the initial SFI ports encountered a number of challenges—including safety concerns, logistical problems with containers transferred from rail or other vessels, scanning equipment breakdowns, and poor-quality scan images.[27] Both CBP and GAO had previously identified many of these challenges, and CBP officials were concerned that they and the participating ports could not overcome them. Senior DHS and CBP officials acknowledged that most, if not all foreign ports, would not be able to meet the July 2012 target date for scanning all U.S.-bound cargo, and DHS would need to issue extensions to such ports to allow the continued flow of commerce in order to remain in compliance with relevant statutory requirements. We recommended that DHS, in consultation with the Secretaries of Energy and State, develop, among other things, more comprehensive cost estimates, conduct cost-benefit and feasibility analyses, and provide the results to Congress. CBP stated it does not plan to develop comprehensive cost estimates since SFI has been reduced to one port, and CBP has no funds to develop such cost estimates. We previously reported that, in May 2014, the Secretary of Homeland Security stated that "DHS's ability to fully comply with this unfunded mandate of 100 percent scanning, even in [the] long term, is highly improbable, hugely expensive, and in our judgment, not the best use of taxpayer resources to meet this country's port security and homeland security needs." The Secretary also stated that he instructed DHS, including CBP, to do a better job of meeting the underlying objectives of the 100 percent scanning requirement by, in part, refining aspects of CBP's layered security strategy.[28]

In February 2012, we reported that the scanning challenges continued, and CBP achieved 100 percent scanning of U.S.-bound cargo containers at only one foreign pilot port where it was being attempted.[29] The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), enacted in 2007, required, among other things, that by July 2012, 100 percent of U.S.-bound cargo containers be scanned at foreign ports with both radiation detection and non-intrusive inspection equipment before being placed on U.S.-bound vessels.[30] In May 2012, the then-Secretary of Homeland Security authorized a 2-year extension (until July 2014) of the deadline for implementing the requirement.[31] Then, in May 2014, the current Secretary of Homeland Security renewed the extension (until July 2016).

In addition to the CBP supply chain security programs described above, we have also reported on CBP's targeting of high-risk maritime containerized cargo shipments. Specifically, in January 2015, we found, among other things, that CBP did not have accurate data on the number and disposition of each high-risk maritime cargo shipment scheduled to arrive in the United States.[32] On the basis of our analyses of CBP data for fiscal years 2009 through 2013, we found that on average each year, approximately 11.6 million maritime cargo container shipments arrived in the United States, and less than 1 percent of those shipments were determined by ATS to be high-risk. CBP targeters at advance targeting units—responsible for reviewing shipments arriving at ports within their respective regions—can waive an examination if they determine through research that: (1) The shipment falls within a predetermined category (standard exception), or (2) they can articulate why the shipment should not be considered high-risk (articulable reason), such as an error in the shipment's data. For example, a shipment could be identified as high-risk because it is associated with a shipper on a terrorist watch list, but through further research, CBP officials determine the shipper is not a true match to the terrorist watch list and, therefore, the shipment should not be considered high-risk. We found that CBP examined the vast majority of high-risk shipments, but CBP's disposition

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Energy jointly announced the formation of SFI in December 2006 as an effort to build upon existing container security measures by enhancing the U.S. Government's ability to ensure containers are scanned for nuclear and radiological material overseas and better assess the risk of inbound containers. See 6 U.S.C. §§ 981–82. The Implementing Recommendations of the 9/11 Commission Act of 2007 subsequently imposed deadlines for achieving full-scale implementation of the 100 percent scanning requirement. See Pub. L. No. 110–53, § 1701(a), 121 Stat. 266, 489–91 (2007); 6 U.S.C. § 982(b).

[27] GAO–10–12.

[28] GAO–15–294.

[29] GAO–12–422T.

[30] See 6 U.S.C. § 982(b).

[31] Pursuant to the 9/11 Commission Act, the deadline for 100 percent scanning of containers loaded in a port or ports may be extended in 2-year increments if Congress receives certification from DHS that at least two out of a list of specific conditions exist. Among others, these conditions include the following: Adequate scanning equipment is not available or cannot be integrated with existing systems, a port does not have the physical characteristics to install the equipment, or use of the equipment will significantly affect trade capacity and the flow of cargo. See 6 U.S.C. § 982(b)(4).

[32] GAO–15–294.

data were not accurate because of various factors—such as the inclusion of shipments that were never sent to the United States—and our analyses found that CBP's data overstated the number of high-risk shipments, including those not examined/not waived under CBP policy. We also found that when determining the disposition of high-risk shipments, CBP's targeting units were inconsistently applying criteria to make some waiver decisions and were also incorrectly documenting the reasons for waivers.

On the basis of our review of CBP policy and visits to selected targeting units, we determined that CBP has not established uniform definitions for standard exception waiver categories, some CBP officials were unaware of existing waiver guidance for articulable reason waivers, and some CBP targeters across the targeting units we visited were inconsistently and inaccurately recording waiver reasons in ATS. As a result, we concluded that CBP could not accurately determine the extent to which standard exception waivers were used consistently or whether waivers issued for articulable reasons were being used judiciously, as required by policy. We recommended, among other things, that CBP define standard exception waiver categories and disseminate policy on documenting articulable reason waivers. Further, we recommended that CBP enhance its methodology for selecting shipments for self-inspections and change the way it calculates the compliance rate. DHS concurred with our recommendations and has actions planned or underway to address them. For example, CBP plans to, among other things, draft an updated, comprehensive National Cargo Targeting Policy, which is to include definitions for each of the standard exception waiver categories and develop an enhanced methodology for selecting shipment samples used for self-inspection to increase the likelihood that any potential deficiencies will be identified so that corrective actions can be taken to reduce errors in the future. According to CBP officials, CBP is working to implement the recommendations, and is to provide us with an update on the implementation status by June 5, 2015.

Chairman Miller, Ranking Member Vela, and Members of the subcommittee this concludes my prepared statement. I will be happy to answer any questions you may have.

Mrs. MILLER. Thank you.

Thank you all very much.

I think I will start with Mr. Wagner because I want to talk a little bit about this preclearance. I was just looking at this chart that I have in front of me. But, anyway, it shows the facilities that we currently have and then what is proposed.

It is interesting because—I don't want to use the term "quaint," but it certainly is indicative of how our world has changed since 9/11 because what we currently have—most of them are all in Canada, obviously, our largest trading partner, and then, from a tourism standpoint, Bahamas, Bermuda, Aruba, a couple in Ireland. Then all of a sudden we go to the UAE, which just seems—compared to the other ones.

Now, as the Secretary has announced, you have got negotiations with these 9 other countries. I guess I would just ask you—in fact, I was taking a note when you were saying currently about 15 percent of everybody that is coming in is going through preclearance. So you have about 15 spots. So it is approximately—I don't know what that—I will do the math on that. But if it is a percent per spot—I am not sure how that all works.

But after the 10 new ones in the 9 different countries, do you have any estimate of what percentage of inbound travelers into the United States would be precleared before they board an aircraft?

Mr. WAGNER. Yes. It would bring the total up to about 36 percent of all travelers to the United States.

Mrs. MILLER. So as you look at the 10 that you are proposing here in the 9 different countries, what is really—I mean, is the driver principally security and/or trade, look at both things equally? How do you give the weight there?

Mr. WAGNER. It is both. We looked at a couple of broad categories of security, facilitation, feasibility, and strategic impact.

So under the security piece, you know, we looked at the number of terrorist watch list hits coming through that airport—or originating in that airport. We looked at the number of National security concerns identified through our National Targeting Center.

Then we balanced it against similar facilitation and workload measures, the number of passengers, the impact to wait times in the United States, the number of what we call secondary referrals and enforcement actions originating out of these airports.

Then we also had to balance it against a feasibility score and a strategic impact in that did we have a willing partner here, did we have an airport that would build the type of facility we would need, make that type of investment, did we have a government that would agree to negotiate the terms and the authorities for us to operate in uniform with authorities on their soil.

So it is a mixture of all these different factors to try to come across just a good balance and then also looking at the competitive balance of the U.S. airline carriers.

Like you mentioned, we heard loud and clear from the U.S. carriers and other stakeholders, and we consulted extensively with a lot of those stakeholders to make sure these locations represent a competitive balance between the U.S. carriers and their strategic alliances so we are not picking winners and losers between the different carriers.

Mrs. MILLER. You know, I do recall during the whole beginning of the pre-clearance at Abu Dhabi, when you had the country-level agreement there, part of what was discussed at that time was that the next one would be Dubai. Now, Dubai is not on this list. I am not advocating—I am not sure if that is what we should be doing, but that was a big part of the discussion with the Congress.

Mr. WAGNER. Correct.

Mrs. MILLER. Do you have any comment on that?

Mr. WAGNER. Yes. Dubai remains a priority location for us. It is not on the list because we already have an agreement with the UAE government. So we would not need to renegotiate the principles of that.

But it remains a priority location for us in terms of security and facilitation. There is a growing volume of travelers coming to the United States. We have two U.S. carriers, Delta and United, that fly out of there.

But we continue discussions with the Dubai airport authorities, looking at plans for the new airport that they are building and then looking at the technical specifications at their existing airport in Dubai.

We anticipate having further discussions this summer with them. I think this is consistent with some of the recent statements made by the Dubai authorities. This very much remains a priority for us.

Mrs. MILLER. Okay. I appreciate that.

Now to Mr. Bersin and Mr. Kubiak. As we are all painfully aware, particularly last year we had a humanitarian crisis at the Southern Border with the UACs that were coming across, and many of us made a lot of noise here about whether or not we ought

to be reducing or eliminating foreign aid, particularly to the three countries in the Centrals that were responsible for the greatest percentage of that population of these poor children that were coming here or whether or not we even should revisit some of our trade agreements, like CAFTA, et cetera. There was a lot of talk about what we should do. But I think you mentioned here Central America, where you were using the vetted units in El Salvador, Guatemala, Honduras, et cetera.

I am just wondering, is that a reaction from our Government and those governments because of the UACs? If so, are you having any good, positive outcome of all of that of, hopefully, stopping that kind of activity before they start coming up through Mexico?

Mr. BERSIN. As part of the reaction to the engagement that we have had, the transnational criminal investigative units that Mr. Kubiak can go into much greater detail on have been a first-rate element in our approach with the governments of Guatemala, Salvador and Honduras to take on the human trafficking groups as well as other elements of transnational crime.

So, yes, I mean, the willingness of Guatemala to increase the units there, the willingness of the government of Honduras to continue the transnational criminal investigative units, and the similar decision by the government of El Salvador all point to their recognition of the utility.

Mr. KUBIAK. Chairman Miller, as you know, the Department really rallied all of its resources to address that threat after last summer and it took steps in a number of fronts to address kind-of the human smuggling activity throughout the entire corridor of the Americas.

The TCIUs, to start with your question, were a fundamental component of gathering intelligence related to what is causing migrants to leave their countries, what are the factors within those countries that are there, how they are getting from one location to another, and then, subsequently, how do we disrupt and identify the criminal networks associated in that activity.

So they weren't specifically formed for that purpose, but they were able to be applied to that purpose, and have had a fundamental role in the year since that activity and have given us a much better picture of the reasons that people are leaving the countries, but, also, more importantly to our line of work, I think, specifically, a much better picture of how the smuggling networks work throughout Central America, South America, Mexico and then, ultimately, in the United States and, in some cases, through the United States to Canada, depending upon the nationality of the individual and the activity.

We have been able to take those foreign assets, both the TCIUs and our attaché networks overseas, develop that into reporting with our CBP counterparts, who also have assets deployed to Central America, South America, and Coast Guard, and under the Secretary's Joint Task Force structure and Unity of Effort have also built a human smuggling cell here in the United States that is focused specifically on that, collects that data, and helps us organize our activity and monitor what we call the indicators on a weekly basis to see if we can identify increases in illicit financial flows that

relate to the smuggling of those networks into and out of the United States.

But those relationships, either strictly through the attachés or more enhanced relationships through the TCIUs, allow us to engage the foreign government to share information much more quickly and to address the threat and then operationalize that activity to reduce the crime in those countries, which is beneficial to both.

So it is very much a shared activity in our TCIU activity. There are threats that both countries feel are important to those activities. Now what we are doing is trying to link those TCIUs to increase collaboration and capacity between the countries themselves.

As I mentioned in my opening statement, we just participated in a training class where we had 12 Guatemalans and 12 Panamanians with U.S. officers, and that built camaraderie between the two units and exchange of best practices between them beyond what we were teaching them at FLETC in our training class.

Mrs. MILLER. Very good.

In addition to this, I mean, just having those kind of relationships, there is no second for human intel.

Mr. KUBIAK. Absolutely.

Mrs. MILLER. No second. That is the kind of information I am sure we are getting from those forces as well. So thank you for that.

The Chairman recognizes Mr. Vela.

Mr. VELA. Mr. Wagner, I have one question regarding liquid meth. I understand that, over the past several years, we have seen an increase in the shipment of liquid meth. I am just curious if those shipments pose any special physical threat or health risk to our agents in the field.

Mr. WAGNER. Yes. It is correct. I mean, we have seen a pretty strong increase in methamphetamine seizures. Most of it is in the powder form, but we are seeing a lot of liquid methamphetamine. We are seeing it secreted in gas tanks, in other containers. There are risks inherent in handling that, seizing it, removing it from the vehicle, storing it, destroying it.

You know, we do put out the proper precautions and the training and the equipment to be able to handle it. But the storage of it can be a challenge, especially in liquid form, and how we transport it and account for it and measure it. But it is something we are also taking a look at to make sure we do have the best and safest procedures for handling it.

Mr. VELA. What can we do from the standpoint of providing the appropriate technologies to make it easier for the folks in the field to do the job? I mean, do you feel like you have got what you need or are there other things that we can do?

Mr. WAGNER. It is challenging detecting the liquid methamphetamine. It is challenging to find a technology that will help us do that. A lot of our non-intrusive inspection technology helps us find those false compartments and those parts of the vehicles that are not factory made.

Our recapitalization plan is something we are seeking support for to refresh that technology. A lot of it is nearing the end of its

life cycle. It needs to be replaced. A lot of it was built specially for us over time, and we helped develop and really build this industry up with what we have been able to do.

So we are looking for support for the budget request that does include the start of the refresh of a lot of that technology. That is probably the most important thing for us.

Mr. VELA. I think, Mr. Bersin and Mr. Kubiak, you can probably address this next question.

Mr. Bersin, you and I have dealt with this issue in Tamaulipas for a while now, and, obviously, things are only getting worse. I am wondering if you can give us an idea of what is occurring on the diplomatic front in terms of getting Mexico City to address this situation.

At the same time, I know what kind of coordination we have between our State Department, our Department of Justice, and our his and DEA employees on the field. I would like to get some sense if either you or Mr. Kubiak feel like there is anything else we can do from the standpoint of providing further support for those agents that are living in places like this.

Mr. BERSIN. As you know, the relationship between Mexico and the United States at the level of law enforcement as well as at the diplomatic level is unprecedented. I can tell you, having lived and worked on the border for 20 years, that the way in which we engage with Mexico today is simply dramatically different from what it was 5 and certainly 10 years ago.

So, for example, the relationship that we have with Mexico in response to the unaccompanied minor and the family migration from Central America—we have seen a dramatic decline in the number of people trying to cross, in part, because of activities undertaken by the United States in the sending countries, but we should not ignore the extent to which activities by Mexico and Mexican migration authorities and law enforcement in their Southern Border has really contributed to a decrease in the number of people trying to cross into our country and Texas from Texas to California.

With regard to the violence in Tamaulipas—and you know I have visited with you both in Brownsville as well as in Matamoros—what we are seeing is the latest result of what has been going on in Mexico since 2006, when the Mexican government and the Mexican people made a decision to take on organized crime. We have seen 100,000—or just under 100,000 deaths since that time.

But, in fact, we have seen significant cooperation and the significant growth in Mexican capacity to confront organized crime. When we began with Merida in 2006 in the Bush administration and then continued in the Obama administration, Mexico was facing what was seen by many observers, Mexican and U.S., as a National security threat. In fact, if you go back to 2006, you maybe remember Barry McCaffrey, the former drug czar, worrying that Mexico was on the verge of becoming a failed state, which turned out to be wrong and certainly, in retrospect, is not the case.

But there has been a dramatic change in the nature of the organized crime problem in Mexico from that of massive cartels led by a series of kingpin figures like Chapo Guzman, but we have gone from four or five large cartels to a polarization of those organiza-

tions and the growth of many smaller organized criminal gangs on a local level.

That has been good news from the standpoint of turning the National security problem into a law enforcement problem. The bad side is that it has also led to the kind of violence that we have seen in Tamaulipas now and in Reynosa, in Coahuila. But, Congressman, it is not of great solace to anyone when you are in the middle of a storm to say that, "Well, we will survive this storm."

But we have seen the same pattern of violence in every large major city, starting in Tijuana 5 or 6 years ago, moving over to Arizona, Sonora, moving over to Juarez, which we will all recall even 3 years ago was the most violent city in the western hemisphere and now has seen that violence subsiding. Now we are seeing in Mexico's northeast this kind of horrible violence that you describe and that we need to confront.

But the relationships that we have put us in a better position to help Mexico confront that since, after all, it is a Mexican responsibility and they will confront, as they have confronted, violence elsewhere in their country.

But the point I think is that we will see this violence contained. We are beginning to see the reaction of Mexican law enforcement and the Mexican military and SEMAR to confront this violence, and I trust that has been the case in Juarez and Tijuana and that, in fact, the violence of Matamoros will subside.

With regard to force protection of our people, as you properly point out, there is great attention being given to that by the State Department as well as the Department of Homeland Security to protect U.S. officials serving in the consular offices and generally in Mexican diplomatic posts. I am confident that we are taking that threat indeed very seriously. Thank you.

Mr. VELA. I am out of time. Thank you.

Mrs. MILLER. We can come back for a second round.

The gentleman from Texas, Mr. Smith.

Mr. SMITH. Thank you, Madam Chairman.

Mr. Kubiak, let me address my first question to you. That is to ask you, if you would, to go into more detail about how you intend to expand the visa security program, in other words, what new offices will be involved, how many, what criteria you will use, and what other things you are taking to better vet individuals who apply for visas. But start with the details about how you intend to expand the program first.

Mr. KUBIAK. Thank you, sir.

So with additional funding that Congress provided us this fiscal year, we have been able to identify additional VSP posts, where we will initiate VSP operations in four locations before the end of the fiscal year.

That funding is 2-year funding, thankfully, to Congress' allocation because it is difficult for us to operationalize more offices than that, given the amount of time that we had left.

Mr. SMITH. Where are those four locations?

Mr. KUBIAK. Sir, we don't publicly announce the locations of these security units, but I would be happy to provide that information in a Classified or Law Enforcement-Sensitive forum, if you would like.

Mr. SMITH. Okay. That is fine.

Then what other steps and areas are in those locations—other than those four, what other steps are you taking to better vet individuals?

Mr. KUBIAK. So there was a major transition to the vetting of our process since the last GAO audit in that our vetting process was changed in two major ways. First of all, it was centralized.

So we do a centralized vetting now of all visa applications for those 21 posts where we were active. We do that even equally significantly prior to the State Department's decision on a visa application process.

So, in the past, it was done subsequent to that event. Now we have moved that to the front end so that the visa security officers, consular officers, overseas benefit from that centralized review and can focus on the most specific threats, those with derogatory information.

We do two things with that derogatory information. One, we are able to either determine that the derogatory information does not apply to the applicant that is applying for application to the United States or, second, we are able to further confirm and even spread that out and then utilize our opportunity overseas to interview those individuals to make greatest assets.

Mr. SMITH. Thank you. That is helpful.

Ms. Gambler, let me ask you my next question, which is—you are going have a number of individuals who are either wrongly given a visa or who are given a visa and then it is subsequently determined that they are a security risk, new information comes to light, and they should not remain in the United States.

First of all, how many people are we talking about in that category?

Ms. GAMBLER. So you are talking about individuals who maybe have either overstayed their visa or have some other issue that would mean that we would no longer want them to be in the United States?

Mr. SMITH. Right. Individuals who for good reasons you no longer want to remain in the United States.

Ms. GAMBLER. We don't have good data on that, sir. We have done a body of work on overstays and can certainly follow up and try to give you specific numbers for the record.

Mr. SMITH. I am talking about those who you determine are a security risk. Surely you know that number. Right?

Ms. GAMBLER. When we last looked at the overstay issue, we found that ICE had—or CBP and DHS had identified several thousands of individuals who they needed to look at for some additional risk.

I think, of those that they looked at, there was a small number who were sort of identified for additional investigation because of National security or public safety risks. I think it was maybe within the hundreds. We can certainly give you the specifics for the record.

Mr. SMITH. That is close enough. Of those hundreds of individuals who you now think are security risks, how many has the administration moved to actually deport?

Ms. GAMBLER. We, again, can get you those specific numbers for the record.

But some were found to have already departed the country and some were referred out to field offices for additional investigation.

Mr. SMITH. Again, if you just want to give me a percentage, it is fine. What percent has the administration moved to actually send home, to deport, who have been deemed to be security risks?

Ms. GAMBLER. Through our work, Congressman, I am not sure that we were able to identify that through our work. But we can certainly follow up.

Mr. SMITH. We have three administration officials here. Do any of you all know the answer to the question, how many individuals the administration has sought to deport who were considered security risks after the fact? I mean, we are talking about the safety of the American people. Has the administration been seeking to deport any of these individuals? Does anybody know?

Mr. BERSIN. Congressman, I don't have a specific figure, but I do know that if a high-risk person is identified as constituting a threat, that person is not ignored. I can't tell you any, because I am not aware of any specific case, but I can tell you that it is not a question of knowing there are X number of people who have been identified as security risks who are not being looked at by his.

Mr. SMITH. Is the administration moving to deport these individuals or not?

Mr. BERSIN. As a matter of policy, they would. If someone is identified as a high-risk security threat, they would be investigated and not permitted to stay in the country. Yes, sir.

Mr. SMITH. All right. Thank you.

Thank you, Madam Chair.

Mrs. MILLER. Mrs. Torres of California.

Mrs. TORRES. Thank you so much.

I have a few questions for Deputy Assistant Commissioner Wagner. Because of limited time, I am going to ask all of them at once, so you might want to take a note or two.

I would like for you to comment on the testimony that was just given by Ms. Gambler, and I am going to quote a little bit from the report that I have in front of me and from her statement, that one-fifth of the existing CSI ports were at lower-risk locations; and also that CBP had not regularly assessed foreign ports for risks to cargo under CSI since 2005, and that when you did in 2009, they found that you did not use the results from this assessment to make modifications to the locations where CSI staff was posted because of budget cuts.

So I heard a little bit about a budget increase in a testimony earlier, but yet the testimony was that due to budget cuts we are not able to be more effective where we need to be.

My two questions, my other two questions for you, I represent the 35th District in California. We are a logistics center district. Our economy is very much dependent on the Port of Los Angeles, the Port of Long Beach. UPS has a major footprint in the district and FedEx has a smaller footprint. The Ontario International Airport is also housed in my district.

My question to you is: By expanding our borders, is that taking resources away from our inland ports that we have here in the

United States? What steps are being taken to ensure that pushing out our borders and assigning Customs and Border Protection officers abroad does not undermine the security at ports such as the Ontario International Airport?

On record, I would like to have an opportunity for a dialogue with your office about issues that I have identified at Ontario Airport.

Mr. WAGNER. Sure. Thank you for the question.

So in response to CSI, we are currently operational at 60 ports in 32 countries. This covers about 80 percent of the total maritime container traffic that is destined to the United States. We do analyze the risk of the ports. We do look at where people are deployed. We do look is that meaningful work. We look for a broad coverage of application of where our resources are best used. We also want to look for competent foreign partners that are willing to have us and cooperate with us in their seaports and allow us to identify containers that we ask them then to inspect for us. So it is a little bit of a risk assessment and also who we have the cooperation with and who is willing to allow us to operate there. But we are happy to follow up with more detail on CSI.

Mr. WAGNER. As far as Ontario Airport, when we expanded to Abu Dhabi Airport, it was a new model for preclearance, and we currently receive reimbursement for all of our expenses to deploy to that location. We can currently accept reimbursement for up to about 85 percent of our total costs. So as we expand preclearance, that will be the model we will be pursuing for the maximum allowable reimbursement.

So we don't see the necessary, the diversion of resources from the United States overseas, but really it is plussing up our overall resource picture, which, as you know, we do have staffing constraints. This really helps us plus them up because we are being reimbursed for that work.

Now, it does free up other advantages for the airlines, that they can make different choices about where to land, what parts of the airport to use, and it allows some different flexibilities or options into their business models by having flights precleared overseas. But there is no significant diversion of resources to staff up foreign pre-clearance locations now, and it is actually the contrary in that we will be plussing-up our resources.

Mrs. TORRES. So are we picking winners and losers when we choose these countries simply because they can afford to pay 85 percent of your budget?

Mr. WAGNER. It was a balance of how we measured it, looking at the security aspects, looking at the partnerships we have there. Are they willing to reimburse us is certainly one of the considerations. But is there enough traffic there to justify it and does it have a competitive balance between the different U.S. carriers that service those locations. So that is part of the factors, but it is certainly not the overriding or principal factor we would use.

Mrs. MILLER. Mr. Barletta of Pennsylvania.

Mr. BARLETTA. Thank you, Madam Chair.

The primary objective of the Immigration Advisory and Joint Security Programs are to stop potential terrorists and other high-risk passengers from boarding aircrafts and entering the United States.

But under these programs, the no-board recommendations made by CBP Officers are only voluntary.

Mr. Wagner, can you speak to the frequency with which CBP's recommendations under these programs are followed? In light of the growing threat of the Islamic State, are there any plans to make these recommendations have more force or to otherwise implement additional measures to prevent foreign fighters from boarding planes to the United States?

Mr. WAGNER. Thank you.

You are correct, these are recommendations we make in partnership with the air carriers. Almost always do they accept our recommendations. Very, very rarely, there has been one or two isolated incidents that I can recall where they have not followed our recommendations. We are there on arrangements with the host countries in the Immigration Advisory Program. We are there on the basis that we are advising the airlines about the security documents and the security of travelers. We are there to liaise with the foreign authorities. But we are not there under negotiated authorities, like we would in preclearance.

A much different set of complications and issues to be there with authorities. That is where pre-clearance really comes into play. It is a lot bigger considerations to allow us to have those authorities on foreign soil than more in an advisory capability.

We have very strong relationships with the carriers. They welcome our presence at these locations and they work very closely with us, with their security contacts, and with the foreign authorities. So we don't really see a need at this point to have the authority to compel them not to board someone, and I think they have recognized our value and realized it is in their best interest to accept those recommendations.

Mr. BARLETTA. Sure. We know that those wishing to do us harm have manipulated our immigration systems in the past to enter and remain in the United States. Indeed the 9/11 Commission noted that for terrorists travel documents are as important as weapons. Mahmud Abouhalima, a convicted perpetrator of the 1993 World Trade Center bombing, received amnesty in 1986 after he claimed to be an agricultural worker, despite being a cab driver. The only thing he planted in America was a bomb.

How would you rank the effectiveness, Mr. Wagner, of the programs discussed here today at preventing another Mahmud Abouhalima from obtaining or using travel documents to carry out an attack against the United States? Are there some that you think do a better job at meeting this goal? How would you improve those that are less than effective?

Mr. WAGNER. Well, sir, I happened to be there at the World Trade Center that day in 1993. That is where I started my career with the Customs Service. So that is still very fresh, that experience.

I think we have made a lot of great strides in our programs. We have a lot more work still to do. Pre-clearance offers us and the pre-clearance expansion offers us a lot of expanded capabilities in addressing that.

But we have made a lot of good progress. Like Mr. Bersin mentioned in his opening statement, with the Christmas day bomber

over Detroit, we were there waiting on the ground for Abdulmutallab to land. You know, it was we had capabilities in place, that we didn't quite fully exploit the systems we had in place. We had people in Amsterdam that could have intercepted him. We had our Regional Carrier Liaison Group that could have called to his original embarkation point to have a no-board recommendation.

We really took that to heart and put a lot of these what we call predeparture programs into place and really with a focus on how do we best utilize the information that we have and how do we take action with that as early as possible to help secure the transportation system.

So looking at the expanded partnerships, the expanded operations, the expansion of preclearance, and the use of our technology and our systems, we are in a much better place today, but we still have a lot of work to do.

Mr. BARLETTA. Thank you.

Thank you, Madam Chair.

Mrs. MILLER. Mr. Hurd of Texas.

Mr. HURD. Thank you, Madam Chair, for this opportunity to have this hearing. I think it is an important issue.

To our panelists, thanks for your presence here today.

My first set of questions I think are for you, Mr. Kubiak, about the PATRIOT Program. It is my understanding this is a program that helps screen and vet visa applicants and that it is only at posts overseas where they have an existing visa security program, is that correct?

Mr. KUBIAK. That is correct.

Mr. HURD. Is that 19 or 21?

Mr. KUBIAK. Twenty-one currently.

Mr. HURD. So why can that program not be exported to other places that don't have the VSP program?

Mr. KUBIAK. I appreciate the opportunity to really clarify that process and how the program has developed since 2003 when it was first initiated.

The PATRIOT process was a technological advancement for us that took a while. When I first was involved in international affairs back in 2003 through 2006, when the program was being developed, we simply didn't have the technical capability to process and screen those applications the way we do today and the way we are doing today.

As that process evolved after the GAO report in 2011, we did, in partnership with CBP, develop a system, the PATRIOT system, an ICE system, that allowed us to prescreen, automatically screen, and get that information from our partner agencies, like the Department of State, and then to run that automatically, in many cases, the screening capability against that activity.

Mr. HURD. So I was in the CIA for 9 years. I was undercover. At one of my posts I was the consular officer, so I stamped visas by day and did my real job at night. So we can have just a hearing on just this topic. But my question is: So when that person comes up to the window, and I am not a VSP consulate, their name is not being ran against the PATRIOT database? Is the information in

the PATRIOT database different than what is in TIDE or the TSTC database?

Mr. KUBIAK. So those databases work together to screen the applicants in the applicant process. But you are correct, we are not currently, we don't currently have the capability to screen the world, if you will, all the applications around the world that are submitted, and we are screening and vetting those applications at the 21 locations that we are.

We are working currently, now that we have the PATRIOT capability and the ability to do that, to assess, No. 1, how we would turn that capability on and where it would make sense to do so remotely without additional personnel. I don't think that we will likely ever be in a situation to be at all 225 visa-issuing posts physically. So those that are lower threat and——

Mr. HURD. So what are the limitations of this? This should be an automated process where you take whatever identifying information that you are collecting through the visa application and it should be run against every single one of the databases that are in our systems. That is the purpose of TIDE. I would also welcome your response to that.

But, Ms. Gambler, I would welcome and appreciate your perspective on this too if you have one as well. But, Mr. Kubiak, over to you.

Mr. KUBIAK. Sure. That capability is automated now. That is just as of——

Mr. HURD. In 21 locations.

Mr. KUBIAK. In 21 locations.

Mr. HURD. Why not 220?

Mr. KUBIAK. Well, that is what we are working on doing now, sir, is we are attempting to assess whether the capability and what the viability is of that. It is not as simple as flipping the switch and being able to do that, it is additional. It is not a completely automated process. There is a human factor associated with screening the information that the automated system puts out, being able then to deliver that to someone at post who can then operationalize that activity and being able to do the additional.

Mr. HURD. Do we have a time line?

Mr. KUBIAK. Sir, I don't currently have a time line, no. That process is in development at this point.

Mr. HURD. Thank you, Mr. Kubiak.

Mr. KUBIAK. Sure.

Mr. HURD. Ms. Gambler, do you have insights?

Ms. GAMBLER. The thing that I would add, based on the work that GAO has done, and the last report was in 2011, so it kind of predated sort of the implementation of this program that we are now discussing, but at the time ICE had a plan for expanding the Visa Waiver Program, but we found there were some gaps in how they were addressing risks through that plan.

So from our perspective it is important, and this is what we recommended, that ICE needed to assess ways to address these higher-risk posts that don't have a visa security program presence to be able to be better-positioned to address the risks in the process. So from our perspective it is important, as ICE considers plans

going forward for the visa security program, that they take a risk-based approach to doing that.

Mr. HURD. Mr. Wagner, do you have anything to add?

Mr. WAGNER. Yes. Just that once the visa is issued we do do recurring vetting on the visa database. We do run the visa database through our targeting and analytical tools and then work with ICE and Department of State on any results that we do come out of that for potential revocation of that visa. Then, of course, when they travel and book their travel, we are also vetting that information again.

Mr. HURD. Thank you, Mr. Wagner.

Madam Chair, I think this may be an area that the terrorists, the foreign fighter pipeline, the subcommittee should continue to look into.

Mrs. MILLER. I certainly agree. It looks like there is a gap there in the system. So we should pursue that. I appreciate the gentleman's questions.

Ms. McSally of Arizona.

Ms. MCSALLY. Thank you, Madam Chair. Thanks to our panel today.

I recently received two demonstrations related to deception-detection technology developed at the University of Arizona, which is in my district. I don't want to get too deep into the science behind it, but the two I want to talk about is, one of them is called Neuro-Screen, which identifies just embedded in on-line forms any sort of deception behavior, that can then further vet individuals, red, yellow, green, for further interviews and further vetting based on a suspicious score. The other one, called AVATAR, is like a computer interview detecting your pupils and your skin and your weight shifting, all that kind of stuff.

So it looks like very interesting technology that could be used, both of them differently. I mean, the Neuro-Screen is much more easily deployable perhaps than AVATAR, but it could be used for the on-line form interviews for the Electronic System for Travel Authorization or for the in-person interviews or even at the ports of entry in order to detect what humans might not be able to detect. The professors told me that even our best, most trained interrogators, like my colleague here from Texas, oftentimes don't detect deception correctly in about 50 percent of the cases just human to human.

So the question is: To what extent is the Department using any deception-detection technology or investigating the use of technology like this? The first part of that question.

Mr. BERSIN. I can respond to that, Congresswoman.

The AVATAR technology at the University of Arizona, which was a Center of Excellence, a Border Center of Excellence, and I believe will continue, although not as the administrative head, will continue there, has been promoting and developing this technology. I, myself, have seen it both in my current role and as the commissioner of customs in 2010–2011.

I know there have been significant discussions both at the science and technology end, as well as CBP's considering the use of it. I am not in a position to tell you why exactly it hasn't been

deployed, but I can assure you that it has been investigated for potential application.

Ms. MCSALLY. Great. I have heard that as well, interested in further discussions on that. But the Neuro-Screen seems like it is much more easily deployable and at least can be used for on-line forms. So is there any use going on for deception-detection technology in the on-line forms?

Mr. BERSIN. I am not familiar with that program.

Ms. MCSALLY. Okay. Great.

If you are willing, I would like to organize a demonstration with relevant parties and even the committee, Madam Chair. It is pretty easy stuff to demonstrate, perhaps, for further deployment.

Great. Thank you. That is all I have got. I yield back.

Mrs. MILLER. Very well. Yes, I think we would all be interested in that. I think you can utilize that. I have heard a little bit about that. I don't know much about it. But even for the ESTA, with the Visa Waiver and those kinds of things, so that really utilizing technology.

Ms. MCSALLY. Yes, exactly. Like I said, the Neuro-Screen really is just based on kind-of how people usually are acting when they are deceiving and the use of their mouth and just where they are hovering and how long they take. So it captures all that and then identifies, you know what, this person needs to be further looked into. So if somebody is just filling out an on-line application, that seems like pretty easily deployable technology that we could——

Mrs. MILLER. Very well. Very good.

Ms. MCSALLY. Thank you.

Mrs. MILLER. We do have time for a second round. The Ranking Member is recognized.

Mr. VELA. Thank you, Chairman Miller.

I jut wanted to follow up, Mr. Bersin, on your responses. The one thing that I have not seen, acknowledging the challenges that Mexico has in other parts of the country and acknowledging their successes in addressing some of these cartel figures, is I haven't seen the political will to do in Tamaulipas what we saw them do in Ciudad Juárez and in Tijuana, understanding that there are also logistical differences. I was wondering if you could comment on that.

One other thing is in light of the killing of the 43 students in Guerrero, President Peña Nieto announced the development of three secure economic zones in Chiapas, Oaxaca, and I think it was Guerrero, if I am not mistaken, right? I am just wondering why, if he can do that in the southern states, why not do it along our border?

Mr. BERSIN. Taking the last point, Congressman, first, I think you understand that the six Mexican states contiguous to our 4 U.S. States are among, in fact, the wealthiest states in the United States of Mexico. In a huge powerhouse economy those are the six states, from Tamaulipas to Baja California, that actually are not in the same condition as the Mexican southern states, which have been designated as the special economic zones because they actually are very unindustrialized, remain primarily rural. I think that was the intent. So it is a bit of apples and oranges with regard to

the reasons why the north of Mexico has not been designated while the south, southern states you mentioned have been.

With respect to the continuing violence, I can assure you that diplomatically both the State Department and DHS are in regular contact both at post with Ambassador Wayne and his staff and our attaches with authorities that raise the issues of violence in Tamaulipas, both because of the threat to Mexican public order, but also to the threat that is presented, as you pointed out, to the U.S. representatives working there.

I believe that you are seeing the kind of application of force that produced the results elsewhere in terms of the assignment of SEMAR, the doubling down on the Federal police commitment to Tamaulipas and Coahuila. Over time, as I said, although no assurance and no comfort to those living through what your neighbors in Matamoros are living through, I believe in time it will have the same results that we have seen in Juárez and Tijuana.

Mr. VELA. Well, we will save the debate on that first point for later. But thank you.

Mrs. MILLER. Mrs. Torres, do you have additional questions? Excuse me, I am sorry, excuse me. Mr. Hurd of Texas.

Mr. HURD. Thank you.

Mr. Wagner and Ms. Gambler, this question may be for you. I represent 820 miles of the border with Mexico, and the amount of goods and services that are coming across the border is increasing, it is going to continue to increase, and I think one of the programs that I think is helpful.

Increased traffic means more work for you all folks to do, more things to weed through to find the bad guys, which is I know a difficult proposition. But I am just interested to hear about the C–TPAT program and how it is working in Mexico or the steps to implement it in Mexico, and are there any efforts to do pre-clearance in Mexico as well.

Mr. WAGNER. So you are absolutely right. I mean, increasing workload makes increasing challenging to find the things we are looking for. But that is where we look for programs like our Trusted Traveler, Trusted Trader programs, C–TPAT, leveraging the resources of the industry to help secure their own supply chains. They have vested interests in doing that as well.

So we work closely with them to help each other. When we can certify that their supply chains are secure, they can package it together with a secure trucking company. We can designate a special lane for them to use under the FAST program for them to cross the border. We expend less resources on checking them because they have taken those extra measures that we have validated and we can focus on everyone else.

Same thing with the passenger programs, the travelers that signed up for our Trusted Traveler programs get vetted, get interviewed, get fingerprinted. We spend less time on them when they are crossing and we can focus on other people.

Mr. HURD. Are you having any difficulties implementing that? Are there any barriers that you are finding in the Mexican bureaucracy to do these kind of programs?

Mr. WAGNER. No, not necessarily. We have very good cooperation with the Mexican authorities. They are very willing partners. We

exchange a lot of information with them. We have our officers deployed at their airport in Mexico City working closely with them under the Immigration Advisory Program. We exchange a lot of information with them. We do have willing partners there.

Mr. HURD. Good copy.

Ms. Gambler, any comment.

Ms. GAMBLER. GAO has issued a report on CBP's Trusted Traveler programs, to include the FAST program, which Mr. Wagner noted. What we found through the program was for commercial vehicles, for example, that are in the FAST program, which relies on C–TPAT, that those participants in the FAST program did experience benefits relative to shippers or vehicles who are not part of the FAST programs, including having shorter wait times at ports of entry. We also found that trusted travelers committed fewer violations than did non-trusted travelers.

That being said, we did find some challenges with the program, but it was as it related to the enrollment of individuals into CBP's Trusted Traveler programs, including sort of how long it is taking to get through the vetting and the enrollment processes for certain trusted travelers and at certain enrollment centers. We made recommendations to CBP to try to improve the efficiency and effectiveness of the enrollment process.

Mr. HURD. Great. Thank you.

Look, I think we can secure our border and facilitate the movement of goods and services at the same time, and those should always be our twin goals. So thank you all for your time today.

Mrs. MILLER. Mrs. Torres, did you have an additional question?

Mrs. TORRES. I do. Thank you, Mrs. Miller.

Assistant Secretary Bersin, can you give us an update on the progress made so far on the Department's international engagement strategy, where we are on that?

Mr. BERSIN. Yes, ma'am. We have, as the GAO had noted, have developed an international engagement strategy that is now actually in final review for presentation to the Deputy Secretary and the Secretary that looks at the priorities as discussed by my colleagues here this morning and myself, but also does it in a regional context. And we expect that that policy will be able to be reviewed by you and delivered to you within the foreseeable future, meaning, I hope, before July 4.

Mrs. TORRES. I was going to push you on a date. So thank you for that. That was my question. Thank you.

Mrs. MILLER. Ms. McSally of Arizona.

Ms. MCSALLY. Thank you, Madam Chair.

Just one follow-up question. I have heard a lot from my constituents about concerns related to refugee vetting, specifically those that would be coming into the country from Syria, Iraq, and concerns about we have had a couple incidents with those that were Iraqi refugees and databases not catching up to each other before they got here. So could you walk through any issues or concerns you have related to the vetting of those coming in as refugees specifically from that region?

Mr. BERSIN. So, Congresswoman, the databases that we have that are knit together, that permit a federated search, are actually, as Mr. Wagner indicated, better than we have had. They are con-

stantly getting better as you can actually search in a federated fashion through all of the holdings of the United States Government in all respects.

There have been concerns and we are aware of the concerns with regard to the refugee status and the status of people applying for refugee entry into the United States. I can assure you that attention is being paid to that. The danger is that we do not have a record of someone who may or may not have been or may have been radicalized while in a Syrian refugee camp, for example. That is the concern. It is not that, if we have the biometrics or we have some derogatory information from battlefield findings, that we won't catch the person when vetted. It is to be sure that, in fact, we are certain that we are not dealing with a radicalized individual or group of individuals. That is the risk that we are concerned about.

Ms. MCSALLY. Right. I get that. You can't, obviously, measure intent if there is no other activity. So are you saying all databases, to include information from the DOD, that is all synched up before someone, especially from——

Mr. BERSIN. I can go in, in a different setting, go into the detail in which we have all of the holdings available and which ones are—let me stop there and just offer you a briefing on that.

Ms. MCSALLY. That is okay. But it is safe to say that it is not going to be perfect, obviously, and concerns do remain that we are potentially missing people? I don't want to put words in your mouth.

Mr. BERSIN. There is always that threat. The threat is that you are dealing with someone who is a so-called clean skin. But the Citizenship and Immigration Services refugee officers actually are quite experienced and the people that are looking at this series of potential refugees are among our most experienced. So that there is the face-to-face interview that is, obviously, critical in this context.

Ms. MCSALLY. Okay. Great. Thank you.

Thank you, Madam Chairman. I yield back my time.

Mrs. MILLER. I thank the gentlelady. I appreciate that question. Actually Chairman McCaul and myself and a couple of other Members, I think, sent a letter to the Secretary about that very issue. I was just asking my staff here have we received a response to it yet. So I will make sure you get all of that. Very good question.

I certainly want to thank the witnesses for all their valuable testimony and for their participation here today. It has been an excellent hearing, very engaged, obviously, from our Members and the witnesses as well. For any Members of the committee that would have some additional questions, we would ask you to respond to these in writing. Therefore, pursuant to Committee Rule VII(e), the hearing record would be held open for 10 days.

Again, we thank you for your participation here today. We certainly thank all of you for your service to the country as well.

With that, the committee stands adjourned.

[Whereupon, at 11:34 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTION FROM HONORABLE BRIAN HIGGINS FOR ALAN D. BERSIN

Question. The announced US-Canada pre-clearance agreement pertaining to the air, land, rail, and marine modes of transportation will enable CBP to screen individuals and goods before they reach the United States, enhancing legitimate trade and travel and increasing efficiency. At the same time, a pre-Inspection pilot for commercial cargo in which CBP Officers performed primary inspections on U.S.-bound trucks in Ft. Erie recently concluded and was deemed a success.

Would the pre-clearance agreement provide the authorities needed to make pre-inspection permanent at the Peace Bridge? If not, what would be required?

Answer. Secretary of Homeland Security Johnson and Public Safety Canada Minister Blaney signed the U.S.-Canada Land, Rail, Marine, and Air Pre-clearance Agreement on March 16, 2015. This Agreement delivers on a key commitment in President Obama and Prime Minister Harper's 2011 U.S.-Canada Beyond the Border Declaration and Action Plan and includes provisions recognizing the operational and security realities of conducting customs, agriculture, and immigration inspection activities on foreign soil in a post-9/11 environment. In addition to updating the existing U.S.-Canada Air Pre-clearance Agreement, the new Agreement, for the first time, covers pre-clearance in other modes of transportation. By its terms the Pre-clearance Agreement covers the examination and inspection of people and goods in the host country to ensure that their entry and admission into the territory of the inspecting party conform to its customs, immigration, agriculture, public health, and safety requirements. The Agreement also covers certain passenger pre-inspection programs but does not cover cargo pre-inspection programs, such as those covered by the pilot program, where CBP Officers conduct primary inspection of commercial truck cargo in Canada with any secondary inspection performed in the United States.

DHS and CBP are evaluating options, including the possibility of making this program permanent. If such an option is pursued, DHS and Public Safety Canada would need to negotiate a new agreement or arrangement that outlines the purpose, scope, and authorities for the initiative.