

**U.S. Department of Homeland Security**

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**U.S. Immigration and Customs Enforcement**

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To whom it may concern:

Muslim Advocates and 18MillionRising.org, Access Now, American-Arab Anti-Discrimination Committee, American Friends Service Committee, Arab American Institute, Asian Americans Advancing Justice – Asian Law Caucus, Asian Americans Advancing Justice – AAJC, Brennan Center for Justice at NYU School of Law, Council on American-Islamic Relations (CAIR), Center for Democracy & Technology, Center for Media Justice (CMJ), Center on Privacy & Technology at Georgetown Law, Electronic Frontier Foundation, Electronic Privacy Information Center (EPIC), Free Press, Government Information Watch, Identity Project, Immigrant Law Center of Minnesota, Japanese American Citizens League, Lawyers’ Committee for Civil Rights Under Law, Legal Aid Justice Center, Muslim Justice League, Muslim Public Affairs Council, National Hispanic Media Coalition, National Immigration Law Center, New America’s Open Technology Institute, Open MIC (Open Media and Information Companies Initiative), Open the Government, Project On Government Oversight, and Restore the Fourth, Inc. (“Requestors”) submit this letter to the Department of Homeland Security (“DHS”), the DHS Office of the Inspector General (“OIG”), the DHS Office for Civil Rights and Civil Liberties (“CRCL”), and Immigration and Customs Enforcement (“ICE”) as a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.* We ask that this request be expedited pursuant to 5 U.S.C. § 552(a)(6)(E) and that we be granted a fee waiver. We also ask that you refer the requests contained in this letter to any other component agency of DHS as appropriate.

## **I. Background**

As part of its current vetting processes for visa applicants and holders, ICE manually performs searches for information, likely including social media information.<sup>1</sup> President Trump’s January 27, 2017 Executive Order (“Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States”) states that the screening program for entrants to the United States would include “a process to evaluate the applicant’s likelihood of becoming a positively contributing member of society and the applicant’s ability to make contributions to the national interest” as well as “a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.”<sup>2</sup>

ICE announced what it called an “Extreme Vetting Initiative” to screen non-citizens for deportation or visa denial based on broad criteria such as being “a positively contributing member of society” or whether person makes “contributions to the national interest.” In the fall of 2017, ICE announced that the name of this initiative had changed to “Visa Lifecycle Vetting.” ICE subsequently held two industry days for potential vendors.

## **II. Request for Information**

Please search all records regarding agency business. Please do not exclude searches of files or emails in the personal custody of agency officials, such as personal email accounts. With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Requestor requests that responsive electronic records be provided electronically in their native file format, if possible. In particular, electronic records are to be produced in an electronic, native format that contains the original metadata of the files. As a non-exhaustive list of examples: Microsoft Excel spreadsheets are to be produced as files that open in Excel, with all original data and formulas intact; Microsoft Word documents are to be produced in the same file format they are stored in, such that they contain all tracked changes and comments present in the documents; and emails are to be produced with all metadata fields intact, including but not limited to the date and time the email was sent, the full names and email addresses of all recipients, any data contained in the bcc: field, and all attachments. If the records cannot be produced in their native format, the Requestor asks (1) an explanation why the records cannot be so produced; and (2) that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

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<sup>1</sup> This letter is attached to this Request as Attachment 1. It is also available online at <https://www.brennancenter.org/sites/default/files/HomanLetter01182018.pdf> (last accessed Mar. 1, 2018).

<sup>2</sup> Executive Order 13,769 § 4(a).

The Requestors request disclosure of the following records<sup>3</sup> that were prepared, received, transmitted, collected and/or maintained by DHS, ICE, and any other agency components thereof:

1. Any and all records created on or after January 27, 2017 related to collection or investigation of the social media information of visa-holders, applicants for entry to the United States, and/or United States residents or citizens crossing or intending to cross United States borders, including, but not limited to:
  - a. Records, policies, practices, guidance, publicity materials, contracts, proposals, and procedures related to the “Extreme Vetting Initiative,” “Visa Lifecycle Vetting,” “Visa Life Cycle Vetting,” “Life Cycle Visa Vetting,” and/or “Lifecycle Visa Vetting”;
  - b. Email communications among, between, sent to, sent from, and/or cc’ing personnel from ICE or DHS mentioning or including any of the following case-insensitive text strings: “social media monitoring,” “algorithmic social media monitoring,” “extreme vetting,” “positively contributing member of society,” “contribute to the national interest,” “social media exploitation,” “social media analytic capabilities,” “trend analysis,” “derogatory information,” “Extreme Vetting Initiative,” “Visa Lifecycle Vetting,” “Visa Life Cycle Vetting,” “Life Cycle Visa Vetting,” and/or “Lifecycle Visa Vetting”;
  - c. Records containing discussion of the choice of the names “Extreme Vetting Initiative,” “Visa Lifecycle Vetting,” “Visa Life Cycle Vetting,” “Life Cycle Visa Vetting,” and/or “Lifecycle Visa Vetting”;

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<sup>3</sup> The terms “records” is intended in the broadest possible sense and includes without limitation all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, legal and policy memoranda, minutes or notes of meetings and phone calls, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, text communications between phones or other electronic devices (including, but not limited to, communications sent via SMS or other text, Blackberry Messenger, iMessage, WhatsApp, Signal, Gchat, or Twitter direct message), training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations. If any portion of a record is responsive, Requestors ask that you produce the entire document, or, if that is not possible, the largest segregable portion thereof.

- d. Records containing the names of the specific social media platforms and websites visited, searched, consulted, or considered for visitation/searching/consultation as part of the Extreme Vetting Initiative and/or Visa Lifecycle Vetting Initiative;
  - e. Records containing discussion of the application programming interfaces (a.k.a. “APIs”), terms of use, and/or terms of service of common social media platforms.<sup>4</sup>
2. Any and all records created on or after January 27, 2017, related to the two industry day events mentioned in the January 18, 2018 letter<sup>5</sup> from Thomas D. Homan to Rachel Levinson-Waldman (“industry day events”), including, but not limited to:
- a. A list of the attendees at the industry day events;
  - b. Email communications among, between, sent to, sent from, and/or cc’ing personnel from ICE or DHS mentioning the industry day events;
  - c. Email communications among, between, sent to, sent from, and/or cc’ing personnel from ICE or DHS containing any of the questions or responding to any of the answers in the three question-and-answer documents<sup>6</sup> produced by ICE related to the industry day events.
3. Records describing the processing of this request, including but not limited to records sufficient to identify the search terms used and the dates on which the searches were conducted; records sufficient to identify the locations and custodians searched; any tracking sheets used to track the processing of this request; and any FOIA questionnaires or certifications completed by individual custodians or components used to determine whether they possess responsive materials or to describe how they conducted searches.

### **III. Application for Expedited Processing**

Expedited processing of this request is warranted because: (1) there is an “urgency to inform the public about an actual or alleged Federal Government activity” by organizations, like the Requesters, “primarily engaged in disseminating information,” 5 U.S.C. § 552(a)(6)(E)(i) &

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<sup>4</sup> “Common social media platforms” as used in this request is intended in the broadest possible sense and includes but is not limited to Facebook, Twitter, Instagram, Snapchat, Pinterest, Google+, LinkedIn, YouTube, LiveJournal, and Blogger.

<sup>5</sup> Attachment 1, footnote 1 *supra*.

<sup>6</sup> These documents are attached to this Request as Attachments 2, 3, and 4, also available at <https://www.brennancenter.org/sites/default/files/Q%26A%20from%20vendor%20emails%20-%20July%2027%2C%202017.pdf> (last accessed Mar. 1, 2018); <https://www.brennancenter.org/sites/default/files/Q%26A%20Industry%20Day%20-%20July%2018%2C%202017.pdf> (last accessed Mar. 1, 2018); and <https://www.brennancenter.org/sites/default/files/Q%26A%20Industry%20Day%20-%20July%2019%2C%202017.pdf> (last accessed Mar. 1, 2018).

(v)(II); and (2) the request concerns “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence” 6 C.F.R. § 5.5(e)(1)(iv); 5 U.S.C. § 552(a)(6)(E)(ii).

Early reports about ICE’s social media monitoring initiatives have raised serious concerns, giving rise to “questions about the government’s integrity” and an “urgency to inform the public.” Further, attorneys and other services providers need to understand the relevant policies, procedures, and practices to effectively serve and advise the population of individuals potentially affected by these initiatives. The requested records seek to inform the public about an urgent issue implicating the privacy and immigration status of thousands of people.

These expediency concerns are heightened by the fact that ICE has been actively soliciting vendors for this initiative. Thus, attorneys, other service providers, and the public urgently need these important public documents.

Given the foregoing, the Requesters have satisfied the requirements for expedited processing of this Request.

#### **IV. Application for Waiver or Limitation of Fees**

The Requestors request a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The Requestors also request a waiver of search fees on the grounds that the Requestors qualify as “representative[s] of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

- A. *The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requestors.*

As discussed above, news accounts underscore the substantial public interest in the records sought through this Request. Given the ongoing and widespread media attention to this issue, the records sought will significantly contribute to public understanding of an issue of profound public importance.

The Requestors are not filing this Request to further their commercial interest. Any information disclosed by the Requestors as a result of this FOIA Request will be made available to the public at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (internal quotation marks omitted)).

B. *The Requestors are representatives of the news media and the records are not sought for commercial use.*

The Requestors also request a waiver of search fees on the grounds that the Requestors qualify as “representative[s] of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The Requestors meet the statutory and regulatory definitions of “representative[s] of the news media” because they gather information, exercise editorial discretion in selecting and organizing documents, and “distribute the resulting work to the public.” *Nat ‘l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). The Requestors are therefore “representative[s] of the news media” for the same reasons they are “primarily engaged in [the] dissemination of information.” 5 U.S.C. § 552(a)(4)(A)(ii)(II), (6)(E)(v)(II).

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the Requestors’ to be “representative[s] of the news media” as well. Muslim Advocates and many of the other Requestors have pursued FOIA litigation against many agencies that resulted in the disclosure of previously withheld information, including against the FBI in 2009 and multiple suits against DHS in 2017. *Cf. Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).<sup>7</sup>

On account of these factors, fees associated with responding to FOIA requests should be waived for the Requestors as “representative[s] of the news media.”

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Requestors request that responsive electronic records be provided electronically in their native file format, if possible. If the records cannot be produced in their native format, Requestors ask for 1) an explanation why the records cannot be so produced; and 2) that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

Pursuant to applicable statutes and regulations, the Requestors expect a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii)(I).

If the Request is denied in whole or in part, the Requestors ask that you justify all deletions by reference to specific FOIA exemptions. The Requestors expect the release of all segregable portions of otherwise exempt material. The Requestors reserve the right to appeal a decision to withhold any information or deny a waiver of fees.

Additionally, in order to avoid delays in receiving records, Requestors request that records be produced seriatim as they become available. Due to the exigent circumstances

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<sup>7</sup> Courts have found these organizations to be “representative[s] of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information and public education activities. *See, e.g., Judicial Watch, Inc.*, 133 F. Supp. 2d at 53-54.

surrounding this request, Requestors are amenable to narrowing the request if it would accelerate production.

Please furnish the applicable records to:

Matthew Callahan  
Muslim Advocates  
P.O. Box 66408  
Washington DC 20035  
[matthew@muslimadvocates.org](mailto:matthew@muslimadvocates.org)

Thank you for your prompt attention to this matter.

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Very truly yours,



Matthew W. Callahan  
Staff Attorney  
Muslim Advocates  
P.O. Box 66408  
Washington DC 20035  
[matthew@muslimadvocates.org](mailto:matthew@muslimadvocates.org)

# **Attachment 1**



Office of the Director

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, DC 20536

JAN 18 2018



**U.S. Immigration  
and Customs  
Enforcement**

Ms. Rachel Levinson-Waldman  
18 Million Rising  
Brennan Center for Justice at NYU Law School  
1140 Connecticut Ave, NW  
Suite 1150  
Washington, DC 20036

Dear Ms. Levinson-Waldman:

Thank you for your November 16, 2017 letter. Secretary Nielsen asked that I respond on her behalf.

During its vetting processes, U.S. Immigration and Customs Enforcement (ICE) manually performs its searches. After posting a Request for Information, ICE held two industry day events, which allowed vendors to provide information about technologies that may be available to enable automated processes. ICE's goal is to enhance vetting by being more efficient and reducing human error, which are critical components of the vetting process. ICE is also considering whether currently available DHS capabilities will meet its needs.

Currently, ICE uses law enforcement and analytical tools to support the vetting process and enable law enforcement personnel and analysts to make the most informed decisions.

Thank you for your letter and interest in this important matter. Please share this response with the co-signers of your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Homan", written over a horizontal line.

Thomas D. Homan  
Deputy Director and Senior Official  
Performing the Duties of the Director

# **Attachment 2**

**Q&A from email:**

1. Would it be possible for CTCEU to provide a list of current-state technologies in use today as per the performance objectives outlined in the SOO?

- Below are the current government databases used by CTCEU/VSP during the vetting process:
  - LeadTrac
  - JIATF
  - Arrival Departure Information System (ADIS)
  - US-VISIT 's Secondary Inspection Tool (SIT)
  - Student & Exchange Visitor Information System (SEVIS)
  - Automated Targeting System – Passenger (ATS-P)
  - Person Centric Query Service (PCQS)
  - Computer Linked Application Information Management System (CLAIMS 3)
  - Central Index System (CIS)
  - Refugees, Asylum and Parolee System (RAPS)
  - ENFORCE Alien Removal Module (EARM)
  - Consular Consolidated Database Indices (CCDI)
  - Consolidated Lead Evaluation and Reporting (CLEAR)
  - TECS
    - TECS – Subject Query 94 (SQ94)
    - TECS – Subject Query, Primary History Query (SQPQ)
    - TECS – Canadian Driver's License Query (NN17)
    - TECS – Subject Query 11 (SQ11)
    - TECS – National Crime Information Center (NCIC)
    - TECS – National Law Enforcement Telecommunications System (NLETS)
    - TECS – Advanced Passenger Information Arrivals/Departures (IOPI/IOPO)
  - UPAX
  - IOFS/Targeting Framework
  - VSPTS 1.x and PATRIOT
  - ESTA
  - FALCON

2. The SOO references interest in determining and evaluating an applicant's probability of becoming a positively contributing member of society. Is CTCEU interested in acquiring advanced analytic, data science, or machine learning capabilities to evaluate the likelihood of an applicant conforming with ICE and immigration law expectations?

- Yes, CTCEU is interested in acquiring these capabilities.

3. Will you be taking one-on-one appointments from businesses?

- Yes, the government will be making appointments.
- Please contact Genna Braden at 214-905-8309 or email: [genna.braden@ice.dhs.gov](mailto:genna.braden@ice.dhs.gov)
- **Respond by August 1, 2017 by 1:00pm EDT to schedule an appointment.**

# **Attachment 3**

## **Q&A July 18, 2017:**

1. *Do you have your own data sources or do you want industry to provide the data sources for this effort? Does CTCEU have their own specific data sources?*

We do have our own data sources available through our existing systems. We are looking at current information, public databases and social media; however, there is other information out there (i.e. proprietary information pertinent to individual companies that would be helpful.)

The Government reviews case management systems and currently reviews social media and open sources. Because many data sources are proprietary and we do not have access to that information, the Government cannot take what data sets are out there and use them as their own, they can only view open source and social media.

2. *We are building the SAPPHIRE program for topographical/geographical incidents and individual policy (currently in SBIR Phase II and moving to Phase III) for the Navy. Would ICE consider using an existing program such as this that could be brought over?*

We need to look at it to determine if it is useful. We would be open to taking a look at it so we can better identify where we need to be and better understand what is available in the marketplace.

We need industry to get to the end product and how we can get to the end results. We need to know what industry has and get stronger vetting procedures.

3. *Have you given consideration to the contract vehicles, timeline, company size, etc. (contracts perspective) you will use to get to the end contract? Are you defining any determination such as SB or SDVOSB or any other category? Are you determining that first or are you waiting to see what is available before you determine acquisition strategy?*

We want to see what the capabilities are and where they reside. Once we learn more about what is available that will then dictate/influence where and how we compete the contract. The first priority is to determine where the capabilities reside and then determine the path forward.

The Government has not determined how we will go with this requirement; no specific set-asides have been determined. The Government will have to see where the procurement process takes us and how to get it done in the end.

4. *You spoke of bringing additional information into the systems. The Government talks about how there is backlog today in cases. How does the Government load up the computer systems and will there be any consistencies in the process? Can you speak to the backlog and bringing additional information into the system?*

There is a backlog. Most information is provided by [our] partners and as we look at the current backlog, we notice that the information is old. We want to make sure we are in line with other stakeholders but when you have over a million cases a year it will cause backlog. However, certain backlogs can also be daily based on the system being used and how many analysts are available. However, for VSP it doesn't really affect business since their backlogs are much less existent (MANTIS has a backlog because it is a manual process.)

The Government wants to be sure we are in line with CBP and other stakeholders. There is a backlog. There are over 2.2 million people in the system that could be potential backlogs. MANTIS is more manual and only Austin has 100's of backlogs. PATRIOT has only 20 per day and a work list which is for the day. Surges can make us overwhelmed and we can get backlogged but normally we do not have a big backlog and, unless we have deadlines, we tend to clear out the backlogs. We hope to eliminate backlogs.

5. *Are you working with HQ information sharing nodes/working groups? Is there any interest in uniting with USCIS? Is ICE partnering with groups at the DHS level?*

We have not gone that far yet. At this point we have an existing vetting contract that we wish to enhance and want to bring the two programs together. We have also met with USCIS and, if we can leverage existing systems, then that is the direction we want to go. We have a very aggressive timeframe so we don't want to develop new systems, we want to reach out and see what is readily available.

There are existing contract vehicles in place for the work that we do. We have met with CBT and USCIS which may be a point in the future for us to develop and work [towards] a new goal. There are always new ways to do things out there but we don't want to develop this if it is already in place.

6. *In terms of role-based types of access (i.e. you have your analysts supporting field ops or in case management you have an agent who might want to hold onto information) is there some thought of how you want to potentially partition information and keep it separated when not involving US person type information? / Some of the current Government data sets involve specific partnership access with analysts that are supporting these data sets. Is there a thought on how ICE wants to partition information and keep it segmented?*

We continue to use the existing ICM capabilities.

HSI has case management systems and I mentioned [for] case management that we work and use a built in system that is already in place.

7. *Could you speak more about your social media pilot, its tools and how you exploit the information?/ Can you speak on social media and the process on how you do this process?*

In 2014, when we started using this capability we used a two-prong approach to use social media to help locate individuals. There is a "scraping" tool with the issue being

quantity. We need something that can ingest those leads and prioritize them. However, we saw there was no real tool that solved everything. We've established an open source team of analysts that use this information to dive deeper. Now, we use social media to derive derogatory information to help investigators with their investigations. Last August we launched a pilot program with VSP to see how social media would play a part in a continuous monitoring of individuals to help VSP on the front end. Previously, VSP was using social media reactively; now this allows for a proactive approach. However, from a social media perspective, it is difficult to find someone who does everything well. There are people who do facets well but not everything well. Congress wants more social media programs and to exploit this area further.

When we set up a program we use quantity and because of the amount of leads we receive there is no one tool that will give us a finished product. We look at this and use social media to identify criminal investigations and how this can be used in this aspect. CTCEU partners with SEVP on certain VISA applications and how social media plays a part with this. The Government uses social media as a proactive dataset to help form all components and mechanisms. We have seen it in past experiences and social media is important. This is an important piece and Congress wants us to have one overarching contract or a piece of that. However, nothing is there yet.

8. *What new constraints are we under for non-US persons that might "scrap" US persons in that process (social media vetting process)? What are the analytics used for this?/ The Government provides outside sources. What constraints are we under to gather information for the Government and othersources? What kind of constraints are there?*

The biggest constraint, because we are a vetting/screening operation, is that we are required to work with what is publically available. We cannot go in and set up accounts and go thru firewalls. Under our restraints we cannot go into the dark Web. We want more of the deep Web information that is publically available out there.

Our program is not an undercover unit and we work with what we have available in social media, Google, open source pages, etc. We thought we would be limited [with this constraint] but the analysts we have are good and found a work around to get more information. [We are looking to see] how we can [acquire] more information that is out there or [if we] will be able to search the deep dark web for all the information we can extrapolate. We want that capability.

9. *On social media, the data sources from certain providers listed have changed dynamically as has their use in cases for the US Government. Would you be open in the initial SOO to presenting those providers since those may change as the target set changes over time?/ The Government is pretty dynamic on sourcing of the actual sources and they have changed recently. Will you be announcing the sourcing and will it be provided as it changes over time?*

We are open to anything right now. We'd have to run it thru Privacy but the idea is to be nimble here. We don't want to be restrictive so we don't want to strictly limit it to certain

datasets. We recognize things are changing all the time as is our ability to navigate thru new permissions to enhance law enforcement's ability to do their job. We expect that to continue in the near term to get the job done.

We do not want to be restrictive and that is what the SOO basically does for us. The Government has to be adaptive at providing information and how it is presented. We realize that it is changing, what has changed in the past [as well as] with the current administration. We realize that it might change over time as it evolves but [even with] various policy changes ICE and CBP can [still] do their jobs with the investigative work that needs to happen.

*10. Five years ago the FBI tried to accomplish the objectives that are being stated here and the ACLU shut it down. / The FBI tried to [do] this type of contract in the past and the ACLU shut them down. Does ICE realize the problems of the past and what happened before?*

A big difference is we are vetting foreign nationals. The FBI's constraints on citizens are different than when dealing with foreign individuals. The prediction is that in the near future there will be legislation addressing what you can and can't do. However, a system where an agent can apply for a warrant is more what we are talking about. We will continue to do it until someone says that we can't.

[The] FBI's constraints on citizens are different, as they follow a different set of rules. With a new administration's policy, there could be new policy in place and this will determine what we can and cannot do with the new president's policies. Agents have an ever-changing environment and we cannot look and just do nothing. We remember the San Bernardino case where the data was not there. We want to do what we can to help move forward and we don't know yet [what that might look like], but we have to figure out a solution.

*11. You mentioned the [social media] tool in the past is used to ingest and provide a data output. Is this output produced from data/requirements being provided or is the data output yet to be defined?/ In looking in the past, we gave the data to get what you need, so how are we going to do this in moving forward?*

We've been working with that company from the contract to define those criteria. We began using that tool for one (1) purpose and it has evolved over time. As policies change we want the flexibility to change things and if there are changes in the current administration's policy. we need work on defining it better as the administration's policy changes. We will move forward with this and find the tools that work for us and continue to expand on a new way of obtaining data sets.

*12. Will there be a national security classification assigned to this?*

This will be unclassified.



# **Attachment 4**

**Q&A July 19, 2017:**

1. *Do you all have interest in exploring areas such as the Dark Net and Closed Forums?*

We have an active program that is screening social media platforms. However, we have to work with publically available information. For this mission set, nothing (i.e. Dark Net/Closed Forum type data) is being currently looked at. However, we do have an interest in exploring [those areas].

2. *Do you have anyone in this process with TS/SCI that is looking at these processes?*

Yes.

3. *Is this focused on in-country or out-of-country overstays?*

The major focus is on in-country overstays but we want it to extend past our borders. A lot of the vetting we will be doing will be on the front end.

4. *Most programs/systems are automated while others are manual. Is it fair to say that all currently automated programs/systems are not involved in this contract?*

We are looking to improve the whole process. We've looked at other available tools both within the Government as well as looking at industry to help us identify what is available.

5. *What is your next step/objective? What do you envision as your next step?*

This Industry Day] is helping us with requirements and the basics but we are attempting to have an overarching contract as [previously] explained. We will be going forward the next fiscal year as the budget allows. We want to analyze all current capabilities. We want to know what is available so any requirements can be refined [as needed].

6. *Can you give us a feel of how much volume is involved (information-wise) in vetting one individual case? Is there unstructured text that needs to be analyzed?*

First, we are looking within Government systems for derogatory information. Second, we look to see if [individuals] are in the country or applied for a legal reason to be here. Third, we look to determine the location of these individuals. All of these items need to be taken into consideration. In regards to the text, the text that we currently sift thru is pretty structured.

7. *Can you tell us what the two (2) contracts are you are looking to consolidate?*

The "Lead Generation" contract that CTCEU uses to identify leads for overstays in the country and the "Vetting and Screening for VSP". This is done by the same company and it is mostly analyst support at this time. These are not IT contracts at this point. This new contract will look to be the next generation of this. We know this type of analysis is being used in private industry (i.e. looking for outliers and potential causes of risk) as part of

their business. We are looking to do this for national security. We want to leverage what is available today but be nimble moving forward so we can grow our capabilities as we move forward.

8. *Can you go over the timeline and what possible obstacles could arise?*

We are looking to do this in the next year and have it awarded approximately a year from now. We are looking to possibly get another RFI out there or to build on our current SOO. Funding is also a key issue and due to budget constraints we have to wait and see for that. We are looking to award this in FY18. We will review the capabilities statements and we will speak to the companies that demonstrate capabilities that will help our SMEs do their job better. We want to see what's available and break away from the methodology of "We know what we want, here are the specifications."

9. *Are you looking to keep this effort full and open or to use a specific contract vehicle?*

This is probably not an EAGLE-type IT requirement. We haven't decided what vehicle (if any) to buy this under and the complexities of this most likely do not lend itself to a set-aside. We are looking for things that can be delivered in weeks/months as the days of the 7-year software development are over.

10. *Who should we work thru to schedule meetings?*

The key to this is meeting with the SMEs. We want to ensure these meetings are fair.

11. *Do you expect to follow with a routine draft followed by a final draft? Can we expect those this fiscal year? Do you expect something this calendar year?*

We have the program office defining the requirements and, depending on what we receive, we might have a new/modified SOO or an RFI. It depends on what we hear and what we see. This is why we aren't doing this solely online. The focus is how we can engage industry to help us solve the issues we face. This will be an on-going process.

12. *In the questions previously posted someone asked if the contractor is limited in the tools available that they can use. A later date was posted that said they would answer this question. Has that been decided yet?*

*No, this will be determined at a later date during the acquisition process.*

13. *Will the capabilities statements be measured as a whole or is there a chance individual capabilities presented by a company will be measured? (i.e. Would an integration capability be considered for a specific company even if they don't necessarily meet all the other criteria/requirements?)*

Any way it is approached by industry, for example through teaming agreements, will be up to them. If you have a particular capability that is of interest to us then it is likely to be

included in the SOO. We will look to put that in there if we think the capability will help the mission.

*14. You are looking for a very bulky, non-linear mission. It is likely that there is not a single company that can provide all the answers to this. Have you also taken into consideration items such as "time for implementation"?*

The contract, how we split up the tasks, might be dependent on what we see. There could be multiple contracts that require different companies to work together. There probably isn't a single company or product that meets all our needs.

*15. Have you thought of an IDIQ to cover all of these items/requirements?*

We have given this consideration as this will have multiple requirements.