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BEFORE

House Committee on Homeland Security
Subcommittee on Border and Maritime Security

ON

“One Flight Away: An Examination of the Threat Posed by ISIS Terrorists with Western
Passports”

September 10, 2014
Washington, DC

Chairwoman Miller, Ranking Member Jackson Lee, and distinguished Members of the Subcommittee, thank you for the opportunity to appear today to discuss U.S. Customs and Border Protection's (CBP) security measures to protect our Nation from the threat of terrorists and terrorist weapons, including threats connected with the Islamic State in Iraq and the Levant. I appreciate the Committee's leadership and your commitment to helping ensure the security of the American people. This year, CBP celebrates the 225th anniversary of the establishment of the U.S. Customs Service and the important role it played in the history of our Nation. Since its merger into CBP in 2003, Customs has remained a part of CBP's heritage and a significant presence in the continuation of our mission. Today, CBP serves as the frontline in defending America's borders against terrorists and instruments of terror and protects our economic security while facilitating lawful international travel and trade. CBP takes a comprehensive approach to border management and control, combining national security, customs, immigration, and agricultural protection into a coordinated whole.

CBP's Intelligence-Driven Travel Security Operations

As this Committee knows, we live in a world of ever-evolving threats. From this perspective, CBP is now focused on the literally thousands of foreign fighters, including U.S. citizens, who continue to gravitate toward Syria to engage in that protracted civil war. Many of these are fighting alongside violent extremist groups both in Syria and in neighboring Iraq, learning battlefield skills and terrorist tradecraft.

Of the numerous insurgent groups active in Iraq, Islamic State of Iraq and al-Sham (ISIS) demonstrated focus on consolidating territory in the Middle East region to establish their own Islamic State is of particular concern. Since June 2014, ISIS (also known as the Islamic State of Iraq and the Levant (ISIL)) and its allies have gained control of Mosul, Iraq's second largest city, captured significant territory across central Iraq, and continue to engage with Iraqi security forces in that region. In early August, the threat to the Iraqi Kurdistan Region increased considerably with the advance of ISIL towards Kurdish areas.

As foreign fighters supporting ISIL's regional aggression retain the ability to travel to their countries of origin and beyond, they have the potential to threaten the Homeland.¹

¹ Sources for ISIL background:

- Reflections on the Tenth Anniversary of *The 9/11 Commission Report*, <http://bipartisanpolicy.org/library/report/rising-terrorist-threat-9-11-commission>; Transcript / Remarks as Delivered by The Honorable James R. Clapper Director of National Intelligence 9/11 Commission 10th Anniversary Tuesday, July 22, 2014 11:00 a.m.; <http://www.dni.gov/index.php/newsroom/speeches-and-interviews/202-speeches-interviews-2014/1095-remarks-as-delivered-by-dni-clapper-on-the-9-11-commission-10th-anniversary?highlight=WyJpc2lsIl0>
- Iraq Travel Warning, Last Updated: August 10, 2014; <http://travel.state.gov/content/passports/english/alertswarnings/iraq-travel-warning.html>;
- Airstrikes in Iraq: What You Need to Know <http://www.whitehouse.gov/blog/2014/08/11/airstrikes-iraq-what-you-need-know>

In response to the potential threat posed by ISIL and other terrorist groups seeking to gain access to the Homeland, CBP, and more broadly the Department of Homeland Security (DHS), is continually refining our risk-based strategy and layered approach to security, extending our borders outward, and focusing our resources on the greatest risks to interdict threats before they reach the United States. CBP processes nearly one million travelers each day at our Nation's ports of entry, and about 30 percent—over 100 million a year—of these travelers arrive via commercial aviation. Given that terrorist organizations primarily seek to use commercial air transportation to move operatives into the United States or as a means to attack the homeland, our testimony will focus on international air travel.

CBP continually evaluates and supplements layered security measures with enhancements to strengthen DHS's ability to identify and prevent the international travel of those individuals or groups that wish to do us harm. The success of targeted security measures depends on the ability to gather, analyze, share and respond to information in a timely manner – using both strategic intelligence to identify existing and emerging threat streams, and tactical intelligence to perform link analysis and targeted responses.

Our intelligence-driven strategies are integrated into every aspect of our travel security operations. CBP develops and strategically deploys resources to detect, assess and, if necessary, mitigate the risk posed by travelers 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 enroute and upon arrival at a U.S. port of entry.

Safeguards for Visas and Travel Authorization

One of the initial layers 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 Visa Waiver Program (VWP), they must apply for a travel authorization.

For eligible individuals traveling under the VWP, CBP operates the Electronic System for Travel Authorization (ESTA).² ESTA, is a web-based system through which individuals must apply for travel authorization prior to boarding an aircraft destined for the United States. 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 or could pose a risk to the United States or the public at large. Through information sharing agreements, CBP provides other U.S. government agencies ESTA application data for the purpose of helping CBP make a determination about an alien's eligibility to travel without a visa and for law enforcement

² Exceptions would be citizens of countries under other visa exempt authority, such as Canada. Citizens of countries under visa exempt authority entering the U.S. via air are subjected to CBP's screening 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.

and administrative purposes. Additionally, CBP requires air carriers to verify that VWP travelers have a valid authorization before boarding an aircraft bound for the United States.

Travelers that require NIVs to travel to the United States must apply to the Department of State (DOS) under specific visa categories depending on the purpose of their travel, including those as visitors for business, pleasure, study, and employment-based purposes. We respectfully refer you to our colleagues in the DOS Bureau of Consular Affairs for additional details about the visa application and adjudication processes.

In an effort to augment and expand traveler targeting operations, Immigration and Customs Enforcement (ICE) has co-located Visa Security Program (VSP) personnel at the National Targeting Center (NTC) – a 24/7 operation where analysts and targeting officers to assess the risk of every international traveler at each stage of the travel continuum, leveraging intelligence materials and law enforcement data. This allows ICE special agents and intelligence analysts to conduct thorough analysis and in-depth investigations of high-risk visa applicants. The focus of the VSP and NTC are complementary: the VSP is focused on identifying terrorists and criminal suspects and preventing them from exploiting the visa process and reaching the United States, while the NTC provides tactical targeting and analytical research in support of preventing terrorist and terrorist weapons from entering the United States. The co-location of VSP personnel at the NTC helps increase both communication and information sharing.

To further enhance traveler screening efforts, ICE, CBP and DOS are collaborating and have begun to implement an automated visa application screening process that expands significantly DHS' 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. The collaborative program leverages the three agencies' expertise, authorities, and technologies, such as CBP's Automated Targeting System (ATS), to screen pre-adjudicated (approved) visa applications. It significantly enhances the U.S. Government's anti-terrorism efforts, improving the existing process by extending our borders outward and denying high risk applicants the ability to travel to the United States.

In March 2010, the NTC implemented a new program to conduct continuous vetting of U.S. NIVs that have been recently issued, revoked and/or denied.³ 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 or recommend that DOS revoke the visa, or whether additional notification should take place for individuals determined to be within the United States. If a potential visa ineligibility or

³ CBP continually vets against denied NIVs that were denied for national security reasons, but not for all NIV denials.

inadmissibility is discovered for U.S.-bound travelers, CBP will request that DOS revoke the visa and recommend that the airline not board the passenger. If no imminent travel is identified and derogatory information exists that would render a subject inadmissible, CBP will still coordinate with DOS for a prudential visa revocation. (Note: CBP may recommend that an airline not board a passenger even if the passenger holds a valid visa.) If DOS has revoked, or if CBP has requested revocation of, an individual's visa and the individual is found to be in the United States, CBP will notify the ICE Counterterrorism and Criminal Exploitation Enforcement Unit for enforcement action. Where applicable, CBP will share any derogatory information with U.S. Citizenship and Immigration Services to ensure denial of benefits. Additionally, the DOS Bureau of Diplomatic Security has over 100 special agents embedded in consular sections at 97 U.S. embassies and consulates. These agents have access to derogatory information uncovered by CBP and can work with host country law enforcement officials to conduct local investigations.

Recurrent Vetting

Vetting of passengers and travel information occurs repeatedly throughout the travel sequence.

CBP gathers information and assesses risk when travel is booked and conducts pre-departure and outbound screening for all international flights arriving in and departing from the United States by commercial air. When a traveler purchases a ticket for travel to the United States, a passenger name record (PNR) is generated in the airline's reservation system. PNR data may contain information on itinerary, 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, Advance Passenger Information System (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.

CBP leverages all available advance passenger data including the PNR and APIS data, previous crossing information, intelligence, and law enforcement information, as well as open source information in its anti-terrorism efforts at the NTC. Starting with the earliest indications of potential travel and continuing through the inspection or arrivals process, the NTC continuously analyzes information using the ATS, a decision-support tool for CBP officers. CBP

matches travelers' information against risk-based criteria developed based on actionable intelligence derived from current Intelligence Community reporting or other law enforcement information available to CBP.

CBP's pre-departure vetting efforts work in concert with Transportation Security Administration's (TSA) Secure Flight program, which vets 100 percent of passengers flying to, from, over, and within the U.S., as well as international point-to-point U.S. carriers, against the No Fly, Selectee, and expanded Selectee portions of the TSDB. Secure Flight provides nearly instant identification of potential matches, allowing for expedited notification of law enforcement, airlines, and our partners in the Intelligence Community to prevent individuals on the No Fly list from boarding an aircraft, as well as ensuring that individuals on the TSDB with the "selectee" designation receive appropriate enhanced screening prior to flying. Secure Flight allows TSA, CBP and our partners in the Intelligence Community to adapt quickly to new threats by accommodating last-minute changes to the risk categories assigned to individual passengers.

Pre-Departure Programs

CBP's Pre-Departure Targeting Program utilizes a layered enforcement strategy to prevent terrorists and other inadmissible aliens from boarding commercial aircraft bound for the United States. Three key components of the Pre-Departure Targeting Program are the Immigration Advisory Program (IAP), the Joint Security Program (JSP) and the Regional Carrier Liaison Groups (RCLGs). IAP and JSP support the Pre-Departure Targeting Program with IAP/JSP Officers who are posted at eleven foreign airports in the Netherlands, the United Kingdom, Japan, Germany, Spain, France, Qatar, Panama, and Mexico. These IAP/JSP Officers work with the border security agencies of the host country and commercial airlines in order to recommend the denial of boarding to high-risk subjects. The RCLGs, which are located in Honolulu, Miami and New York, and are staffed by CBP officers, are responsible for the remaining non-IAP airports around the world. The RCLGs 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. In Fiscal Year 2013, through the Pre-Departure Targeting Program, NTC identified 5,378 passengers who would have been deemed inadmissible to the U.S., and coordinated to prevent them from boarding aircraft at foreign locations by providing "no board" recommendations to carriers.

CBP's Preclearance locations in Aruba, Bermuda, the Bahamas, Canada, Ireland, and the United Arab Emirates (UAE) provide another avenue of security by providing for the inspection and clearance of commercial passengers on foreign soil. CBP officers are in uniform, and have the legal authorities to question travelers and inspect luggage. All mission requirements are completed at the preclearance port prior to travel, including immigration, customs, and agriculture inspections. In the UAE, CBP officers have the greatest authorities of any of our other agreements. The UAE receives flights from Yemen, North 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. The underlying principle of this preclearance agreement is the mitigation of threats, both known and unknown, based on our analysis of current threats. There they 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, Homeland Security Investigations, has an Attaché office located in the U.S. Embassy in Abu Dhabi to follow up on any investigative leads generated from CBP preclearance operations.

Arrival Processing

Upon arrival in the United States, all persons are subject to inspection by CBP officers. CBP officers scan the traveler's entry documents to perform queries of various CBP databases for exact or possible matches to existing lookouts, including those of other law enforcement agencies. For most foreign nationals arriving at U.S. airports, CBP officers collect biometrics – fingerprints and photographs – and compare them to any previously collected information. Once a verified identity is established, CBP systems will identify any watchlist information and return the results to the officer for appropriate processing. In addition to the biographic and biometric system queries performed, a CBP officer interviews 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.

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.

Additionally, CBP has established a Counter-Terrorism Response (CTR) protocol at ports of entry for passengers arriving with possible links to terrorism. CTR protocol mandates immediate NTC notification, initiating coordination with the Terrorist Screening Center (TSC), the National Counter Terrorism Center (NCTC), ICE, and the Federal Bureau of Investigation (FBI) Terrorist Screening Operations Unit (TSOU) and National Joint Terrorism Task Force (NJTTF).

Outbound Operations

In addition to vetting inbound flights for high-risk travelers, CBP also developed protocols to enhance outbound targeting efforts within ATS, with the goal of identifying travelers who warrant outbound inspection or apprehension. Outbound targeting programs identify potential matches to the TSDB, including potential matches to the "No Fly" List, as well as National Crime Information Center (NCIC) fugitives, and subjects of active currency, narcotics and weapons investigations. Additionally, outbound operations are enhanced by the implementation of targeting rules designed to identify and interdict subjects with a possible

nexus to terrorism or links to previously identified terrorist suspects. As with inbound targeting rules, outbound targeting rules are continually adjusted to identify and interdict subjects of interest based on current threat streams and intelligence.

Advance outbound manifest information is also obtained from carriers through the APIS system. As soon as APIS information becomes available, prior to the departure of a commercial flight, CBP and the TSA immediately begin screening and vetting passengers on the outbound flight for possible inclusion in the TSDB, including potential matches to the “No Fly” and Selectee Lists, as well as other law enforcement lookouts.

Programs and Partnerships

CBP’s Office of Intelligence and Investigative Liaison (OIIL) serves as the situational awareness hub for CBP and provides timely and relevant information along with actionable intelligence to operators and decision-makers. By prioritizing and mitigating emerging threats, risks and vulnerabilities, OIIL improves CBP’s ability to function as an intelligence-driven operational organization and turns numerous data points and intelligence into actionable information for analysts and CBP officers.

CBP works in close partnership with the federal counterterrorism community, including the FBI, the Intelligence Community, ICE, TSA, DOS, state and local law enforcement, the private sector, and our foreign counterparts to improve our ability to identify risks as early as possible in the travel continuum, and to implement security protocols for addressing potential threats.

CBP has partnered with the Department of Defense’s (DoD) U.S. Special Operations Command (SOCOM) to synchronize planning, authorities, and capabilities to enhance each organization’s ability to rapidly and persistently address threats to the homeland before they reach our physical borders. CBP is working with SOCOM components and Theater Special Operations Commands (TSOCs) to develop greater situational awareness of emerging threats, share intelligence, advise on matters of border security, and coordinate enforcement actions as appropriate. CBP and SOCOM - Central Command are working together to leverage each other’s capabilities to affect threat networks, such as ISIL, to prevent previously unknown operational actors and/or facilitators from targeting the homeland.

International Partnerships

As the foreign fighter threat has grown, the international community's response must evolve to keep pace. Nations need appropriate laws, regulations and enforcement tools and need to take appropriate measures, in coordination with like-minded and transit nations, to help prevent the transit of foreign terrorist fighters across borders and mitigate terrorist recruitment or radicalization to violence. Nations must develop the legal and institutional structures needed to provide international cooperation in the criminal investigation and prosecution of foreign

terrorist fighters. International institutions, such as the United Nations and the International Criminal Police Organization (INTERPOL), must also develop and implement appropriate measures to address this global challenge.

As terrorists change their methods and tactics and technologies continue to evolve, the international community must adapt as quickly as possible. We need to better leverage and coordinate the application of existing tools and structures, strengthen ongoing efforts, and facilitate the development of new innovative tools and approaches to preventing and fighting terrorism, while preserving human rights such as freedom of expression. We also need nations to more fully exercise the tools they already have in place to prevent the movement of foreign fighters across their borders.

Conclusion

CBP will continue to work with our colleagues within DHS, DOS, FBI, DoD, and the Intelligence Community to address emerging threats and identify potential security vulnerabilities. In cooperation with other government agencies and commercial carriers, we will continue to implement our multilayered defense strategy to secure the aviation sector against terrorists and others who threaten the safety of the traveling public and the security of our Nation.

Chairwoman Miller, Ranking Member Jackson Lee, and Members of the Subcommittee, thank you for this opportunity to testify. We look forward to answering your questions.