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North Africa, Committee on Foreign
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ANTITERRORISM ASSISTANCE PROGRAM

State Should Improve Data Collection and Participant Oversight

Statement of Jason Bair, Acting Director,
International Affairs and Trade

Chairman Ros-Lehtinen, Ranking Member Deutch, and Members of the Subcommittee:

I am pleased to be here to discuss our work regarding the Department of State's (State) management of its Antiterrorism Assistance (ATA) program. Building partner capacity is a central focus of U.S. counterterrorism strategy, and the ATA program is among State's mechanisms for accomplishing that goal. ATA's primary mission is to enhance foreign partners' capabilities to prevent acts of terrorism, address terrorism incidents when they do occur, and apprehend and prosecute those involved in such acts. In fiscal years 2012 through 2016, State allocated about \$715 million to the ATA program, which it reports to have used to train about 56,000 security force officials from more than 34 partner nations. At least 2,700 of those participants were trained at facilities in the United States. In December 2015, media reports alleged potential security vulnerabilities at a subcontracted training facility used by ATA in the United States and suggested possible weaknesses in State's management of the ATA program, including the vetting of potential participants, the security of training facilities, and the unauthorized departure of participants from ATA training.

My testimony today summarizes the findings from our September 2017 report, which is being released today, on State's ATA program management.¹ This testimony addresses for fiscal years 2012 through 2016, (1) the steps State has taken to ensure that facilities used for domestic ATA training align with applicable facility and equipment security requirements, (2) State's vetting of domestic ATA participants for human rights concerns and terrorist activity screening, and (3) State's ability to oversee ATA participants, including those trained in the United States.

For our report, we conducted fieldwork at two domestic training facilities selected because they provide tactical training: The O'Gara Group (O'Gara) facility located in Montross, VA, and Academi a Constellis Company (Academi) facility, located in Moyock, NC. In addition, we analyzed State and Department of Homeland Security (DHS) data and documentation related to participants in fiscal years 2012 through 2016 domestic training. We also interviewed State and DHS officials, including those who oversee ATA training for three partner nations (Bangladesh,

¹GAO, *Antiterrorism Assistance: State Department Should Improve Data Collection and Participant Oversight*, [GAO-17-704](#) (Washington, D.C.: Sept. 28, 2017).

Indonesia, and Jordan) receiving significant ATA training and contractors who help implement the ATA program. More detailed information on our scope and methodology for that work can be found in the issued report. Our work was performed in accordance with generally accepted government auditing standards. We conducted our related investigative evaluation work—site surveillance—in accordance with investigation standards prescribed by the Council of the Inspectors General on Integrity and Efficiency.

State Officials and Contractors Have Taken Various Steps, Including During Our Review, to Ensure the Security of Domestic Tactical Training Facilities Used by ATA

State and the contractors who implement ATA training have taken steps to ensure that the security of facilities used for domestic training aligns with applicable requirements. State's ATA training contract requires the secure storage of weapons and explosives and that the contractors have the relevant federal, state, and local permits.² For example, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has promulgated a regulatory framework for explosives storage, possession, and use, including licensing criteria specifying that ATF may verify by inspection that applicants for permits and licenses have places to store explosives materials that meet certain safety and security requirements.³ State reported overseeing the contractors through visits to the training facilities, including surveys examining storage security; frequent meetings, and the receipt of copies of relevant licenses such as those required for possessing explosives.

Both of the domestic tactical training facilities that we visited had relevant, unexpired licenses such as ATF licenses for transporting, storing, and possessing explosives. During site visits, we observed that both training facilities used locked explosives storage containers, as required by ATF. In addition, we observed that both training facilities had locked and alarmed armories, as required by the training contract, with the alarms monitored by private security companies. Both training facilities we visited had also taken voluntary actions related to facility security, such as building fences, securing gates, and conducting security patrols. In

²State implements ATA training through the Global Antiterrorism Training contract signed in December 2011 and in effect during fiscal years 2012 through 2016, according to State officials. ATA officials told us that they had secured two prime contractors to implement this contract who, in turn, manage subcontracts with several training facilities. In March 2017, State issued a new request for proposals to replace the expiring contract.

³27 C.F.R. § 555.49. See also 27 C.F.R. Part 555 generally and 18 U.S.C. § 843.

response to the December 2015 media reports mentioned earlier that alleged that its facility had potential security vulnerabilities, O’Gara made several changes to the physical security of its training facility, including some during the course of our review. For example, officials installed fences that impede access to and block public observation of an area used for explosives training.

In fiscal year 2017, State finalized a shift of nearly all training delivered at facilities in the United States to locations in partner nations or regional training centers outside the United States.⁴ According to State officials, this approach is expected to generate savings on costs such as international travel and accommodations.⁵

State Completed Human Rights Vetting for a Generalizable Sample of ATA Participants and Screened for Terrorist Activity

To help ensure that U.S. assistance is not used to support those who violate human rights, U.S. law prohibits the provision of assistance to any unit of foreign security forces if the Secretary of State has credible information that such unit has committed a gross violation of human rights.⁶ In response, State has established a process to determine whether there is credible information of a gross violation of human rights for any potential recipient of assistance, such as ATA training. Our analysis of a generalizable sample of 98 ATA participants trained in the United States in fiscal years 2012 through 2016 indicated that State completed all human rights vetting as required by State policy for those in our sample.⁷ In addition, we confirmed that State has not provided ATA training to individuals from countries that are state sponsors of terrorism,

⁴According to ATA officials, some courses will continue to be delivered at U.S. locations, including armored vehicle driving training, canine training, and self-funded training for the Kingdom of Saudi Arabia. In addition, ATA officials told us that if there is an increase in funding for ATA program activities, or if the capacity at regional training centers otherwise becomes insufficient, ATA may deliver other courses at U.S.-based facilities as well.

⁵ATA compared the cost of delivering one course at domestic facilities versus a regional training facility in Jordan. The training costs that ATA analyzed included labor, travel, lodging, and meals. We did not evaluate ATA’s analysis.

⁶22 U.S.C. § 2378d.

⁷The confidence interval for our estimate of those participants who were vetted to the full population of 2,271 ATA participants for whom we obtained records is between 97 and 100 percent, with a 95-percent confidence level. We could not generalize our findings about vetting from this group for which ATA had records to those participants that who were not recorded in its system.

and that U.S. embassies include criminal and terrorism activity among screening efforts conducted for all ATA participants.⁸

Weaknesses Exist in ATA Data and Oversight of Participants, Some of Whom May Still Be in the United States

ATA Course and Participant Data Are Incomplete and Sometimes Inaccurate

We found that ATA course and participant data are incomplete and sometimes inaccurate. ATA policy instructs officials to collect student names and unit affiliations, among other things, and State's fiscal year 2014 Full Performance Plan Report identifies the "number of individuals in the security sector trained in counterterrorism knowledge and skills" as a performance indicator for the ATA program for fiscal years 2014 through 2017.⁹ Further, the *Standards for Internal Control in the Federal Government* state that management should periodically review procedures and related control activities to determine that those activities are implemented appropriately.¹⁰

In response to our request for data from its participant and course data systems, ATA was only able to provide records for about 25,000 participants—less than half of the 56,000 participants ATA reported that it had trained in fiscal years 2012 through 2016.¹¹ Data on ATA courses

⁸U.S. law prohibits assistance from being provided to any country if the Secretary of State has determined that the government of that country has repeatedly provided support for acts of international terrorism. 22 U.S.C. § 2371.

⁹This indicator is included in State's performance plan for the Counterterrorism Bureau, which is responsible for ATA program oversight.

¹⁰GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

¹¹As of September 2017, ATA had not published a report covering fiscal year 2016, so ATA officials provided us with the number of participants to be reported as trained in fiscal year 2016.

delivered were also incomplete. For example, ATA's public reports covering fiscal years 2012 through 2015 indicated that 1,987 courses were delivered, but ATA's data in its system included only 1,633 courses (about 82 percent) of the courses ATA reported to have delivered in those 4 years.¹² In addition to being incomplete, the participant and course records that were included in the data ATA provided were not always accurate. For example, some participant records included inaccurate recipient countries and course dates. Further, some course records included an inaccurate number of attending participants.

While ATA had procedures for the collection of participant and course data, ATA officials told us that procedures for the collection of those data had been inconsistently implemented. Although ATA revised these procedures in 2016, in light of the inconsistent implementation of prior procedures, management review of related control activities could help ensure that revised procedures are properly implemented. However, we concluded that without improvements to the weaknesses in program data that we identified, program managers may not have comprehensive or accurate information with which to oversee participants and report on and assess the achievement of program goals. Therefore, in our report, we recommended that State take steps to ensure the implementation of its revised procedures. State concurred with our recommendation and noted that ATA had revised its standard operating procedures for collecting data and shared the document with us. We will continue to monitor ATA's steps to ensure the implementation of those procedures.

¹²We compared the number of courses included in the data provided to us with the number of courses ATA reported to have delivered in reports covering fiscal years 2012 through 2015. As of September 2017, ATA had not published a report covering fiscal year 2016.

State and DHS Have a Process to Respond to Incidents of Participants' Unauthorized Departures During Domestic ATA Training Activities

Among participants trained in the United States since 2012, ATA has documented 10 participant unauthorized departures from ATA activities and provided related information to DHS for follow-up.¹³ Of the 10, 3 departed from their training facility during overnight hours in 2013; 6 departed during escorted class excursions, such as shopping trips, in 2014; and 1 departed in 2016 during escorted transit from the airport to the training facility. After making their unauthorized departures, these 10 participants have pursued various courses of action. According to DHS data, 2 of the 10 departed the United States for countries other than their own home country, and 6 remain in the United States, having applied to DHS for asylum. The ninth ATA participant is believed to be in the United States without having applied for an alternative immigration status and, according to DHS, is the subject of an open DHS investigation.¹⁴ DHS officials told us that they are taking proactive steps to locate the individual, who was not known to pose a threat to national security. As of September 15, 2017, we had not received requested information from DHS regarding the status of the tenth individual.

At the time of each of these 10 unauthorized departures, the ATA program had standard operating procedures in place to direct officials' actions in cases where a participant made an unauthorized departure from training or during transit between the airport and training facility before and after training. However, ATA officials noted that the procedures were not always followed. Further, the procedures in place through 2014 did not specifically include a requirement for sharing information with DHS. In January 2015, ATA revised these standard operating procedures to clarify the steps to be taken if a participant

¹³In this report, we use the term "unauthorized departures" to refer to situations in which ATA participants failed to attend ATA training activities because they had departed during escorted transit or domestic training activities and could not be located by ATA or contracted officials delivering the training.

¹⁴Prior to training in the United States, ATA participants must apply for a visa at a U.S. embassy or consulate abroad or with State's Bureau of Consular Affairs. State's consular officers evaluate visa applications and issue nonimmigrant A-2 visas—those for foreign government officials and employees traveling to the United States to engage solely in official duties or activities on behalf of their national government—to eligible travelers coming to the United States for ATA training. DHS officials grant ATA participants, who are A-2 visa holders, admission to the United States for the "duration of the period for which they continue to be recognized by the Secretary of State as being entitled to that status," rather than a specific length of stay. While ATA participants are in the United States, they may be permitted to apply to DHS for certain immigration benefits and changes in immigration status, such as for asylum.

makes an unauthorized departure. For example, ATA is to notify DHS if a participant attending ATA training has been missing for 24 hours.¹⁵ For the one unauthorized departure that occurred after ATA revised its procedures, ATA officials provided information to DHS in accordance with the revised procedures.

ATA's Domestic Participant Oversight Process Does Not Include Confirming that Participants Return to Their Home Countries after Completing Training, and the Departure of Some Participants Is Unconfirmed



ATA officials told us there is no formal process to confirm participants' return home following the completion of training outside their home countries, including in the United States. ATA officials and staff at the training facilities we visited described their responsibilities for overseeing ATA participant departures to include escorting ATA participants to the airport, helping them check in for their flights, and escorting them to airport security. We spoke with Regional Security Officers who help oversee ATA activities in three partner nations, all of whom described informal follow-up processes with former ATA participants, including those trained abroad, but none of whom used a systematic process to confirm the return of all participants trained in locations outside their home countries.¹⁶ ATA's standard operating procedures that provided a process for ATA officials to follow in response to the 10 unauthorized departures previously discussed do not cover this portion of a participant's travel home.

Prior to our review, ATA officials had not reviewed data to determine if any participants who completed training failed to leave the United States. In response to our inquiry, during fiscal year 2017, ATA identified 20 former ATA participants for whom DHS records did not indicate departures from the United States following the completion of their ATA training in fiscal years 2012 through 2016, as seen in figure 1 below. ATA formally notified DHS about such former participants in August 2017.

¹⁵According to State and DHS officials, if participants miss ATA course activities without authorization, and do not attain an alternative immigration status, they may become subject to removal procedures.

¹⁶Regional Security Officers at U.S. posts overseas help ensure that appropriate ATA participants are selected to receive training and that ATA activities target key focus areas, including the threat of terrorism, individual country-level operational needs, and the advancement of U.S. national security interests.

Figure 1: State’s Process for Overseeing Domestic Antiterrorism Assistance Training Participants

	Arrives in United States	Clears airport security screening	Arrives in home country
ATA participant activity	Escorted training and transit		Unescorted transit
Available methods to detect unauthorized departures	- Escorted transit from and to airport ^a - Daily attendance throughout training		None
Number of known unauthorized departures from FY 2012 - 2016 ATA activities	10 		20 
State process for notifying DHS of unauthorized departures from ATA activities	State alerts DHS 24 hours after discovering unauthorized departure ^b		U.S. embassy staff conduct informal follow-up
	No formal process		Not applicable
	No formal process		No formal process

■ Oversight process
■ No formal oversight process

Legend: State = Department of State; DHS = Department of Homeland Security; ATA = Antiterrorism Assistance; FY = fiscal year

Source: GAO analysis of Department of State information. | GAO-18-149T

^aATA may or may not provide escort to the airport following the conclusion of training for participants who undertake personal travel, as permitted by the terms of their admission to the United States.

^bAs of January 2015.

Federal internal control standards state that agencies should design control activities such as policies, procedures, and mechanisms to achieve objectives and enforce management directives.¹⁷ In addition, a stated purpose of the ATA program is to enhance the antiterrorism skills of friendly countries by providing counterterrorism training and equipment. Without a process to confirm and document that ATA participants return to their home countries, ATA may not be able to assess the extent to which former participants are using training in line with program goals. Further, ATA may not be able to provide information to DHS about participants whose failure to depart may warrant enforcement action. In our report, we recommended that State develop and implement a process to confirm and document the return of ATA participants to their home countries following the completion of training. State concurred with the recommendation and said that, by the end of the year, it would implement a process to ensure that participants sent to ATA training in the United States returned to their home countries. We will monitor ATA’s

¹⁷GAO-14-704G

implementation of such a process for participants sent to ATA training in the United States or other locations outside of their home countries.

Chairman Ros-Lehtinen, Ranking Member Deutch, and Members of the Subcommittee, this concludes my prepared statement. I would be pleased to answer any questions that you may have at this time.

GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Jason Bair, Acting Director, International Affairs and Trade at (202) 512-6881 or BairJ@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Rachel Girshick (Analyst-in-Charge), Ashley Alley, Kathryn Bernet, Kathryn Bolduc, Debbie Chung, Martin de Alteriis, Neil Doherty, Jessica Farb, April Gamble, Rebecca Gambler, K. Ryan Lester, Wayne McElrath, Ramon Rodriguez, and Helina Wong.

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