



TESTIMONY OF

Donald Conroy
Director
National Targeting Center — Passenger Operations
U.S. Customs and Border Protection

and

Monte B. Hawkins
Director
National Vetting Center
U.S. Customs and Border Protection

BEFORE

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ON

“Supporting a Fact-Based Approach to Preventing Terrorist Travel to the United States”

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

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

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

Over the past five years, international travel has grown by more than 10 percent overall and more than 22 percent at airports. In Fiscal Year (FY) 2018, CBP inspected more than 413 million travelers at 328 ports of entry (POE), of which more than 130 million flew into air POEs. CBP's pre-departure strategy is one of the ways we help our interagency, foreign government, and private sector partners to deny international travel to potential terrorists and criminals. A major component of this strategy is the recommendation to deny or revoke visas, as well as denying or revoking eligibility to travel under the VWP to individuals who may present a risk to national security or public safety. It is a risk-based, intelligence-driven strategy that extends our border security efforts outward to detect, assess, and mitigate, at the earliest possible point in the travel continuum, security risks posed by travelers before they reach the United States. As threats evolve, CBP works in close partnership with our foreign counterparts to develop greater situational awareness of emerging threats, leverage partner capabilities to affect threat networks, and coordinate enforcement actions. These concerns are not limited to the United States and there is a growing international commitment to combating these shared threats to our security.

Visa and Travel Authorization Security

Before arriving to the United States, most foreign nationals must obtain a non-immigrant visa from the U.S. Department of State (DOS) — issued at a U.S. Embassy or Consulate. The visa process involves multiple security checks, including screening of applicants against a wide array of criminal and terrorist databases to verify the individual’s identity and to detect derogatory information that might lead to an inadmissibility determination, as well as an in-person interview with the applicant.

CBP also conducts vetting of all valid immigrant and non-immigrant visas issued. Although the visa application and adjudication processes rest with the DOS, CBP’s National Targeting Center (NTC) conducts continuous vetting of valid U.S. immigrant and nonimmigrant visas, and ensures that those visas that have been revoked are not used to travel to the United States. Recurrent vetting ensures that changes in a traveler’s admissibility and eligibility for travel are identified in near real-time, allowing CBP to immediately determine if it is necessary to take action prior to a subject’s arrival to the United States, such as a “no board” recommendation to a carrier, and/or a recommendation to the DOS to revoke the visa.

Those seeking to travel to the United States via air or sea and under the VWP must apply for and be approved for a travel authorization via the Electronic System for Travel Authorization (ESTA). Through ESTA, CBP conducts vetting of potential VWP travelers to assess whether they are eligible to travel under the VWP or could pose a risk to the United States or the public at large. All ESTA applications are vetted against security and law enforcement databases, and CBP automatically refuses authorization to individuals who are found to be ineligible to travel to the United States under the VWP. Similarly, current and valid ESTAs may be revoked if concerns arise through recurrent vetting.¹ Relevant Components and offices within the Department of Homeland Security (DHS), as well as our partner agencies, work with CBP to periodically assess the questions asked of VWP travelers through ESTA and make adjustments based on trend analysis or technological developments.

Recurrent vetting helps us determine whether such travel poses a law enforcement or security risk by checking data provided to CBP against information from a variety of sources, including the Terrorist Screening Database and information regarding lost/stolen passports, INTERPOL wants/warrants, and U.S. immigration violations.

Advance Information

CBP’s use of advance information, its pre-departure targeting operations, and its overseas footprint all comprise critical parts of our multi-layered security strategy to address concerns long before they reach the physical border of the United States. U.S. law requires all private and commercial air and sea carriers operating routes to, from, or through (overflying) the United States to provide Advance Passenger Information (API) and, for commercial aircraft, Passenger Name Record (PNR) data to CBP. API is primarily derived from the machine readable zone of

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

the traveler's passport and includes full name, date of birth, citizenship, as well as information about the flight. PNR contains the data that an airline captures during the process of booking a flight reservation. PNR in particular can illuminate associations that assist in finding the unknown threats. This biographic data is vetted against U.S. and international law enforcement and counterterrorism databases to identify high-risk individuals before their arrival in the United States.

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

Arrival Processing

Even if issued a visa or other travel authorization, however, it is important to note that before being admitted to the United States, all persons are still subject to inspection by CBP officers. CBP officers review entry documents, query CBP and other law enforcement databases, collect biometrics (including from VWP travelers),² and interview all travelers to determine the purpose and intent of their travel, and whether any further inspection is necessary based on, among other things, national security, admissibility, customs, or agriculture concerns.

In addition, CBP's Tactical Terrorism Response Teams (TTRT) are deployed at U.S. POEs and consist of CBP officers who are specially trained in counterterrorism response. TTRT officers utilize information derived from targeting and inspection to mitigate possible threats. TTRT officers are immersed in the current and developing threat picture through the continuous review of information, and are responsible for the examination of travelers suspected of having a nexus to terrorism who arrive at a POE.

National Targeting Center

The NTC is positioned to lead the whole-of-government efforts to combat terrorist travel, while simultaneously facilitating legitimate trade and travel. At the NTC, advance data and access to law enforcement and intelligence records converge to facilitate the targeting of travelers and cargo that pose the highest risk to our security in all modes of inbound transportation. The NTC takes in large amounts of data and uses sophisticated targeting tools and subject matter expertise to analyze, assess, and segment risk at every stage in the cargo/shipment and travel life cycles. As the focal point of that strategy, the NTC leverages classified, law enforcement, commercial, and open-source information in unique, proactive ways to identify high-risk travelers and shipments at the earliest possible point prior to arrival in the United States. We operate

² Biometrics are collected for most foreign nationals arriving at U.S. airports.

24/7/365. The NTC is also a key participant in the International Targeting Center, the first-of-its-kind targeting cell with personnel from five countries³ that coordinate joint multilateral targeting efforts.

National Vetting Center

Co-located within the NTC is the National Vetting Center (NVC), the next step in the helping CBP protect our nation. The NVC is a collaborative, interagency effort to provide a clearer picture of the threats to national security, border security, and public safety posed by individuals seeking to transit our borders or exploit our immigration system. The NVC strengthens, simplifies, and streamlines the complex way that intelligence, law enforcement, and other information is used to inform operational vetting decisions. It also allows departments and agencies to contribute their unique information while ensuring compliance with applicable laws and policies, and maintaining robust privacy, civil rights, and civil liberties protections.

Overseas Enforcement Programs

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

Preclearance Operations

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

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

³ The United States, Canada, New Zealand, Australia, and the United Kingdom.

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

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

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

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

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

Regional Carrier Liaison Groups (RCLGs)

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

Conclusion

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